



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 22nd September, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tony Devenish  
Barbara Grahame  
Robert Rigby

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Reuben Segal, Committee and Governance Officer.**

**Tel: 020 7641 3160; Email: [rsegal@westminster.gov.uk](mailto:rsegal@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note that Councillor Tony Devenish has replaced Councillor Andrew Smith.

To appoint a Chairman.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting held on the 25<sup>th</sup> August 2015 as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

##### **Schedule of Applications**

- |   |                          |
|---|--------------------------|
| <b>1. 12-14 WIGMORE STREET, W1</b>                          | <b>(Pages 3 - 42)</b>    |
| <b>2. MARBLE ARCH, W1</b>                                   | <b>(Pages 43 - 56)</b>   |
| <b>3. ROYAL COURT APARTMENTS, 51 GLOUCESTER TERRACE, W2</b> | <b>(Pages 57 - 78)</b>   |
| <b>4. 2 ORME SQUARE AND 1 ORME LANE, W2</b>                 | <b>(Pages 79 - 122)</b>  |
| <b>5. 9 AND 10 EATON MEWS NORTH. SW1</b>                    | <b>(Pages 123 - 152)</b> |
| <b>6. 12 GERALD ROAD, SW1</b>                               | <b>(Pages 153 - 176)</b> |

**Charlie Parker  
Chief Executive  
14 September 2015**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 22 SEPTEMBER 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| ITEM No | References/<br>Ward  | SITE ADDRESS                                      | PROPOSAL  |  |
|---------|--|---|---|--|
| 1       | RN 14/12813/FULL<br>Marylebone High Street   | 12-14 WIGMORE STREET, W1<br>(ADDENDUM REPORT)     | Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street frontage, and associated external alterations.  |  |
|         | Recommendation<br>Grant conditional permission.  |   |   |  |
| 2       | RN 15/04407/COFUL<br>Knightsbridge And Belgravia   | MARBLE ARCH, W1                                   | Use as a temporary Christmas event including structures and attractions (including food, drink and craft sales) between 1 December 2015 and 1 January 2016, 1 December 2016 and 1 January 2017, 1 December 2017 and 1 January 2018 (with set up and site clearance a week either side of the event), opening between 11.00 and 20.00 daily. (Council's Own Development) |  |
|         | Recommendation<br>Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to no new issues being raised before the end of the consultation period on 24 September 2015. |   |   |  |
| 3       | RN 14/02059/FULL<br>Lancaster Gate   | ROYAL COURT APARTMENTS, 51 GLOUCESTER TERRACE, W2 | Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvred roof; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades, roofs.                             |  |
|         | Recommendation<br>Grant conditional permission.  |   |   |  |
| 4       | RN 15/02841/FULL<br>RN 15/02842/LBC<br>Lancaster Gate  | 2 ORME SQUARE AND 1 ORME LANE, W2                 | Use of No. 2 Orme Square and 1 Orme Lane as a single family dwelling. Excavation of basement and sub-basement, replacement closet wing, single storey extension, associated internal and external alterations including provision of car lift. Roof top plant. Demolition and rebuilding of boundary wall to Orme Lane.   |  |
|         | Recommendation<br>1. Grant conditional permission and conditional listed building consent.<br>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.                  |   |   |  |
| 5       | RN 15/03309/FULL<br>RN 15/02961/FULL<br>Knightsbridge And Belgravia  | 9 AND 10 EATON MEWS NORTH, SW1                    | 1. Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.<br>2. Formation of a basement extension to No. 9 and No. 10 and use of the property as two separate dwellings.  |  |
|         | Recommendation<br>1. Grant conditional permission.<br>2. Grant conditional permission.   |   |   |  |

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 22 SEPTEMBER 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| ITEM No  | References/<br>Ward   | SITE ADDRESS           | PROPOSAL  |  |
|--|---|------------------------|---|--|
| <b>6</b>   | RN 15/01803/FULL<br>RN 15/01804/LBC<br>Knightsbridge And<br>Belgravia | 12 GERALD ROAD,<br>SW1 | Excavation to create basement extension beneath dwelling and rear garden, excavation to lower front pavement vaults, demolition and rebuilding of single storey rear extension, construction of new double height glass conservatory extension at the rear, two new dormer windows to front roof elevation. |  |
| <p>Recommendation</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters.</li> </ol> |   |                        |   |  |

# Agenda Item 1

|          |
|----------|
| Item No. |
| 1        |

|   |  |   |            |
|---|--|---|------------|
| <b>CITY OF WESTMINSTER</b>  |  |   |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>22 September 2015   | <b>Classification</b><br>For General Release    |            |
| <b>Addendum Report of</b><br>Director of Planning   |  | <b>Wards involved</b><br>Marylebone High Street |            |
| <b>Subject of Report</b>  | <b>12-14 Wigmore Street, London, W1U 2DU</b>   |   |            |
| <b>Proposal</b>   | Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street frontage, and associated external alterations. |   |            |
| <b>Agent</b>  | Quod   |   |            |
| <b>On behalf of</b>   | Lewis Central (IOM) Limited  |   |            |
| <b>Registered Number</b>  | 14/12813/FULL  | <b>TP / PP No</b>                               | TP/12591   |
| <b>Date of Application</b>  | 22.12.2014   | <b>Date amended/ completed</b>                  | 30.12.2014 |
| <b>Category of Application</b>  | Minor  |   |            |
| <b>Historic Building Grade</b>  | Unlisted   |   |            |
| <b>Conservation Area</b>  | Harley Street  |   |            |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Within London Plan Central Activities Zone<br><br>Within Central Activities Zone   |   |            |
| <b>Stress Area</b>  | Outside Stress Area  |   |            |
| <b>Current Licensing Position</b>   | Not Applicable   |   |            |

**1. RECOMMENDATION**

Grant conditional permission.





12-14 WIGMORE STREET, W1  
Page 5

## 2. SUMMARY

This planning application was presented to the Planning Applications Committee on 28 July 2015 (see attached minutes and report). The application was deferred for a site visit.

The application has been amended since the deferral of the application. The proposed enlargement of the ground floor window openings on the Wigmore Place frontage has been omitted from the proposal. All of the existing window openings and frames are now proposed to be retained. The only changes to the Wigmore Place frontage at ground floor level that remain are the replacement of a door with a window to match existing and the replacement of the roller shutter garage door with a timber door.

An objection on means of escape has been received from a resident living within the building. This is not a planning matter, being dealt with under the Building Regulations. As such, permission could not justifiably be refused on this ground.

The application is reported back to Committee for a decision.

## 3. CONSULTATIONS

REPRESENTATIONS RECEIVED POST PUBLICATION OF THE REPORT, BUT PRESENTED TO COMMITTEE ON 28 JULY 2015

COUNCILLORS BOTT, SCARBOROUGH AND ROWLEY

Consider that the proposals are an overdevelopment of the site, would commercialise the character of the mews, and result in loss of daylight and sunlight and create overlooking.

One letter of objection raising the following:

Design and Conservation

- Roof extension is overdominant, visually intrusive and detrimental to the character of the conservation area.
- Overdevelopment.
- The building is not suitable for a roof extension and would be contrary to the conservation area audit.
- The design of the shopfront does not relate to the windows above.

Amenity

- Loss of daylight and sunlight.

Other

- Introduction of a commercial use in the mews.

REPRESENTATIONS RECEIVED SINCE THE DEFERRAL OF THE ITEM

Three objections (two from the same adjoining resident) raising the following issues:

Design and Conservation

- The roof extension represents overdevelopment and is out of character with the rest of the mews.



- The decorative markings (the keystones) above the windows on the Wigmore Place frontage at ground floor level would be removed by the proposed enlarged windows.
- The proposed revised proposal to omit the enlarged windows on the Wigmore Place frontage at ground floor level respects the appearance of the building, is coherent with the above floors and reduces the over-commercialisation of the mews. As such, the objection to this aspect of the proposal is withdrawn.

Other

- The proposed change to the means of escape from the building contravenes the Building Regulations.

## BACKGROUND PAPERS

1. Application form.
2. Report to Planning Applications Committee dated 28 July 2015, background papers, and minutes.
3. Letter from the occupiers of No. 2 Wigmore Place dated 24 July 2015.
4. Letter from Councillor Bott dated 28 July 2015.
5. Letter written on behalf of the applicant dated 19 August 2015.
6. E-mail from the agent written on behalf of the applicant dated 20 August 2015.
7. E-mail from the occupier of Front Flat, 4th and 5th Floors, 12-14 Wigmore Street dated 20 August 2015 (appending letter from Building Control Approval Limited dated 20 August 2015).
8. E-mail from the occupier of No. 2 Wigmore Place dated 21 August 2015.
9. E-mail from the occupier of No. 2 Wigmore Place dated 24 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL –[pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

~~X~~ 1 **12-14 WIGMORE STREET, W1** ~~X~~

Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.

An additional representation was received from Arnaud Burger and Krishnee Moodley (24/7/15).

A late representation was received from the Ward Members for Marylebone High Street.

Councillor Iain Bott addressed the committee in his capacity as a Ward Councillor in objection to the application.

**RESOLVED:** That the application be deferred for a site visit.

~~2 **21 TREVOR PLACE, SW7**~~

~~Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.~~

~~The presenting officer tabled an amendment to the description of development to include the retention of the rear trellis.~~

~~The presenting officer also tabled the following amendments to Condition 2 in the draft decision letter.~~

~~**Amended Condition 2:**~~

~~You must not use the flat roofs of the rear extensions at first and second floor levels for sitting out or for any other purpose. You can however use the roofs to escape in an emergency and for maintenance. (C21BA)~~

~~**RESOLVED:**~~

~~That conditional permission be granted subject to the amendment to Condition 2 tabled and set out as above.~~

3 **49 MARYLEBONE HIGH STREET, W1**

Use of part of the lower ground floor as an exercise/dance studio (Class D2) for a temporary period up until 21 January 2024 between the hours of 06.00-22.00 Monday-Saturday and 09.00-18.00 on Sundays and Bank Holidays.

# APPENDIX

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|----------|
| Item No. |
| 4        |

|   |  |   |            |
|---|--|---|------------|
| <b>CITY OF WESTMINSTER</b>  |  |   |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>28 July 2015  | <b>Classification</b><br>For General Release    |            |
| <b>Report of</b><br>Director of Planning  |  | <b>Wards involved</b><br>Marylebone High Street |            |
| <b>Subject of Report</b>  | <b>12-14 Wigmore Street, London, W1U 2DU</b>   |   |            |
| <b>Proposal</b>   | Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations. |   |            |
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| <b>Historic Building Grade</b>  | Unlisted   |   |            |
| <b>Conservation Area</b>  | Harley Street  |   |            |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Within London Plan Central Activities Zone<br><br>Within Core Central Activities Zone  |   |            |
| <b>Stress Area</b>  | Outside Stress Area  |   |            |
| <b>Current Licensing Position</b>   | Not Applicable   |   |            |

**1. RECOMMENDATION**

Grant conditional permission, subject to no new planning issues being raised before the expiry of the consultation period on 4 August 2015.

## 2. SUMMARY

The application site comprises an unlisted building located within the Harley Street Conservation Area. The building is in lawful use as a building society (Class A2) at ground and basement floor levels, offices (Class B1) at first, second and third floor (front), and three flats (Class C3) at rear third, fourth and fifth floors, with ground level parking for the development.

Permission is sought to enlarge the building by the erection of extensions at first to third floor levels and a two storey roof extension on fourth and fifth floors. The scheme also involves the installation of roof level plant, replacement shopfronts and a replacement garage door. The extensions will provide additional office and residential floorspace. No increase in the number of flats is proposed.

The key issues for determination are:

- Whether the extensions and alterations to this building will preserve or enhance the character and appearance of the Harley Street Conservation Area.
- Whether the extensions will have an unacceptable impact on the amenity of adjoining residents in terms of daylight, sunlight and overlooking.
- Whether the pruning required to the neighbouring London Plane tree is acceptable in arboricultural terms.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

## 3. CONSULTATIONS

Original submission

### MARYLEBONE ASSOCIATION

Initial response - no objection.

Revised response. Objection: (i) Height, bulk and massing constitutes overdevelopment; (ii) Roof extension over-dominant and visually intrusive, to the detriment of the character and appearance of the Harley Street Conservation Area; (iii) The Harley Street Conservation Area Audit states that the building is not suitable for a roof extension; (iv) Introduction of a commercial use deep into the mews is contrary to the Harley Street Conservation Area Audit; (v) Loss of daylight and overlooking to neighbouring residential properties; (vi) Loss of off-street car parking spaces; and (vii) Noise from plant.

### ARBORICULTURAL MANAGER

No objection to the pruning of the neighbouring London Plane tree required to facilitate the proposed extension.

Concern that the development will bring the building closer to the neighbouring London Plane tree which is likely to result in greater post-development pressure to prune the tree. However, as this future pruning would be acceptable in arboricultural terms, no objection raised.

### ENVIRONMENTAL HEALTH

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 9.

Nine (including four letters from one neighbouring occupier and two letters from another) and a 34 signature petition objecting on some or all of the following grounds:

**Land Use:**

- The introduction of retail space is inappropriate in Wigmore Place and will set a dangerous precedent.

**Amenity:**

- Loss of daylight and sunlight.
- Overlooking from additional windows.
- Noise from the proposed roof top plant.

**Design:**

- The roof extension will significantly increase the height disparity between the building and mews properties on Wigmore Place and it fails to have proper regard to the character of the area.
- The replacement shopfronts on Wigmore Place would overly commercialise the character of the predominantly residential mews.
- The detailed design of the replacement shopfront is 'aesthetically displeasing' and relates poorly to windows on the floors above.
- The proposed building height is out of keeping with the 'country feel' to the rear.

**Trees:**

- The Arboricultural Impact Assessment fails to assess whether any further pruning would be required for the safe operation of a crane and has been written without visiting the affected tree.
- Extending the building closer to the neighbouring tree will threaten its natural spread.

**Highways:**

- The loss of existing parking spaces will exacerbate on-street parking demand (scheme amended to retain all parking)

**Other:**

- Disruption during the course of construction.
- Written guarantees required that works will not damage the cobbles in Wigmore Place.
- An assessment is required of the impact of the proposals upon the (recently approved) scheme to convert the upper floors of No. 16 Wigmore Street to flats and to extend the existing flats at Nos. 18-22 Wigmore Street.

ADVERTISEMENT/SITE NOTICE: Yes.

Revised submission

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 111; Total No. of Replies: 1.

One objection on the following ground:

**Amenity:**

- Loss of daylight and sunlight.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

The application site comprises an unlisted building on the north side of Wigmore Street, at its junction with Wigmore Place. The building dates from 1960 and is located within the Harley Street Conservation Area. The site is located within the Core Central Activities Zone (Core CAZ) and the Harley Street Special Planning Area.

The basement and ground floors are currently vacant, but were last occupied by a building society (Class A2). The rear part of the ground floor comprises off-street car parking, accessed from Wigmore Place. The first, second and third (front) floor levels are in office (Class B1) use. The rear third, fourth and fifth floors are occupied as three flats (Class C3).

#### 4.2 Relevant History

Permission was granted on 8 September 1958 for the erection of a new building comprising a ground floor (with ancillary storage in the basement), offices on the first to third and part fourth floors and two self-contained flats on the fourth and fifth floors.

Permission was granted on 16 February 1959 for the use of the ground floor as a banking hall. The sole condition restricts the use, "... to a bank only, and no change of use shall take place to any other form of office use...". The City Council subsequently confirmed, in a letter dated 16 March 1959, that the wording of this condition was intended to be interpreted as relating to a banking hall of a building society.

Permission was granted on 8 May 1959 for the redevelopment of the site of the former Nos. 25-26 Wigmore Place to provide an extension to the new building at Nos. 12-14 Wigmore Street comprising basement storage, ground floor car parking, first and second floor offices and a residential flat at third floor level. Condition 3 secures the provision and permanent retention of the car parking and states that it should be used for "... the accommodation of vehicles of occupiers and users of the premises and 12-14 Wigmore Street only and shall not be used for any other purposes".

Permission was granted on 18 December 1975 for alterations at ground floor level in connection with the conversion of part of the existing garage accommodation to provide additional offices. Condition 2 limits the use of the new floorspace, "... for Building Society offices and stores and for no other purpose [including any other office within the same use class]". Condition 3 ensures the provision and permanent retention of the remaining car parking floorspace for the accommodation of vehicles and, "... at least two spaces to be provided for residential occupiers of the building on the basis of one space per residential unit, and the remaining spaces for other occupiers (including employees using the building) and persons calling at the building for the purposes conducting business with the occupiers thereof".

## 5. THE PROPOSAL

Planning permission is sought to:

- Erect rear extensions at first to fourth and roof level to provide additional office and residential floorspace. No change in the number of residential units on site is proposed.
- Install a replacement shopfront and replacement entrance doors.
- Install plant within an acoustic/visual enclosure at main roof level.
- Install a replacement garage door.

During the course of the application, the application has been amended to:

- Reduce the footprint of the plant enclosure at roof level; setting it further back from the Wigmore Place elevation.
- Introduce greater subdivision within the replacement shopfront on both elevations.
- Omit proposals to convert the ground floor parking into commercial floorspace.

A revised daylight and sunlight report has been submitted that assesses the impact of the development on potential future residential windows in an allowed appeal at a property immediately to the west of the application site (Nos. 16-22 Wigmore Street).

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The site's location within the Core CAZ means that the proposed increase in office floorspace (157m<sup>2</sup>) accords with City Plan Policies S6 and S20 and UDP Policy COM 1. Being below the 200m<sup>2</sup> (GEA) threshold, this increase does not trigger a requirement to provide an equivalent amount of residential floorspace under the City Council's mixed use policies.

No change to the number of residential units on site is proposed. Three will remain, albeit that the third floor that would be relocated to the extended fifth floor level, and the fourth floor flat would be extended. The maisonette at fourth and fifth floors is unaffected by the proposal. The increase in residential floorspace is 42m<sup>2</sup> (GEA). This modest increase is welcome under UDP Policy H3 and City Plan Policy S14 and does not trigger the City Council's affordable housing policies.

The reconfigured flats meet the minimum space standards set out within London Plan Policy 3.5, are provided with outdoor amenity space and are dual aspect. The flats are considered to provide a good standard of residential accommodation.

An objection has been received to the introduction of commercial/retail uses further into Wigmore Place. No additional commercial floorspace is proposed at ground floor level and the application does not relate to the use of the existing commercial unit. Furthermore, no additional shopfronts or entrances are proposed in Wigmore Place. Consequently, this objection cannot be supported.

### 6.2 Townscape and Design

Although the building has been highlighted within the Harley Street Conservation Area Audit (2008) as one where a roof extension would not normally be acceptable, it is not proposed to extend above the existing roof level but extend to the side and rear. Notwithstanding objections to the principle of a roof extension from the Marylebone Association and neighbouring occupiers, it is considered that the extension would create a better proportioned and balanced elevation fronting Wigmore Place. The infill extensions from first floor to roof level, adjacent to the boundary with No. 16 Wigmore Place, will not be visually intrusive. Furthermore, the building will continue to step down towards the mews buildings to the north, which is appropriate in townscape terms. As such, the objections to the principle of the extension cannot be supported.

The proposed extensions reflect the character and appearance of the host building, with sash windows, matching brickwork and an extension to the existing mansard roof. Subject to the imposition of suitable conditions, the detailed design of the extension is acceptable.

The roof top plant enclosure has been reduced in size and set back further to the rear corner of the building in order to reduce its visibility in long views from Cavendish Square. This aspect of the scheme is now considered acceptable in design terms.

Objections have been received to the design of the proposed shopfronts and their relationship with windows above. The shopfront design has since been amended to introduce further subdivision. It is considered that the revised design now relates sensitively to the appearance of windows on the upper floors and these objections cannot now be sustained.

The replacement of the unattractive steel roller shutter garage door with a timber door represents an improvement in design and conservation terms and is therefore welcome.

The revised proposals are considered acceptable in terms of their impact upon the appearance of the host building and will preserve the character and appearance of this part of the Harley Street Conservation Area.

### 6.3 Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight or an increased sense of enclosure or significant increase in overlooking to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals will safeguard the amenities of neighbouring residents.

#### 6.3.1 Daylight and Sunlight

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

An objection has been received requesting that the report be amended to assess the impact of the proposed extension upon the level of light received to windows within a development to extend the existing flats within Nos. 18-22 Wigmore Street and the new flats within the upper floors of No. 16 Wigmore Street granted permission at appeal on 4 June 2015. The applicant has now submitted an updated report that includes within its assessment the impact upon these potential future residential windows.

##### 6.3.1.1 Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

The Marylebone Association has objected to the application on the grounds that the proposals would result in an unacceptable loss of light to rear windows at No. 16 Wigmore Street and the mews properties on the east side of Wigmore Place. Objections have also been received from the occupiers of No. 2 Wigmore Place and No. 5 Wimpole Street on the grounds that the loss of daylight to these dwellinghouses would be unacceptable. Finally, a 34 signature petition has been received from occupants of neighbouring properties stating that the rear extension will have an adverse effect on the daylight received within Nos. 16-20 Wigmore Street and the mews properties in Wigmore Place.

The most affected residential property is No. 2 Wigmore Place. The potential flats within No. 16 Wigmore Street could also be affected.

The losses in VSC within 2 Wigmore Place are between 7.54% and 12.18%. This does not exceed the 20% threshold above which these losses of daylight will be noticeable. The objection from the occupants of No. 2 Wigmore Place is therefore unsustainable on daylight grounds, with the maximum loss being 12.18% which is to a second floor bedroom.



The loss of daylight to the rear windows of No. 5 Wimpole Street is negligible. With the exception of one window to the side elevation of No. 16 Wigmore Street, all of the residential windows within Nos. 16-22 Wigmore Street will not see a material loss of daylight as a result of the proposed extensions, with a maximum loss of 9.06% VSC predicted to a first floor bedroom window within No. 22 Wigmore Street.

A new side window within a proposed rebuilt first floor rear extension to No. 16 Wigmore Street that is proposed to be used as a bedroom will see a loss of VSC of 78.10%. However, the main window to this bedroom will still enjoy a VSC level in excess of 27%, the level above which the BRE Guide (2011) states is sufficient. As such, even without the side window, this bedroom will receive sufficient daylight. As such, it is concluded that the impact on the potential future occupier of this flat is acceptable in daylight terms.

### 6.3.1.2 Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The occupiers of No. 2 Wigmore Place and a flat within Nos. 11-15 Wigmore Street (on the opposite side of Wigmore Street) have objected on the grounds of loss of sunlight.

The most affected windows are within 2 Wigmore Place, with annual losses of sunlight between 10.53% and 20.00%. The greatest impact is to a second floor bedroom which would experience a loss of 20% with annual sunlight hours reducing from 30% to 24%. This room would continue to receive reasonable annual sunlight levels. Given the existing enclosed nature of the locality, the available sunlight hours during the winter months are unsurprisingly already low and only the ground floor dining room/kitchen will see any loss during the winter months – a reduction from 2% to 1%. It is considered that within this urban built-up location, the levels of sunliting retained are acceptable and the impact is not considered sufficient to justify a refusal.

All other losses of sunlight are well within acceptable limits and there will be no impact upon the flats within Nos. 11-15 Wigmore Street given that these windows face north.

### 6.3.2 Overlooking

Objections have been received on the ground that the windows within the proposed roof extension facing Wigmore Place will result in overlooking to neighbouring residential properties. The distance between these windows and the affected windows on the opposite side of Wigmore Place and to properties within Wimpole Street, are adequate in the site's context and does not give rise to any material loss of privacy.

The proposed terraces to the flats at fourth and fifth floors, respectively, also raise no overlooking concerns. This is because they replace an existing larger roof terrace to the existing fourth floor flat and because the distance to the neighbouring residents is adequate to not result in a material increase in overlooking.

### 6.3.3 Noise

#### Plant

The proposal involves the installation of plant at roof level to serve both the residential units and the commercial uses. The residential plant is proposed to operate on a 24 hour basis whilst the commercial plant will operate on its lower noise mode between 23.00 – 07.00.

Objections have been received to the principle of providing plant in association with residential uses and on the grounds of noise disturbance from the plant operation.

The submitted acoustic report has been assessed by Environmental Health who are satisfied that the plant would comply with the City Council's noise standards provided that the equipment is housed within the specified acoustic enclosure and that the commercial plant is operated on a lower noise mode at night. Notwithstanding the objections received, subject to appropriate conditions regarding noise output, vibrations and for the commercial plant to operate at reduced night time levels, it is not considered that this aspect of the scheme would have a material impact upon the amenities of neighbouring occupiers.

There are no policies to prevent the installation of plant in association with residential uses as an alternative means of cooling/ventilation is often required in the event that residents choose to keep windows shut to minimise potential noise disturbance. Consequently, the objection to the principle of residential plant cannot be supported.

#### Terraces

Given their domestic use, and the fact that they replace a larger terrace, it is not considered that the use of the new terraces would adversely affect neighbours' amenities in terms of potential noise disturbance.

### 6.4 Highways

Given the modest increase in office floorspace and the fact that no additional residential units will be created, the proposals are considered acceptable in highways terms. It is not considered that the extension of the existing offices would have a significant impact on site servicing.

Given that the scheme has been amended to retain the existing parking accommodation, objections relating to the loss of this parking have been addressed.

The proposed replacement garage door does not open over the public highway and would not result in any highway obstruction.

### 6.5 Trees

To the rear of the site is a large London Plane tree, located within the rear garden of No. 5 Wimpole Street. An objection has been received from the occupier of this property, and others, on the grounds that the proposed development will threaten the tree's natural spread and because the submitted arboricultural report is deficient through failing to assess the impact on this tree during the course of construction.

The site has been visited by the City Council's Arboricultural Manager who raises no objection to the proposed development. Whilst the proposed extension will bring residential properties in closer proximity to the tree, which is likely to result in greater post-development pressure to prune it, both the degree of pruning required in order to construct the proposed extension and any future pruning which may be necessary to maintain the tree at a suitable distance from

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the extended building, are considered acceptable in arboricultural terms. The applicant has confirmed that no cranes will be used within the area of the tree canopy. In these circumstances, the impact of the development upon the neighbouring tree is considered acceptable. A condition is recommended requiring the submission and approval of measures to protect the tree during the course of construction prior to the commencement of works on site. As the tree is located within a conservation area, any pruning works will have to be approved by the City Council.

#### **6.5 Access**

Level access to the commercial unit and the upper floors of the building is proposed which, is a welcome improvement. There is a lift within the building serving all floors which, plans indicate, will be replaced with a slightly larger lift car.

#### **6.6 Economic Considerations**

Any economic benefits of the proposals are welcomed.

#### **6.7 Other UDP/Westminster Policy Considerations**

None.

#### **6.8 London Plan**

The application does not raise any strategic issues.

#### **6.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **6.10 Planning Obligations**

Not required.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposal is of insufficient scale to require an Environmental Assessment.

## 6.12 Other Issues

An objection has been received concerning potential damage to cobbles within Wigmore Place during the course of the construction. The respondent is concerned that cobbles have previously been damaged as a result of works within the mews. As this is public highway, any reported damage to the public highway would have to be made good, at the applicant's expense. This is dealt with by Informative.

Objections have been received on the grounds that the proposals would result in unacceptable disturbance to neighbouring residential and commercial occupiers during the course of construction. Various concerns have been expressed including over the maintenance of access to existing flats within the application premises and the impact of the temporary suspension of parking bays to facilitate construction works. Whilst these difficulties are acknowledged, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A CMP condition is proposed and a condition is also recommended restricting hours of construction.

One resident has requested written undertakings that any damage to adjoining properties resulting from building works be appropriately repaired, that there is no obstruction of adjoining garages, that builders do not drop debris in neighbouring gardens etc. These are considered to be private matters between the developer and adjoining occupiers. It is not considered that the development is of sufficient scale to require an undertaking to enter into a Code of Construction Practice, where Council officers liaise between contractors and local residents. The absence of the undertakings requested, could not justifiably form the basis of a recommendation for refusal.

A request has been received from the restaurant operator at 10 Wimpole Street requesting that noisy building works be suspended at lunchtimes. It is not considered that such a request could reasonably be accommodated.

## 7. CONCLUSION

The alterations and extensions to this building are considered acceptable in land use, amenity and design terms and accord with relevant UDP and City Plan policies. The application is therefore recommended for approval subject to appropriate conditions.

## BACKGROUND PAPERS

1. Application form.
2. E-mail from the Marylebone Association dated 11 February 2015.
3. E-mail written on behalf of the Marylebone Association Planning Committee dated 1 May 2015.
4. Memorandum from the Arboricultural Manager dated 4 March 2015.
5. Memorandum from Environmental Health dated 25 March 2015.
6. Letter from the occupants of No. 2 Wigmore Place dated 4 February 2015.
7. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 5 February 2015.
8. Letter from the occupant of No. 10 Wigmore Street dated 6 February 2015.
9. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 9 February 2015.
10. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 10 February 2015.
11. Letter from the occupant of No. 22 Wigmore Place dated 10 February 2015.
12. E-mail from the occupant of No. 5 Wimpole Street dated 11 February 2015.

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13. Letter from the occupants of Flat 1, Cavendish Court, 11-15 Wigmore Street dated 12 February 2015.
14. Online response from the occupier of No. 6 Wimpole Street dated 16 February 2015.
15. E-mail from the occupier of the 1st - 2nd floors, No. 16 Wigmore Street dated 17 February 2015.
16. Letter from the Howard de Walden Estate dated 5 March 2015.
17. Petition signed by 34 occupants of neighbouring properties received on 10 March 2015.
18. E-mail from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 20 April 2015.
19. Letter from the occupiers of No. 2 Wigmore Place dated 19 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 12-14 Wigmore Street, London, W1U 2DU

**Proposal:** Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street frontage, and associated external alterations.

**Plan Nos:** P001, P090, P100e, P110, P120, P130, P140, P150, P160a, P210b, P211, P310a, 14019.3.101d, P312a and P313; and Noise Report (dated 19 December 2014).

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

- (i) Typical sash window.
- (ii) All external doors.
- (iii) Shopfront.
- (iv) Plant enclosure.
- (v) Typical dormer window.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must paint all new outside rainwater, soil pipes and railings black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must install the plant enclosure in its entirety and in accordance with the drawings approved under Condition 5(iv) and the specification detailed within Appendix G of the Noise Report (dated 19 December 2014) prior to the installation of any of the plant hereby approved. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest shall not at any time exceed a value of 10 dB below the minimum external

background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.



- 10 The plant serving the commercial uses must only operate on their low noise modes during the hours of 23.00 - 07.00.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 11 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London plane tree in the rear garden of No. 5 Wimpole Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
  
- 3 Conditions 7, 8, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
  
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
 If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
 Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
  
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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Drawn: [ ]  
 Checked: [ ]  
 Date: [ ]

PLANNING SET

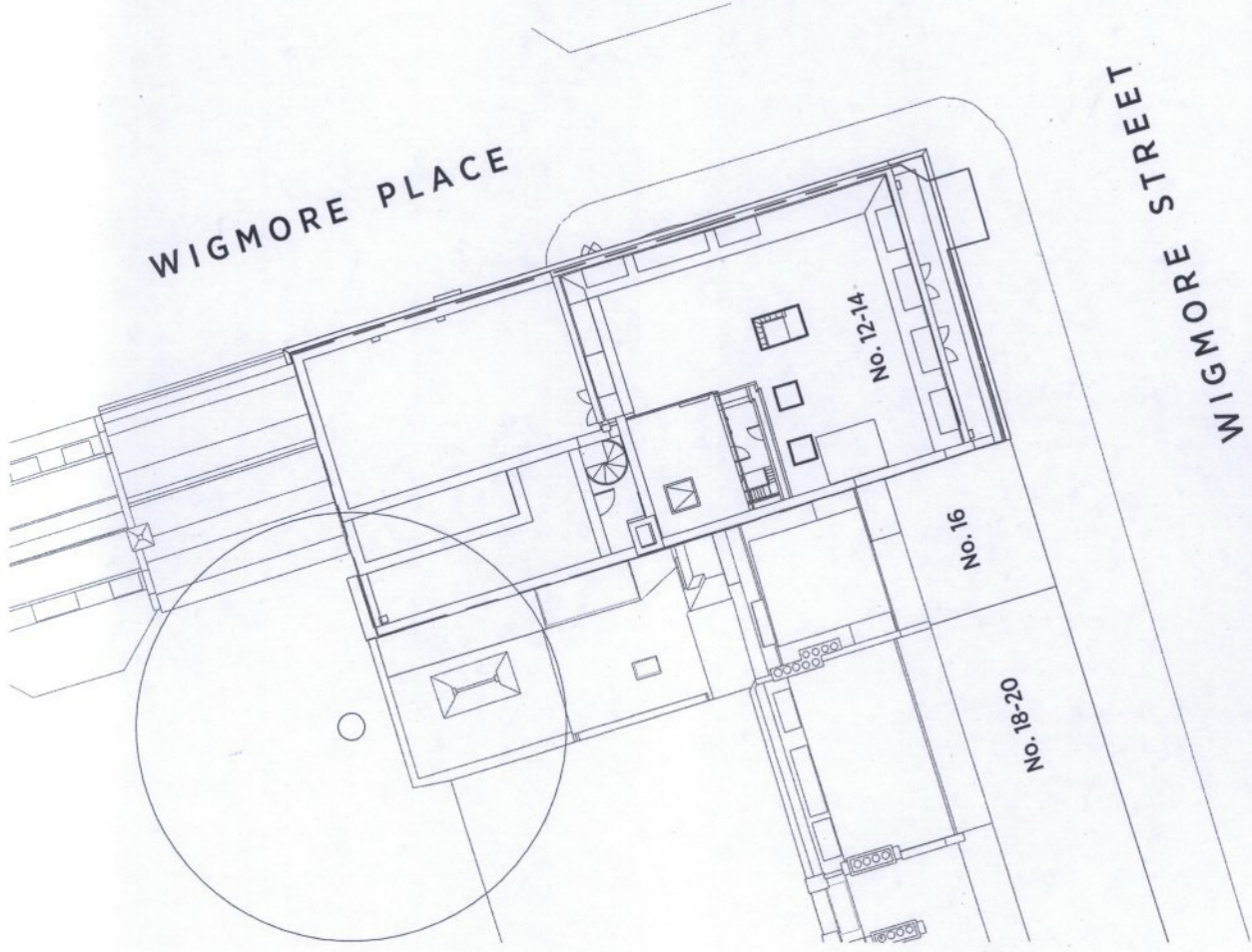
Project: 12-14 Wigmore St

**KSR ARCHITECTS**  
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 LE1 1PL  
 TEL: 01533 410000  
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 EMAIL: info@ksrarchitects.co.uk

The Existing Site Plan

|        |            |              |        |              |         |
|--------|------------|--------------|--------|--------------|---------|
| Date:  | 13/12/14   | Drawn By:    | Author | Checked:     | Checker |
| Scale: | 1:200 @ A3 | Project No.: | 14019  | Drawing No.: | X001    |

CASE COPY  
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**1** EXISTING SITE PLAN  
 1:200

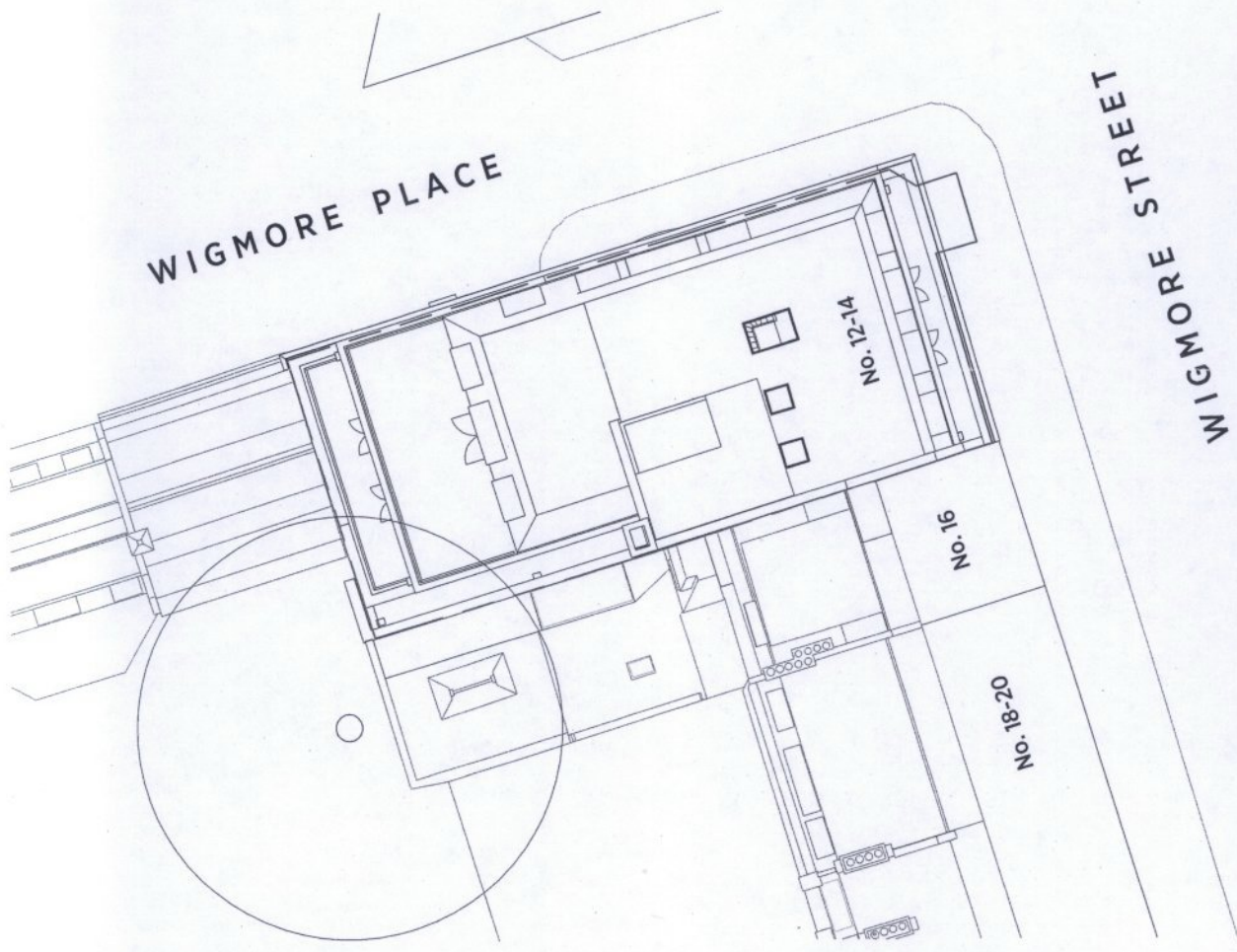
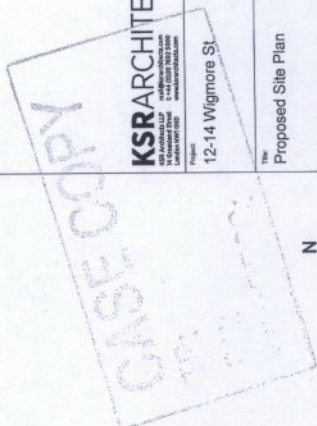
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| File Name   | 12-14 Wigmore St                |
| Project No. | 14019                           |
| Client      | KSR Architects                  |
| Address     | 12-14 Wigmore St, London W8 7DG |
| Project     | 12-14 Wigmore St                |

PLANNING SET

**KSRARCHITECTS**  
 KSR ARCHITECTS LLP  
 12-14 WIGMORE STREET  
 LONDON W8 7DG  
 TEL: 020 7247 1111  
 WWW.KSRARCHITECTS.COM

|                        |            |             |       |             |      |
|------------------------|------------|-------------|-------|-------------|------|
| Date                   | 11/10/2014 | Drawn by    | SB    | Checked by  | SB   |
| Scale                  | 1:200 (A3) | Project No. | 14019 | Drawing No. | P001 |
| The Proposed Site Plan |            |             |       |             |      |



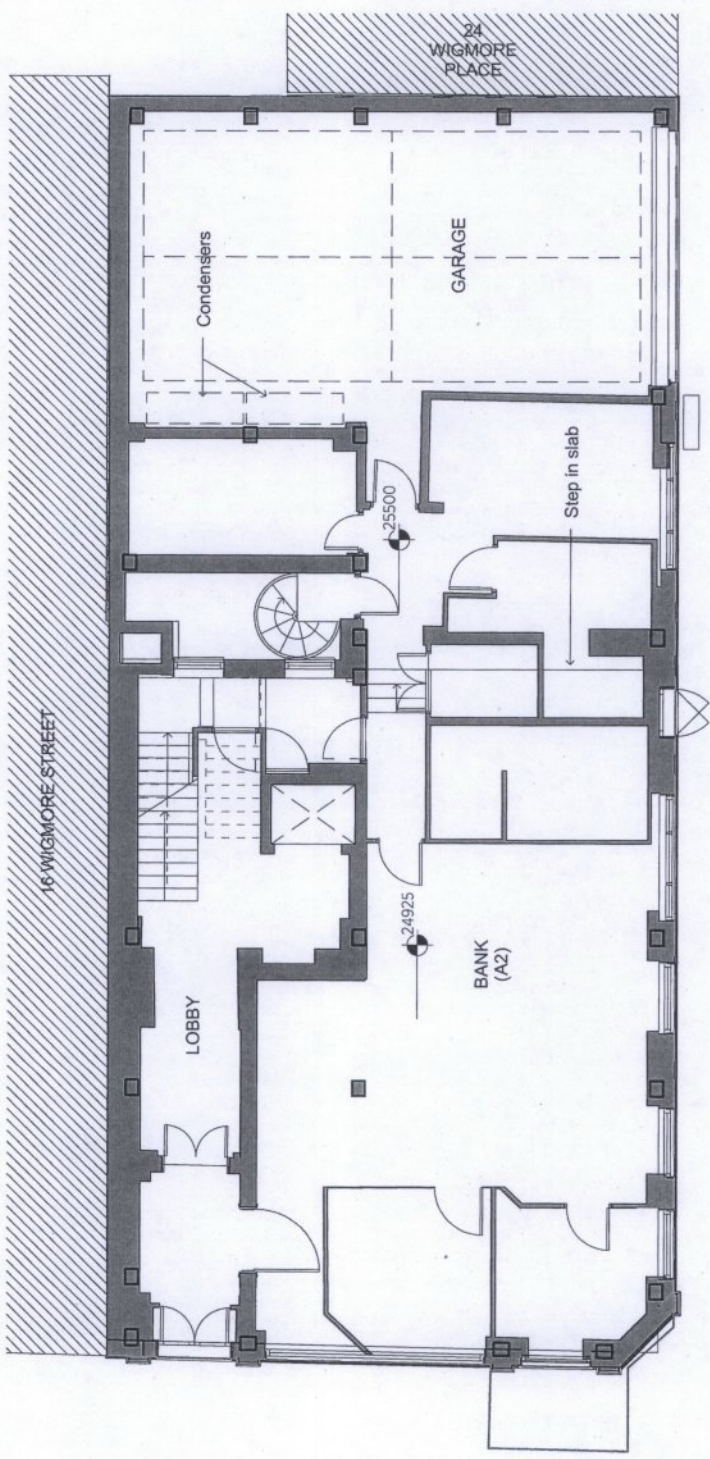
**1** PROPOSED SITE PLAN  
 1:200

**General note:**  
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PLANNING SET  
 12-14 Wigmore St

**KSR ARCHITECTS**  
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 Email: ksr@ksrarchitects.co.uk

Project: 12-14 Wigmore St  
 Date: 20/02/2015  
 Drawn By: CA  
 Checked By: CA  
 Scale: 1:100 @ A3  
 Project No: 14019  
 Drawing No: X100  
 Title: Existing Ground Floor Plan  
 Revision: B



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 N

WIGMORE STREET

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 Notes: Agents

| ID | Name | Date     | No. | Date     |
|----|------|----------|-----|----------|
| 1  | Plan | 12/20/14 | 1   | 12/20/14 |

PLANNING SET

Key Plan

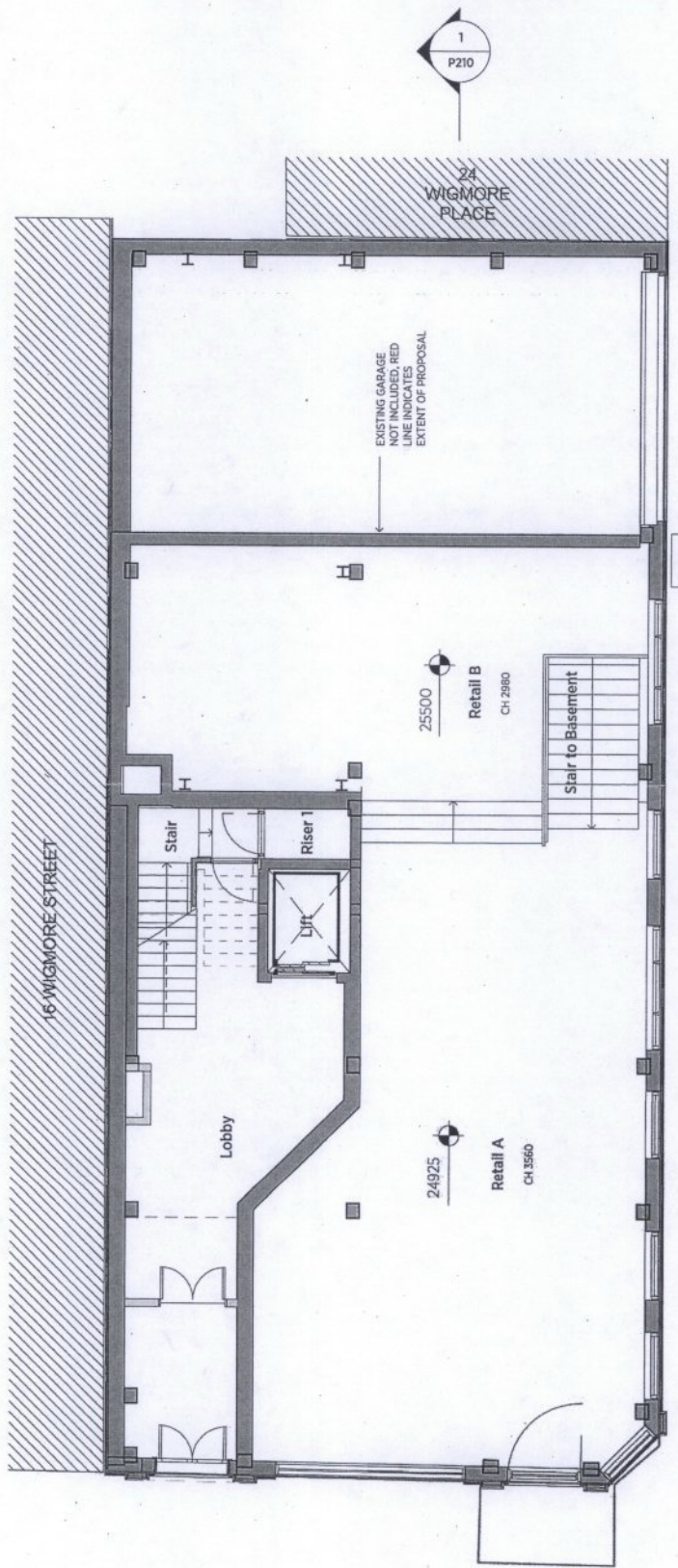
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 London WC2H 9LW  
 Tel: 020 7333 8380  
 Email: info@ksrarchitects.com

Project: 12-14 Wigmore St

Proposed Ground Floor Plan



|       |            |            |                  |            |      |
|-------|------------|------------|------------------|------------|------|
| Date  | 12/20/14   | Drawn By   | JS               | Checked By |      |
| Scale | 1:100 @ A3 | Project No | 14019            | Client Ref | P100 |
|       |            | Location   | 12-14 Wigmore St | Project    | E    |



WIGMORE STREET

CASE COPY  
 TP:  
 PN:  
 ADDRESS:

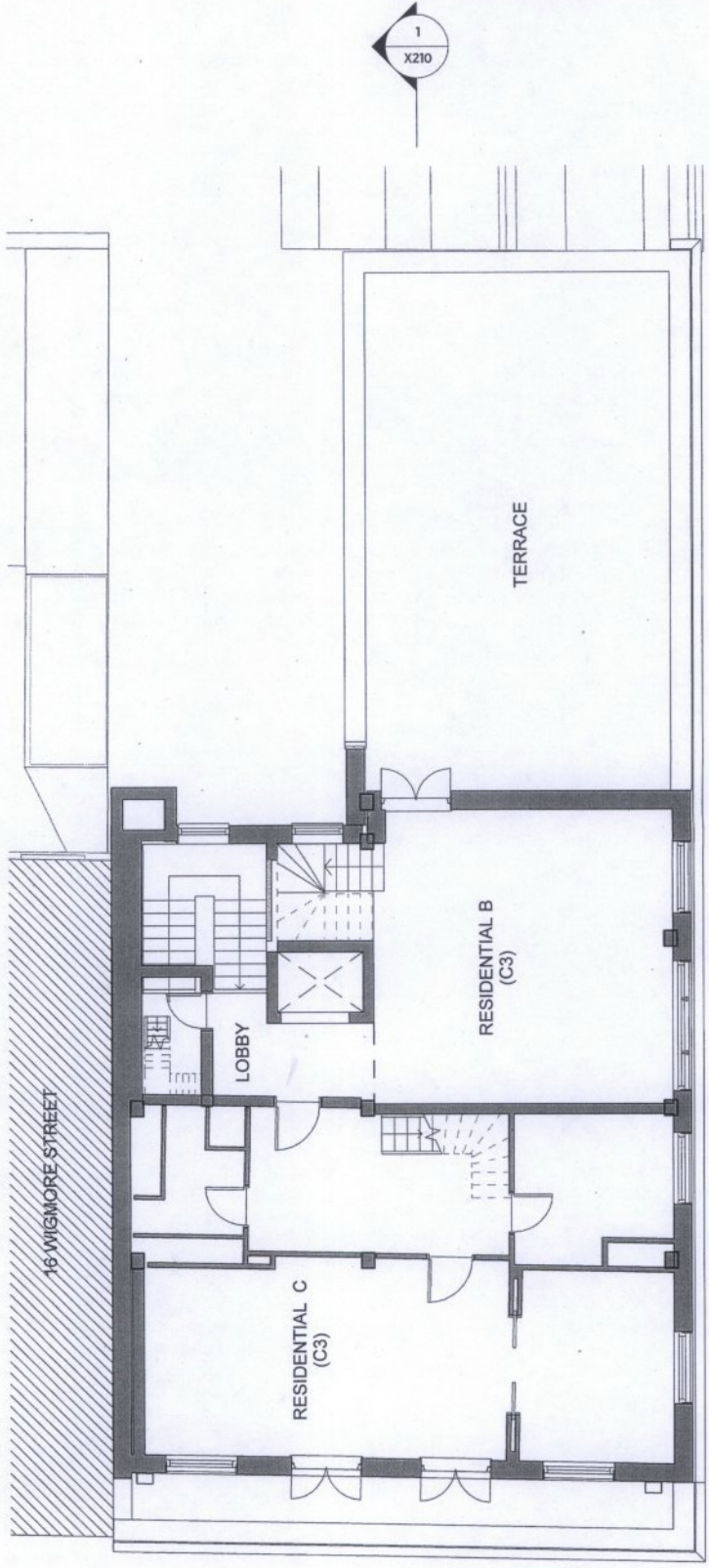
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 HomeLegend

| Day | Notes | Revised | By | Date |
|-----|-------|---------|----|------|
|     |       |         |    |      |

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 Fax: +44 (0)20 7611 1001  
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Project: 12-14 Wigmore St  
 Title: Existing 4th Floor Plan  
 Date: 18/02/2014  
 Scale: 1:100 @ A3  
 Project No: 14019  
 Drawing No: X140



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Rev: / Date: / Drawn by: / Checked by: / Date: /

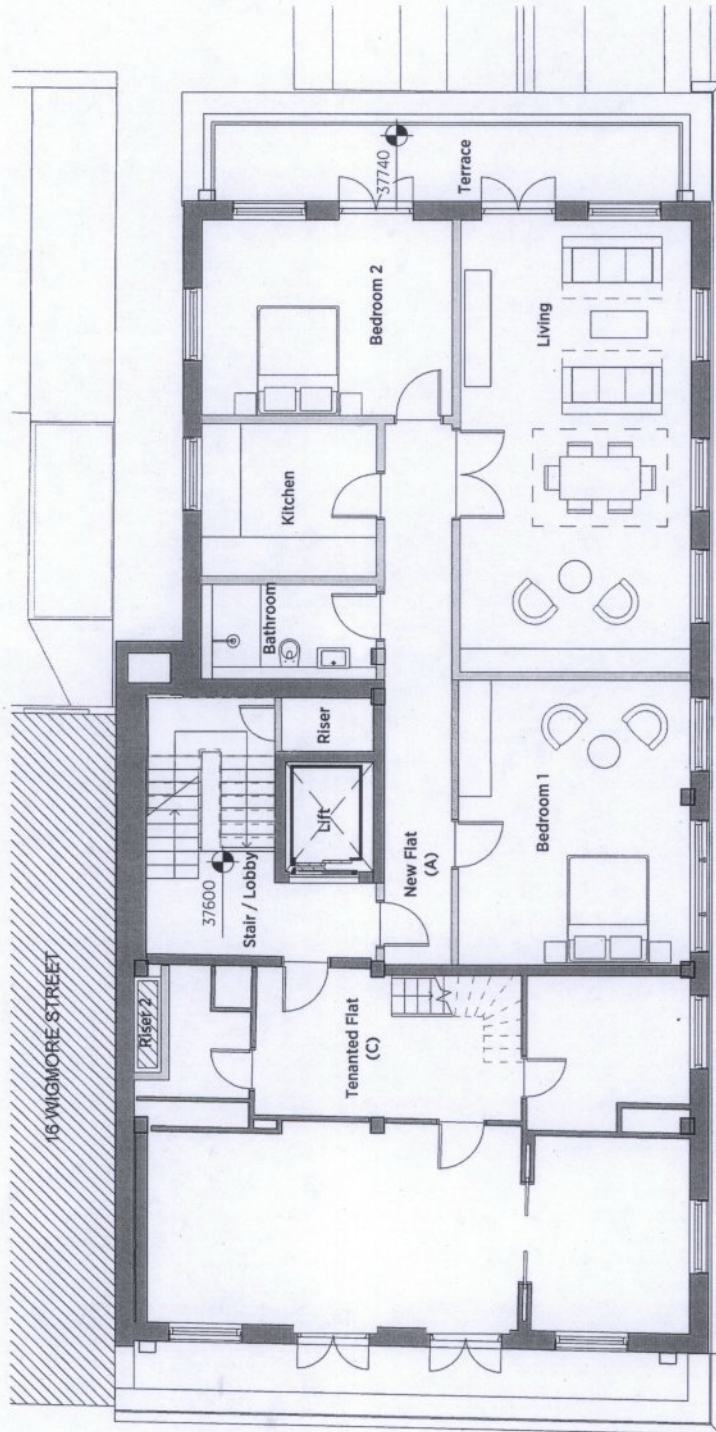
PLANNING SET

**KSR ARCHITECTS**  
 14 Wigmore Street  
 W1U 2AP  
 Tel: 020 7634 3000  
 Fax: 020 7634 3001  
 Email: info@ksrarchitects.com

Project: 12-14 Wigmore St

Title: Proposed 4th Floor Plan

Date: 10/03/2014  
 Drawn By: SC  
 Checked:  
 Project No: 14019  
 Drawing No: P140



CAS  
 TP:  
 RM:  
 AD:  
 N



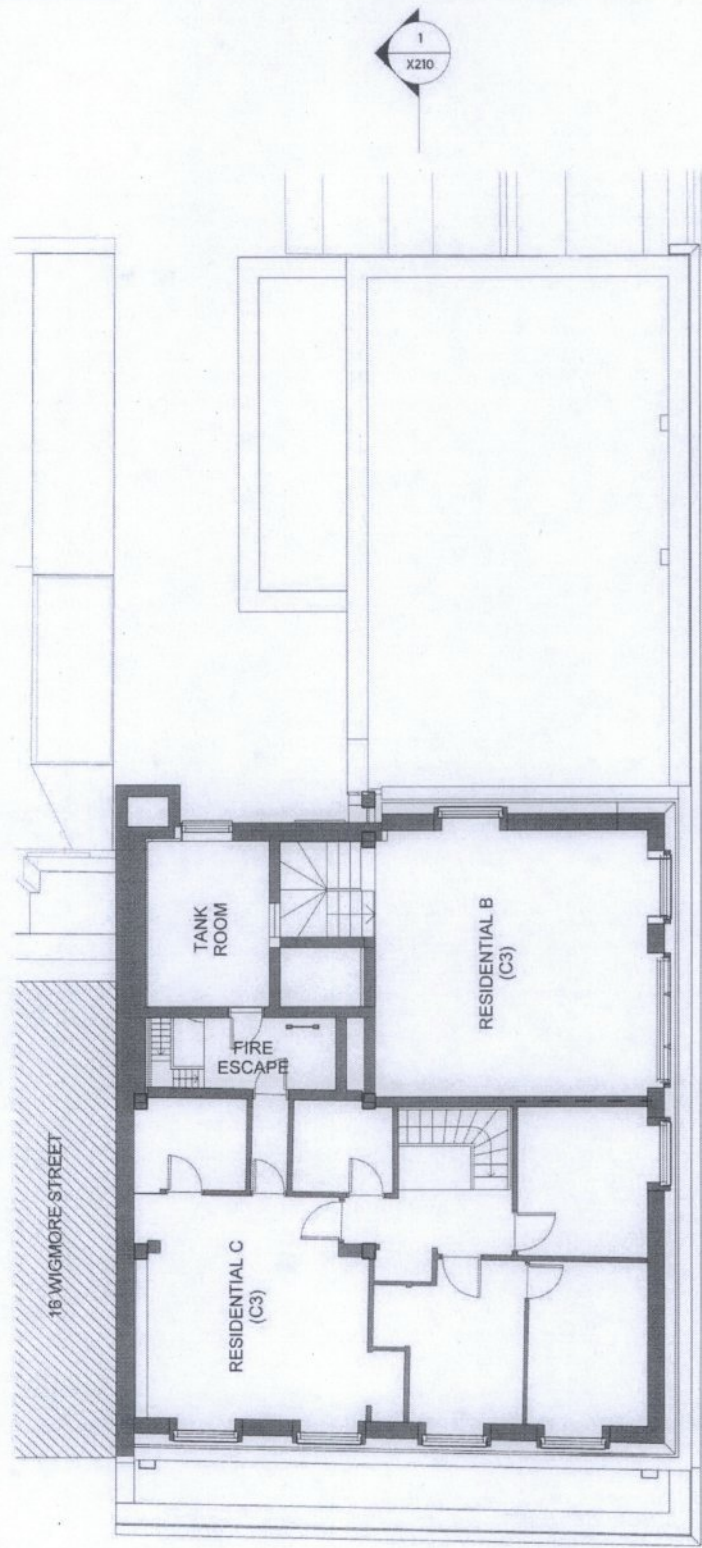
Current codes  
 The existing conditions of this building, including  
 the existing structure, systems, and materials, shall  
 not be used in conjunction with and changes to the  
 Assessment, specifications and as shown relevant  
 to the project. The architect shall be responsible for  
 safety for any exposure, hole or damage of whatever  
 nature or kind, which may occur in the execution of the  
 work to which it is referred to herein and their  
 relations shall not be referred to herein and their  
 Do not make them less covering in the original date, only  
 Check all dimensions on site prior to carrying out any  
 work. Do not make any discrepancy  
 1:1000, 1/8"=1'-0"

|              |                  |
|--------------|------------------|
| Project Name | 12-14 Wigmore St |
| Client       | 12-14 Wigmore St |
| Architect    | KSR ARCHITECTS   |
| Scale        | 1:1000           |
| Date         | 14/01/2014       |
| Drawn By     | US               |
| Checked By   | US               |
| Project No.  | 14019            |
| Sheet No.    | X150             |

PLANNING SET

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Project  
 12-14 Wigmore St  
 The  
 Existing 6th Floor Plan  
 Date: 14/01/2014 Drawn By: US  
 Scale: 1:1000 Checked By: US  
 Project No: 14019 Sheet No: X150



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 Notes: Legends

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| Rev | Date       | Drawn By | Checked By |
| 0   | 03/08/2018 |          |            |

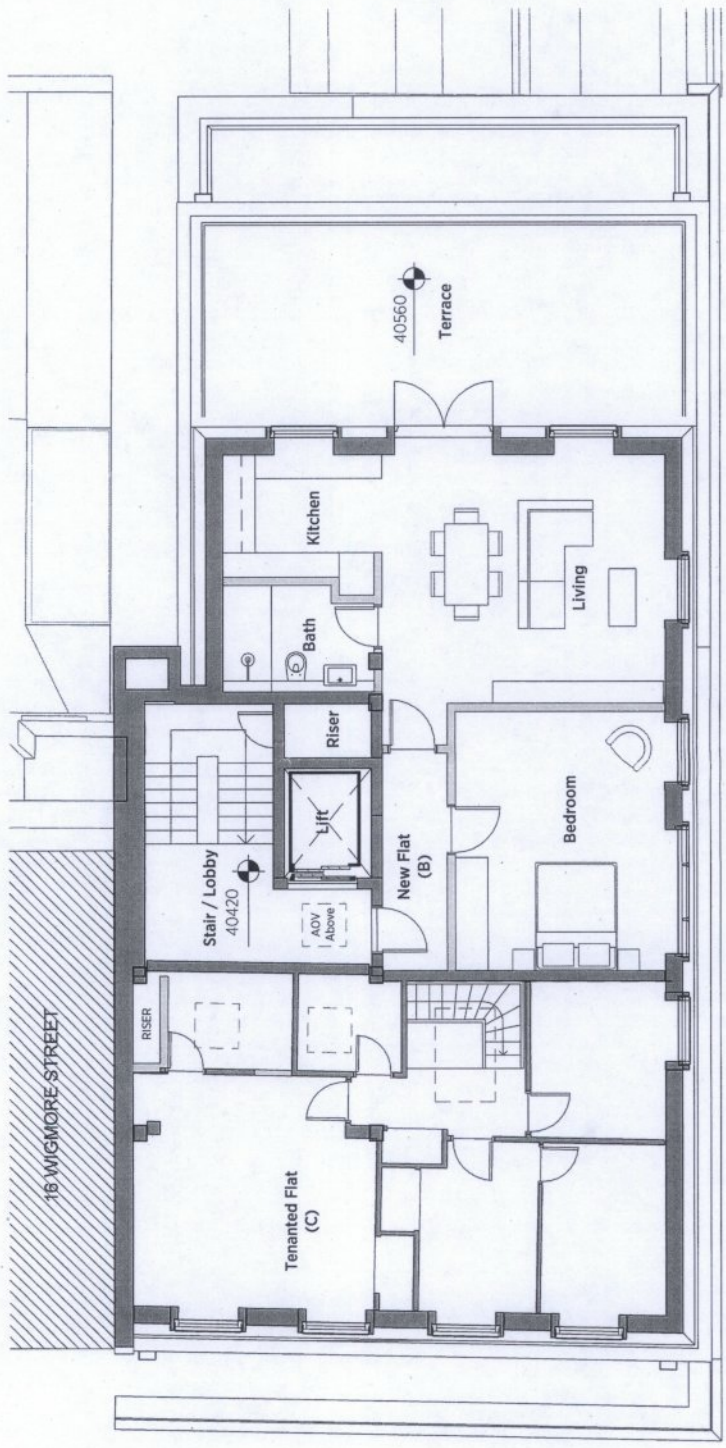
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Project: 12-14 Wigmore St

Title: Proposed 5th Floor Plan

|        |            |              |        |              |        |
|--------|------------|--------------|--------|--------------|--------|
| Date:  | 07/02/2014 | Drawn By:    | Author | Checked By:  | Author |
| Scale: | 1:100 @ A3 | Project No.: | 14019  | Drawing No.: | P150   |



General notes:

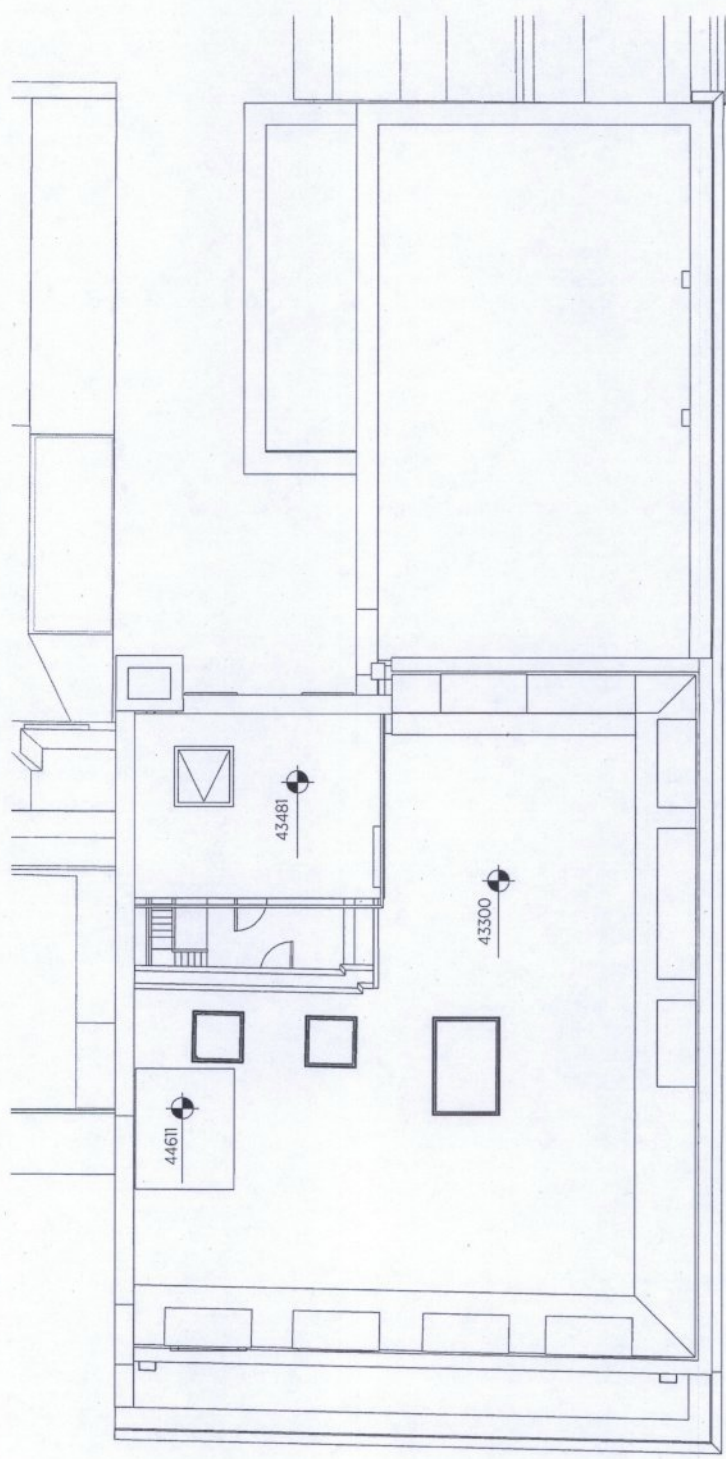
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|     |                   |             |      |
|-----|-------------------|-------------|------|
| Ref | Name              | Approved By | Date |
| 1   | 12-14 Wignmore St |             |      |

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12-14 WIGNMORE ST  
LONDON W10 2JQ  
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|              |                    |
|--------------|--------------------|
| Project No.  | 12-14 Wignmore St  |
| Type         | Existing Roof Plan |
| Date         | 17/12/2014         |
| Scale        | 1:100 @ A3         |
| Project Ref. | 14019-X160         |
| Drawn By     | CA                 |
| Checked By   |                    |
| Revision     |                    |



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 17/12/2014

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Notes & Legends

A. Roof Plant Enclosure subject  
 Ref: 1005218 LV  
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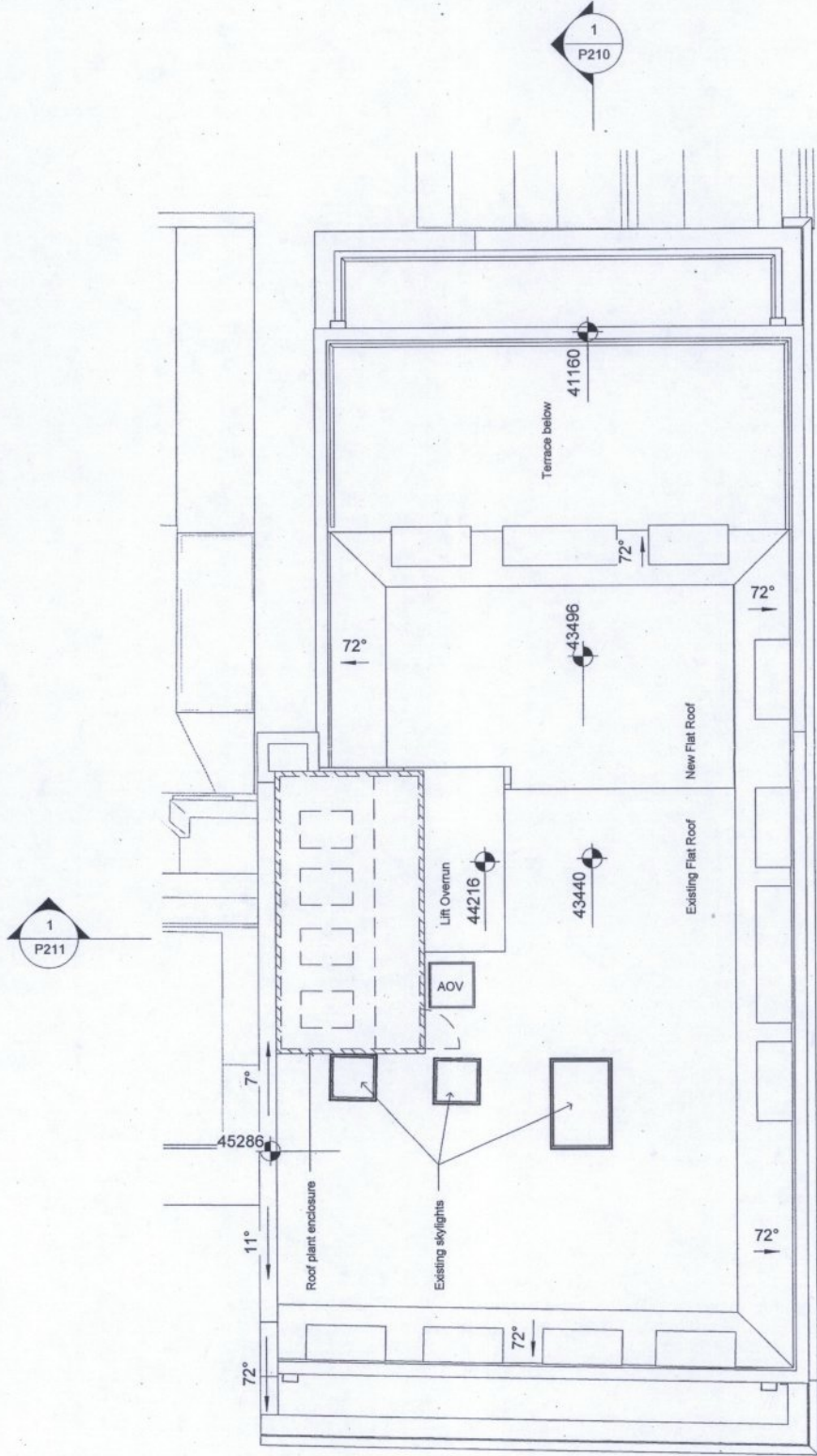
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 LONDON W1G 0EG

Project: 12-14 Wigmore St

Proposed Roof Plan

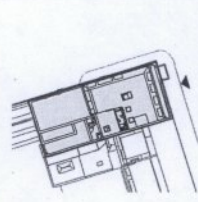
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|-----------|------------|--------------|-------|-------------|------|
| Date:     | 11/10/2014 | Drawn By:    | EC    | Checked By: | EC   |
| Scale:    | 1:100 @ A3 | Project Ref: | 14019 | Drawing No: | P180 |
| Revision: |            |              |       |             | A    |



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 Homes4Laguna

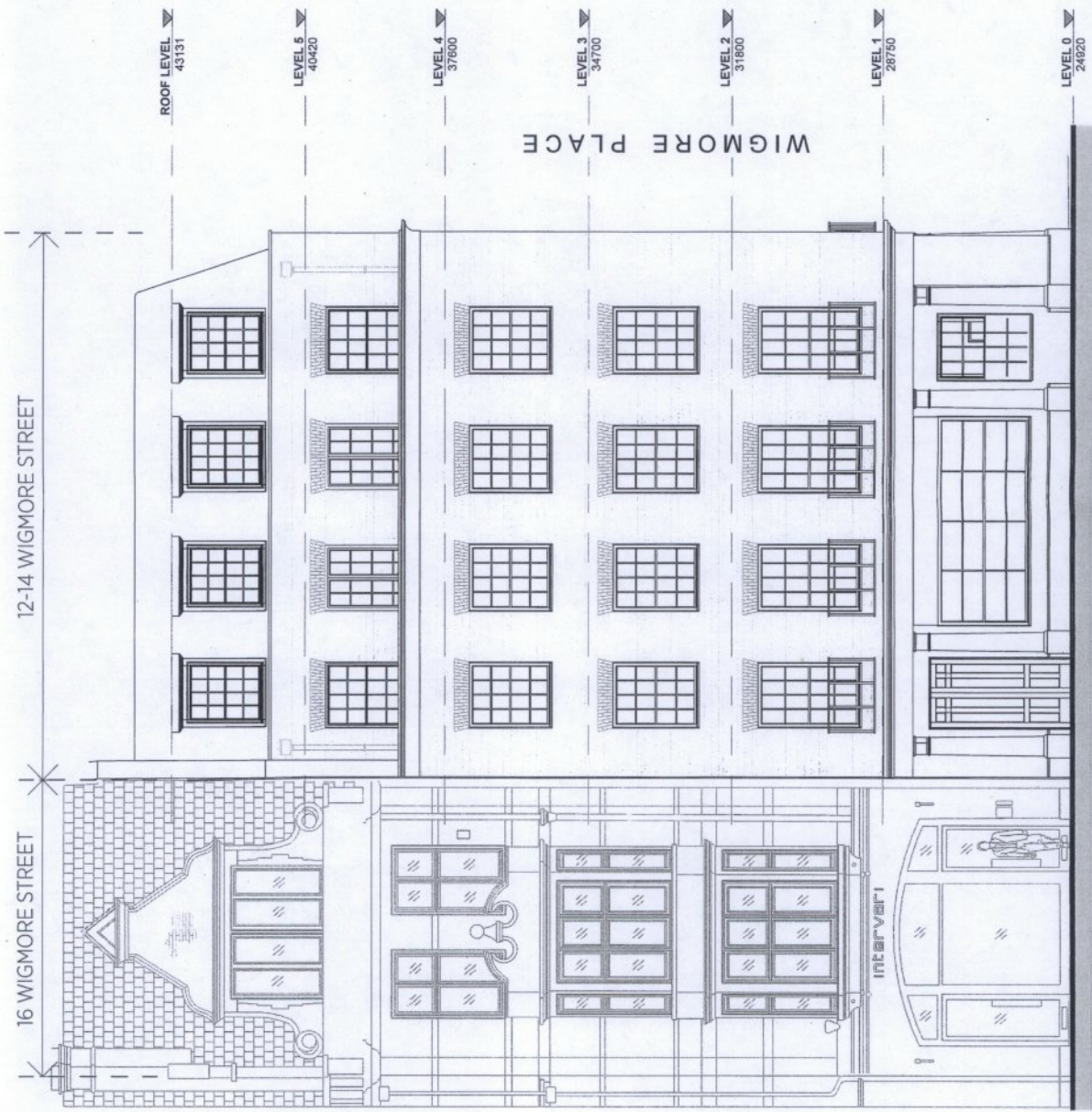
Client Name: Homes4Laguna  
 Drawing No: 14019  
 Date: 11/10/24  
 Drawn By: CA  
 Checked By: CA

Project: 12-14 Wigmore St  
 City Plan



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The Existing Elevation  
 South  
 Drawing No: 14019  
 X310

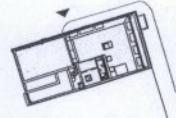




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 Noted: Agents

Project: 12-14 Wigmore St  
 Date: 11/02/2019  
 Scale: 1:100 @ A3  
 Drawing No: 14019 / X311  
 Client: B

PLANNING SET



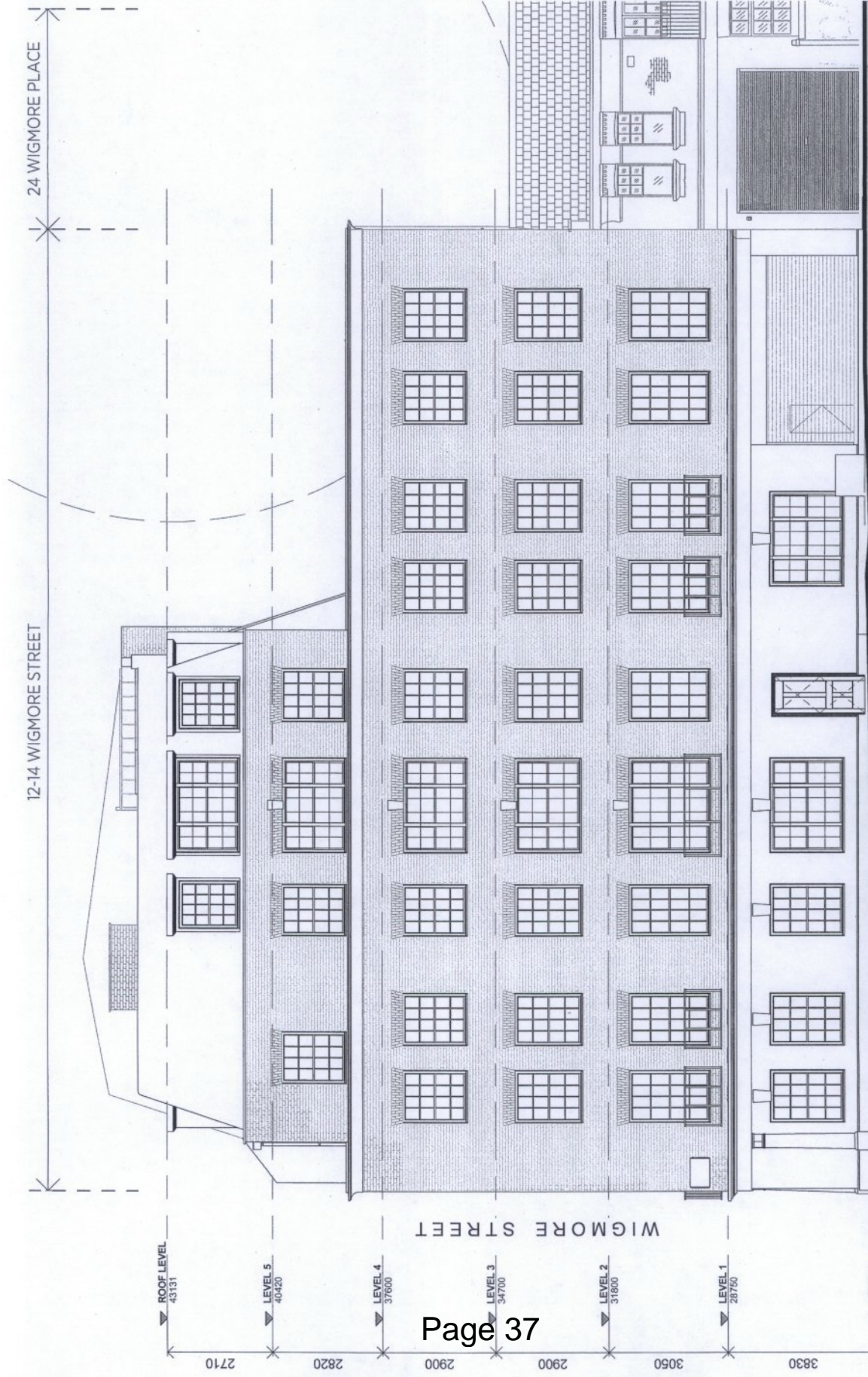
**KSRARCHITECTS**  
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 WIMBLEDON, MIDDLESEX TW20 2JF  
 TEL: 0208 891 1000  
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Project: 12-14 Wigmore St

The Existing Elevation

12-14 WIGMORE STREET

24 WIGMORE PLACE



WIGMORE PLACE

WIGMORE STREET



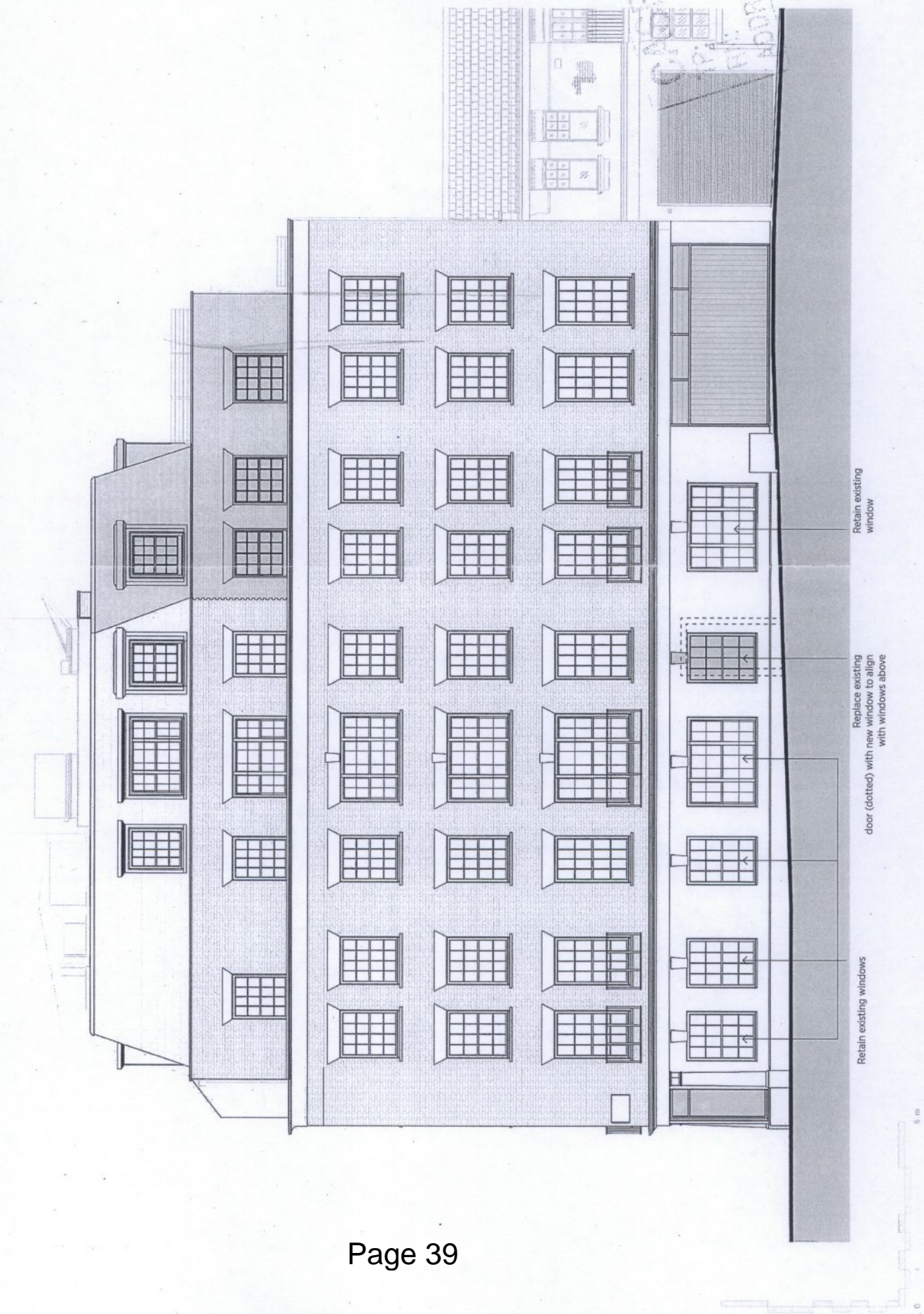


Drawings to be used in conjunction with other drawings and documents forming part of the Project Set.  
 Levels are based on survey information which is subject to JCB Checking by Contractor.  
 Existing finished floor levels are designated FL.  
 Proposed finished floor levels are designated PFL.  
 New facade and/or facade elements.  
 Existing brickwork and stone cornice to be retained. New structure below.  
 Refer to 1409-4-04 Window Brickwork Details.  
 All facade elements to be finished and coped.  
 Walls associated with new windows include new stone finish, brick, and etc.

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12-14 WIGMORE ST  
 East Elevation

|             |           |
|-------------|-----------|
| Project No. | 1409-3-01 |
| Revision    | D         |



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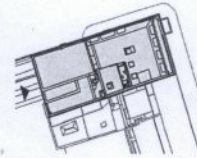
Check all dimensions on site prior to carrying out any works - advise any discrepancy.

Notes: agents

Rev: 1  
 Date: 12/12/2019  
 Rev: 2  
 Date: 12/12/2019  
 Rev: 3  
 Date: 12/12/2019  
 Rev: 4  
 Date: 12/12/2019

PLANNING SET

Rev: 1



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 WWW.KSRARCHITECTS.COM

Project:  
 12-14 Wigmore St

The  
 Existing Elevation  
 North

|                |            |            |    |              |            |
|----------------|------------|------------|----|--------------|------------|
| Date:          | 12/12/2019 | Drawn By:  | CA | Checked By:  |            |
| Scale:         | 1:500 @ A3 | Sheet No.: |    | Project No.: | 14019_X312 |
| Drawing Title: |            | Revision:  |    |              |            |

12-14 WIGMORE STREET

WIGMORE PLACE

24 WIGMORE PLACE

- ▼ ROOF LEVEL 43131
- ▼ LEVEL 5 40420
- ▼ LEVEL 4 37600
- ▼ LEVEL 3 34700
- ▼ LEVEL 2 31800
- ▼ LEVEL 1 28750
- ▼ LEVEL 0 24820

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A. Hard Hat Extension included  
 Not shown  
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 Date: 11/20/2019  
 Project No: 14019 P312

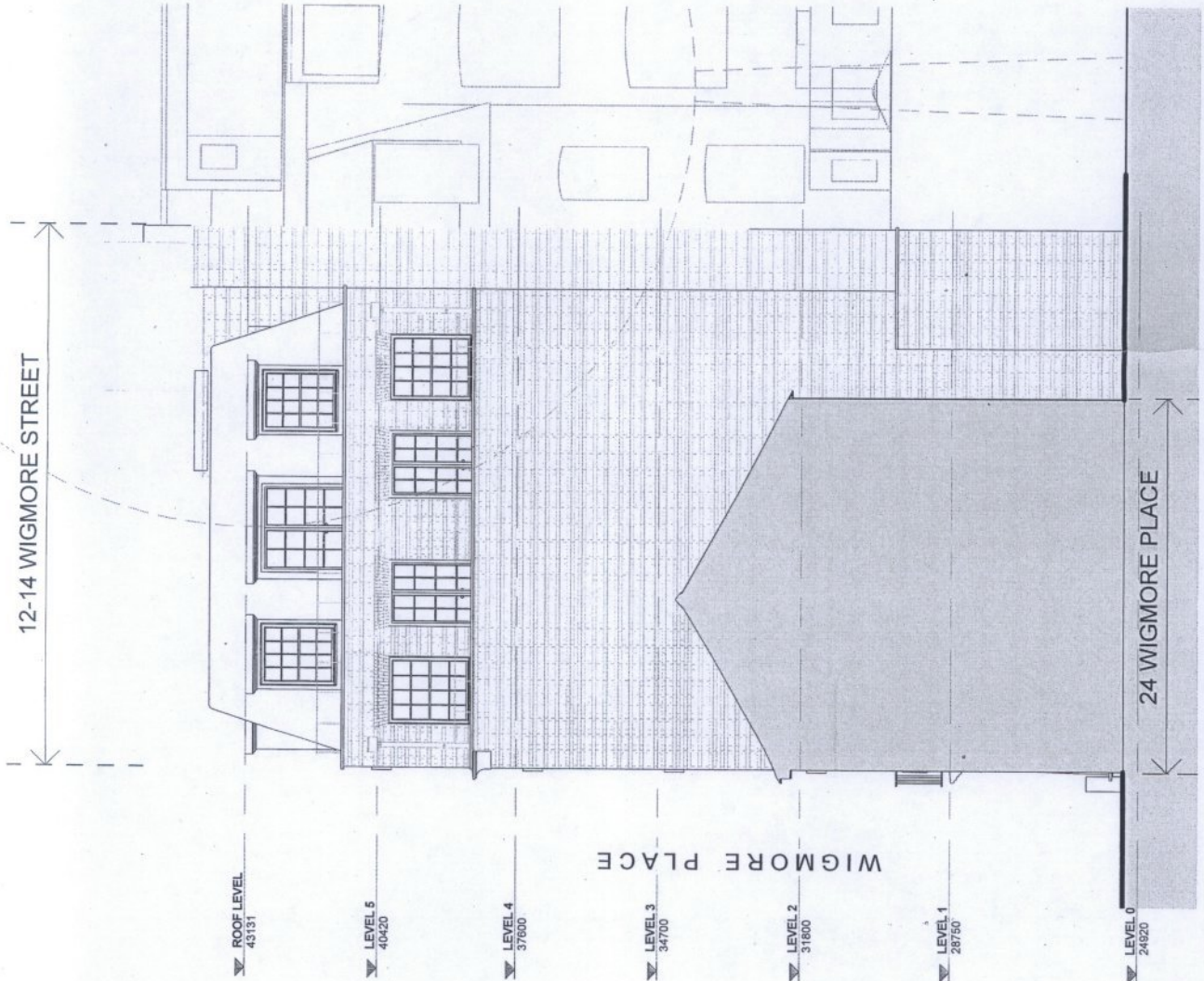
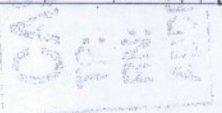
**PLANNING SET**



**KSR ARCHITECTS**  
 12-14 Wigmore St

Proposed Elevation  
 North

Scale: 1:100 @ A0  
 Drawn By: CA  
 Checked By: JG  
 Project No: 14019 P312  
 Revision: A



- ▼ ROOF LEVEL 43131
- ▼ LEVEL 5 40420
- ▼ LEVEL 4 37600
- ▼ LEVEL 3 34700
- ▼ LEVEL 2 31800
- ▼ LEVEL 1 28750
- ▼ LEVEL 0 24920

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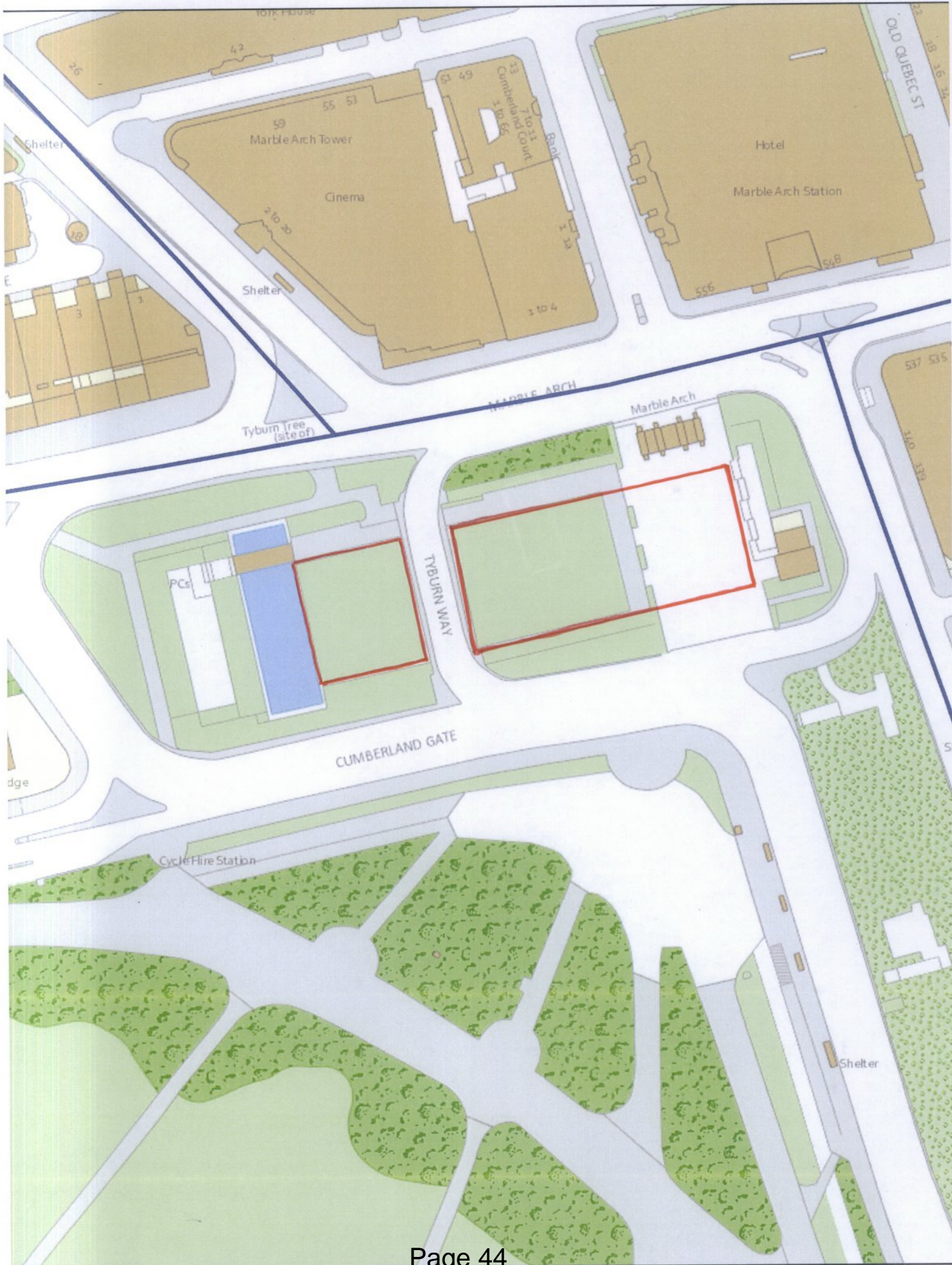
# Agenda Item 2

|          |
|----------|
| Item No. |
| 2        |

|  |   |  |            |
|--|---|--|------------|
| <b>CITY OF WESTMINSTER</b>   |   |  |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>22 September 2015  | <b>Classification</b><br>For General Release         |            |
| <b>Report of</b><br>Director of Planning   |   | <b>Wards involved</b><br>Knightsbridge And Belgravia |            |
| <b>Subject of Report</b>   | <b>Marble Arch, London, W1H 7DX</b>   |  |            |
| <b>Proposal</b>  | Use as a temporary Christmas event including structures and attractions (including food, drink and craft sales) between 1 December 2015 and 1 January 2016, 1 December 2016 and 1 January 2017, 1 December 2017 and 1 January 2018 (with set up and site clearance a week either side of the event), opening between 11.00 and 20.00 daily. (Council's Own Development) |  |            |
| <b>Agent</b>   | Wildstone Planning  |  |            |
| <b>On behalf of</b>  | Westminster City Council  |  |            |
| <b>Registered Number</b>   | 15/04407/COFUL  | <b>TP / PP No</b>                                    | TP/21761   |
| <b>Date of Application</b>   | 19.05.2015  | <b>Date amended/ completed</b>                       | 12.06.2015 |
| <b>Category of Application</b>   | Other   |  |            |
| <b>Historic Building Grade</b>   | Grade I Listed Building   |  |            |
| <b>Conservation Area</b>   | Royal Parks   |  |            |
| <b>Development Plan Context-</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Within London Plan Central Activities Zone<br>Outside Core Central Activities Zone  |  |            |
| <b>Stress Area</b>   | Outside Stress Area   |  |            |
| <b>Current Licensing Position</b>  | Not Applicable  |  |            |

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to no new issues being raised before the end of the consultation period.





MARBLE ARCH, W1  
Page 45

## 2. SUMMARY

The application site comprises the traffic islands which are located at the western end of Oxford Street on its south side. Before the creation of the road traffic gyratory around the islands they were part of Hyde Park and still contain the Grade I listed Marble Arch monument, which is on the eastern island. The islands are largely open, containing planted gardens including many mature trees and with a paved piazza in front of the monument, are part of designated Metropolitan Open Land (MOL) and within the Royal Parks Conservation Area. At the time of writing the report there was a fairground wheel on the site, which does not require planning permission as it has permitted development for 28 days.

This is a Council's own application to allow use of the area of land on the eastern island for a temporary Christmas event with structures and attractions, including a maze and food, drink and craft sales, for a temporary period throughout each December for the next three years until 2018. A festive media screen associated with the event and installed on the western island has already been granted advertisement consent (in July 2015). The proposed dates for the use of the land for the Christmas event are between 1 December 2015 and 1 January 2016, 1 December 2016 and 1 January 2017, 1 December 2017 and 1 January 2018 (with set up and site clearance a week either side of the event). The hours of opening to members of the public will be between 11.00 and 20.00 daily.

The key issues are:

- The impact of structures associated with the temporary event on the character and setting of the Grade I listed Marble Arch and the Royal Parks Conservation Area.
- The impact of structures associated with the temporary event on the character of the setting of the Metropolitan Open Land (Hyde Park).
- The impact of the temporary event on the amenity of neighbouring occupiers.

The event area would be divided into three areas. Zone 1 contains the festive media screen which has been approved under a separate advertisement consent. Zone 2 will contain a maze measuring 20m x 15m. At the heart of the maze will be a 4.5m Christmas tree and a 'festive lodge' selling refreshments will be located at the entrance to the maze. Zone 3 would be located directly south of the Marble Arch and will house food, beverage and arts and crafts concessions within wooden street stalls.

There have been previous proposals for temporary events and structures on the Marble Arch traffic islands. In 2011 the City Council refused an application for temporary structures and ice rink arena which was proposed to promote the Sochi Winter Olympics. These proposals were significantly larger and bulkier than that currently proposed, consisting of two temporary pavilions up to 11.5m in height, a covered bridge across Tyburn Way and a 725 person seater ice arena covering 550m<sup>2</sup>. It was also proposed to use the traffic island for a longer period than the current proposal, for six months from May until October.

In 2003 and 2004 the City Council granted permission for the use of the Marble Arch island for a temporary 10 week period for an ice rink. The proposals also involved a single storey restaurant building and an L-shaped single storey pavilion structure.

In design and land use terms the proposed event and its associated structures conflict with UDP Policy ENV14 which states "Planning permission will not be granted on or under Metropolitan Open Land unless the development is essential and ancillary to maintaining or enhancing the land as valuable open space...". There is also potential concern about the visual impact of the event on the setting of the Grade I listed Marble Arch, the character and appearance of this part of the Royal Parks Conservation Area and whether it serves to protect or enhance that character and appearance and impact on Metropolitan Open Land.



Such a proposal, if proposed to be permanent or in situ for a long period of time, would be highly contentious and would normally be unacceptable in terms of the impact on the sensitive open setting. However, despite the impact of the proposed event on the Grade I listed Marble Arch, conservation area and Metropolitan Open Land, there is considered to be sufficient flexibility to allow the proposal given that it will be present for a comparatively short period of six weeks over the Christmas period, a time of year when such events are not unusual. With the exception of the Christmas tree at the centre of the maze (measuring 4.5m), it will comprise of comparatively modest sized structures which will limit the impact on the listed structure and conservation area, as opposed to a large single structure. In addition, the event is located in the busy north east corner of Hyde Park, at the junction between Oxford Street and Edgware Road, which will again limit the impact of the event. It is not, therefore, considered that the event will cause sustained harm to the character and appearance of this part of the Royal Parks Conservation Area or the Grade I listed Marble Arch.

In amenity terms, the applicant has advised that the event's opening hours will be 11.00-20.00 hours and that no amplified sound or live entertainment are proposed. There may be more noise during assembly and de-assembly one week either side of the event, but given the site's busy location at the junction between Edgware Road and Oxford Street, it is considered unlikely that this will cause harm to neighbouring residents' amenity. A condition is recommended to require the submission of a noise report to demonstrate that generators and plant associated with the event will operate below background noise levels at any nearby residential property and that noise nuisance can be prevented. The applicant will also submit a noise management report.

The site is well located for public transport and there will be no parking on-site. At this stage detailed plans showing the layout of the maze, or the number and layout of the street stalls has not been provided. It is recommended that a condition is imposed which requires more detailed layout plans prior to any works commencing on site. This will allow the City Council to ensure that pedestrian movement from the pedestrian crossings to the north and south of Marble Arch and access to Marble Arch Underground Station are unhindered. The Highways Planning Manager has confirmed no objection to the proposal subject to receipt of satisfactory layout plans and the imposition of a condition requiring a detailed servicing management plan for the event. This is also considered to be sufficient to address the objection from Transport for London about servicing etc.

Objections have been received on the grounds that the proposed event would not provide public toilets or CCTV and that there is insufficient information about the event's security arrangements. The provision of public toilets is not considered to be a Planning consideration for an event of this scale. With regard to the security and CCTV arrangements, a condition is proposed requiring the submission of a detailed operational strategy including security arrangements. This will allow the City Council to ensure that satisfactory event security is in place.

Given that the proposed event is for a temporary period over a limited period of three years, it is considered that, subject to appropriate conditions, the proposals are acceptable in land use, transport, design and amenity terms. Whilst objectors request permission is granted for one year only, given the small scale nature of the proposal, three years is considered to be acceptable.

### **3. CONSULTATIONS**

HISTORIC ENGLAND  
Flexible authorisation received.

**MARYLEBONE ASSOCIATION**

Objections to the temporary festive media screen (this has already been granted temporary advertisement consent).

In terms of the event itself, the proposed opening hours of 11.00-20.00 appear reasonable, however, it is unclear why operations generating excessive noise need to run from 07.00-22.00 (the hours proposed for assembly and de-assembly of the event) and if officers are minded to approve the application this should be reduced, for example 08.00-21.00.

**SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION**

- Express concern that not all neighbouring amenity societies had been consulted.
- Question the security arrangements and states that CCTV and on-site public toilets should be provided.
- A one year approval, rather than the proposed three year approval, would be more appropriate, and it is surprising that the event would be permitted to open on Christmas Day.

**HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally.

**RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S**

Any response to be reported verbally.

**TRANSPORT FOR LONDON**

Objection to the proposal without the following information:

- Details of capacities and expected visitors throughout the day.
- The delivery and servicing arrangements for the site. The expected number of trips associated with the event and where it is proposed that associated vehicles park.
- Circulation flows for pedestrians into and out of the site, and between Zone 1 and 2 how any impact on bus operations will be avoided.
- What measures will be put in place to avoid any disruption to the safe operation of traffic flows, such as how any dropping off/picking up will be avoided/managed on this busy Red Route.

**ENVIRONMENTAL HEALTH**

No objection.

**HIGHWAYS PLANNING MANAGER**

No objection subject to the imposition of relevant conditions requiring further details regarding servicing and waste storage.

**THE ROYAL PARKS**

Any response to be reported verbally.

**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 495; Total No. of Replies: 1.

One letter of representation raising the following issues:

- A trial run of one year would be preferable to granting permission for three years.
- There are no toilets proposed and this is likely to exacerbate existing problems from people relieving themselves in nearby streets. The Marble Arch public toilets, which are now closed, were open when previous events such as the ice rink were permitted on Marble Arch.

- The event should not be permitted to open on Christmas Day.

ADVERTISEMENT/SITE NOTICE: Yes

## BACKGROUND PAPERS

1. Application form.
2. Comments from the Marylebone Association dated 14.7.2015.
3. Comments from the South East Bayswater Residents Association dated 28.08.2015.
4. Comments from Historic England dated 29.06.2015.
5. Comments from Transport for London dated 26.08.2015
6. Memorandum from Environmental Health dated 09.07.2015.
7. Memorandum from Highways Planning Manager dated 18.08.2015.
8. Comments from owner/occupier of 45 Connaught Square dated 01.09.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL –[pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Marble Arch, London, W1H 7DX

**Proposal:** Use as a temporary Christmas event including structures and attractions (including food, drink and craft sales) between 1 December 2015 and 1 January 2016, 1 December 2016 and 1 January 2017, 1 December 2017 and 1 January 2018 (with set up and site clearance a week either side of the event), opening between 11.00 and 20.00 daily. (Council's Own Development)

**Plan Nos:** 3007/PP/01; 3007/PP/02; 3007/PP/03; 3007/PP/10; 3007/PP/11; Installation and Operation Management Statement.

**Case Officer:** Billy Pattison

**Direct Tel. No.** 020 7641 3267

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The temporary Christmas event allowed by this permission shall only be open to the public between 01 December 2015 to 1 January 2016, 01 December 2016 to 1 January 2017, 01 December 2017 and 1 January 2018. The structures associated with the temporary event can be erected from one week before the event opens to the public and shall be removed within one week of the event closing to the public. You must then return the land to its previous condition and use.

**Reason:**

The use is not as set out in DES1, DES5, DES9, DES12, DES15 and ENV14 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

- 4 You must not open the Christmas event to customers outside the following times: between 11.00 and 20.00 hours.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29

of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 No music shall be played at any times.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This

acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone visiting the event.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 The land shall be reinstated to its condition prior to the development taking place, including any replacement planting, within one month of the event closing to the public each year.

Reason:

To safeguard the setting of the adjacent Grade I listed building, the openness of Metropolitan Open Land and to preserve the character and appearance of the Royal Parks Conservation Area as set out S25 and CS 28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9, DES10, DES 12 and ENV 14 of our Unitary Development Plan that we adopted in January 2007.

- 10 Before any work begins each year we must approve detailed drawings at a scale of 1:100 of the layout of both Zone 2 and Zone 3, and detailed drawings at a scale of 1:50 of the elevations of all structures. You must then ensure that the event is installed in accordance with the approved layout plans and structures for that year and retained as such until the event is disassembled, with Zone 1 only being used for the display of the festive media screen approved on 20.07.15 (15/04408/COADV)

Reason:

In the interests of public safety and to avoid obstructing pedestrians as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 11 You must apply to us for approval of details of a noise management plan demonstrating how you will manage noise levels at the event responsibly to minimise disruption to local residents and businesses. You must not open the event to members of the public until we have approved what you have sent us. The event shall then be managed in accordance with the approved report.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

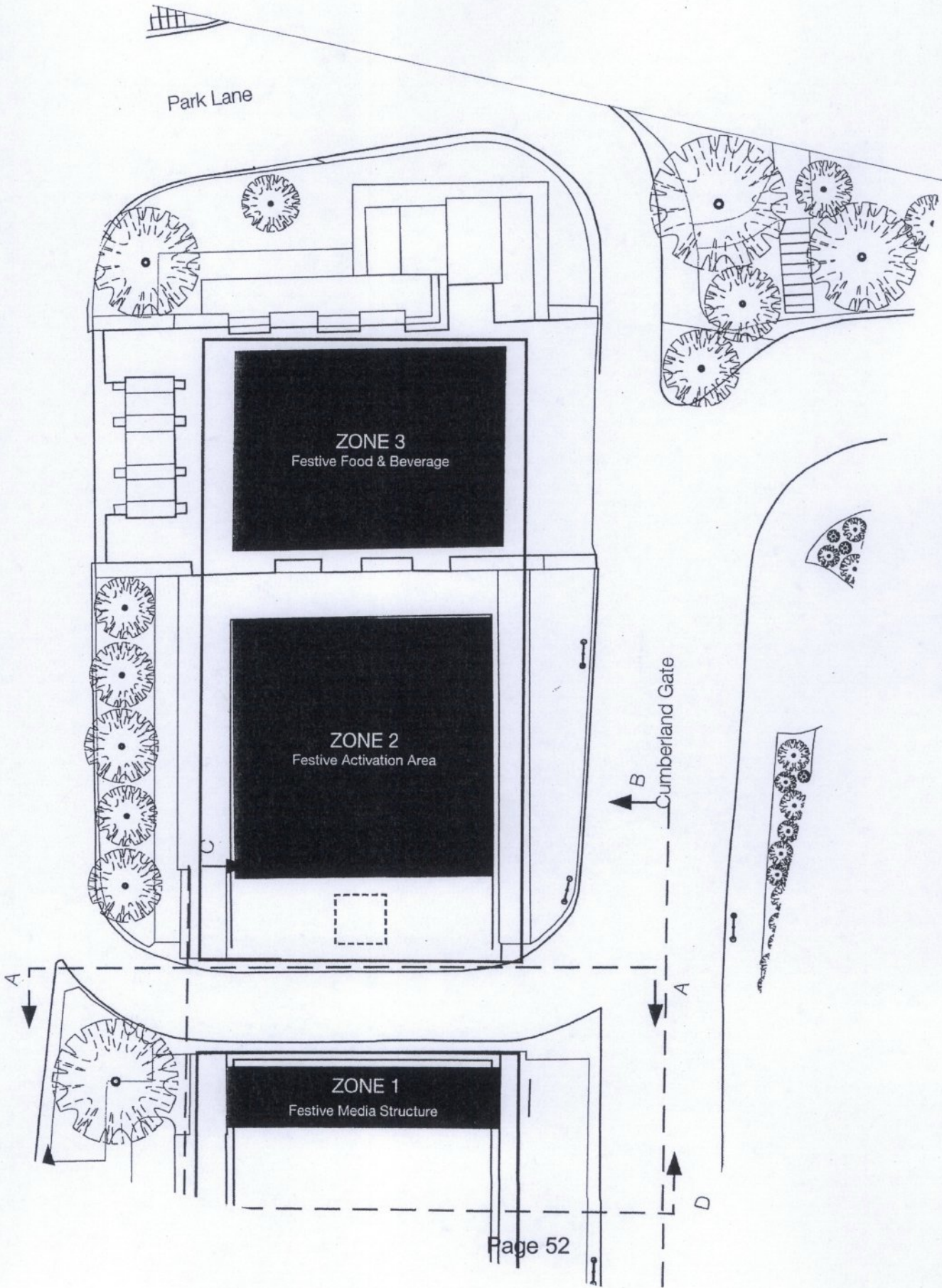
- 12 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed operational (including security arrangements) and servicing management strategy for the Christmas event. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

**Reason:**

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as required by Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

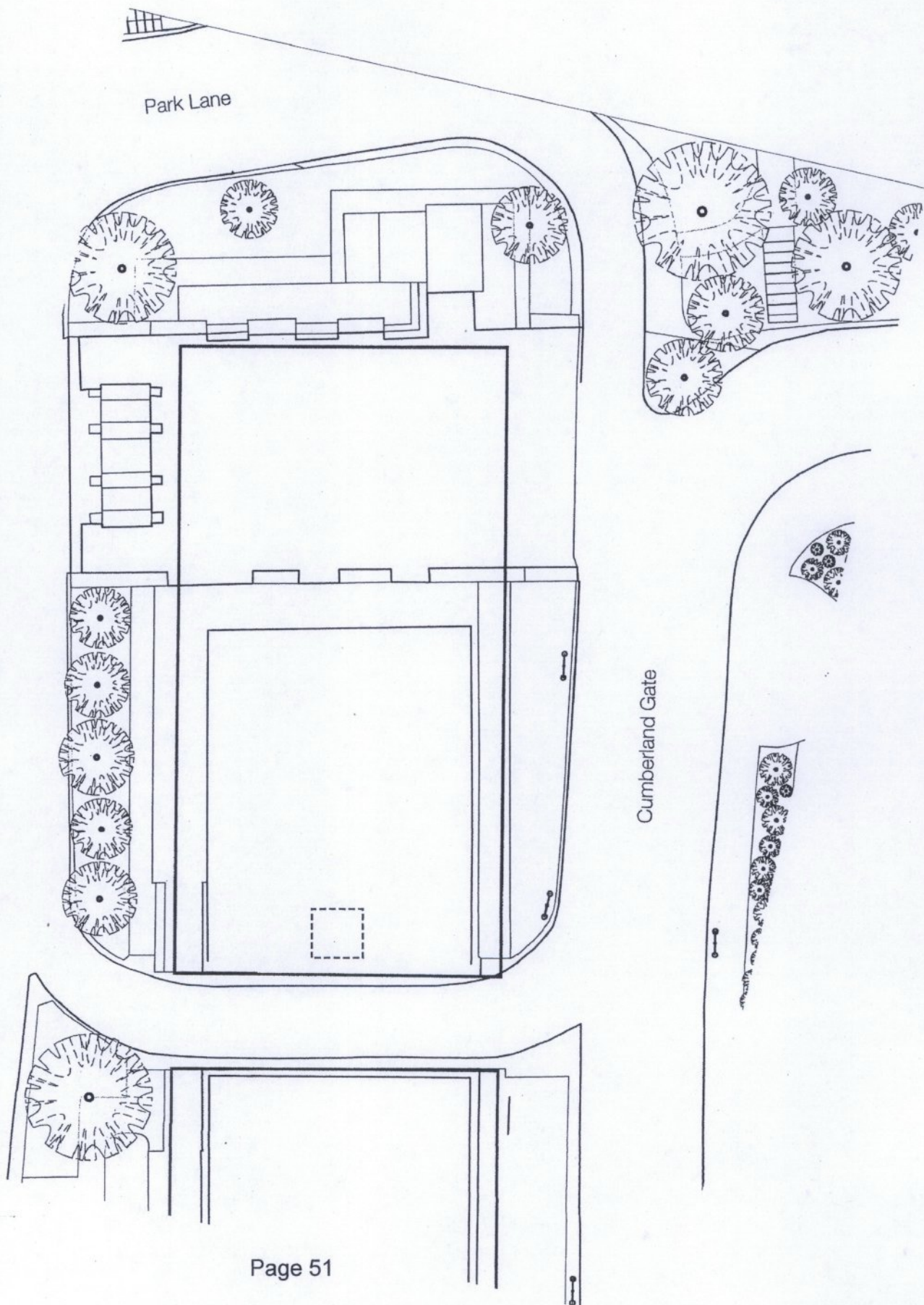
**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regard to Condition 12, the strategy should include details of servicing arrangements for the setting up and dismantling of the structures for the Christmas event, as well as servicing requirements whilst the event is in operation.



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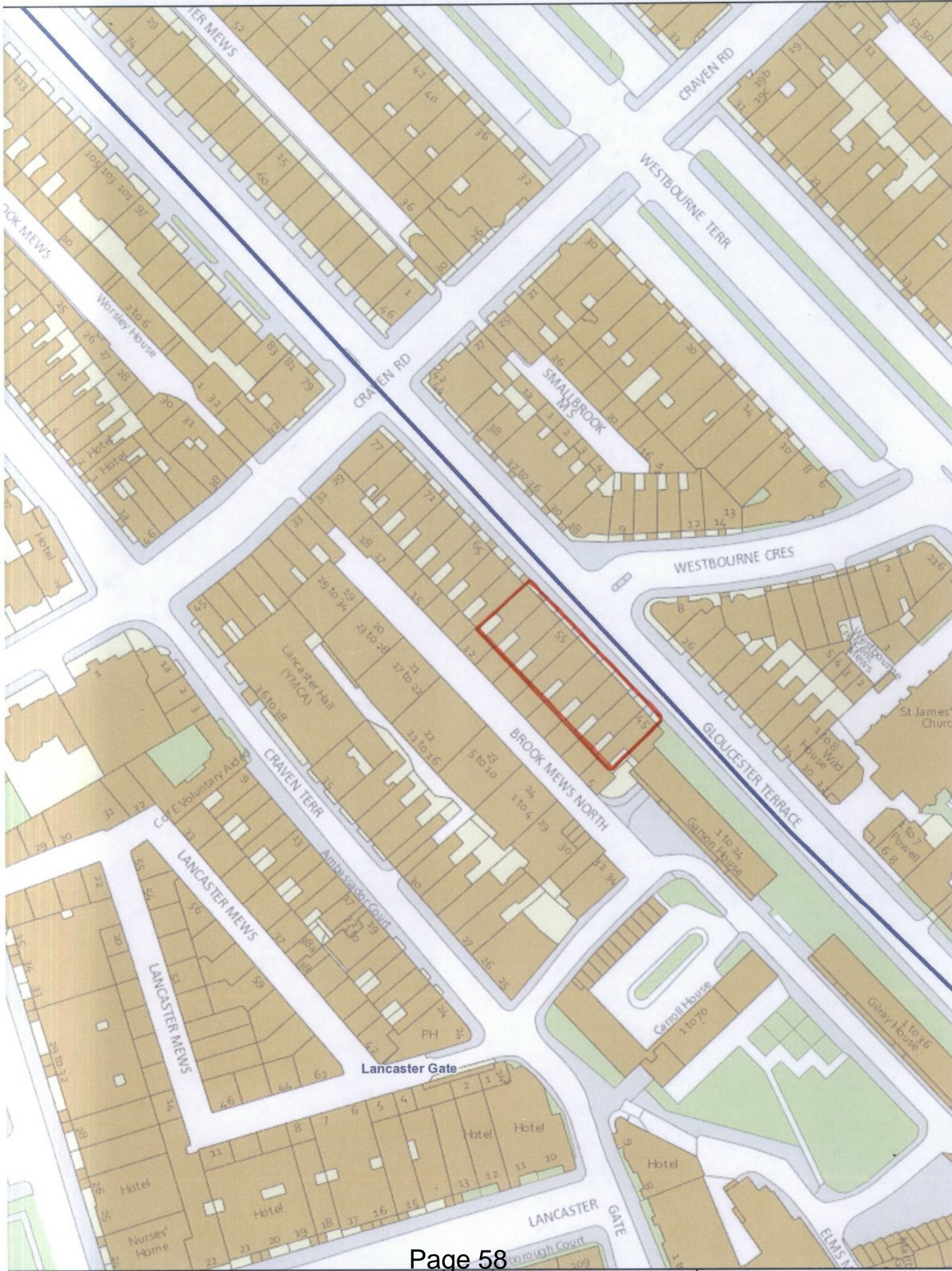
# Agenda Item 3

|          |
|----------|
| Item No. |
| 3        |

|   |  |  |            |
|---|--|--|------------|
| <b>CITY OF WESTMINSTER</b>  |  |  |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>22 September 2015   | <b>Classification</b><br>For General Release |            |
| <b>Report of</b><br>Director of Planning  |  | <b>Wards involved</b><br>Lancaster Gate      |            |
| <b>Subject of Report</b>  | <b>Royal Court Apartments, 51 Gloucester Terrace, London, W2 3DQ</b>   |  |            |
| <b>Proposal</b>   | Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvred roof; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades and roofs. |  |            |
| <b>Agent</b>  | Sweett (UK) Ltd  |  |            |
| <b>On behalf of</b>   | Transomas Limited  |  |            |
| <b>Registered Number</b>  | 14/02059/FULL  | <b>TP / PP No</b>                            | TP/1117    |
| <b>Date of Application</b>  | 05.03.2014   | <b>Date amended/ completed</b>               | 23.02.2015 |
| <b>Category of Application</b>  | Minor  |  |            |
| <b>Historic Building Grade</b>  | Unlisted (but No. 59 Grade II Listed Building)   |  |            |
| <b>Conservation Area</b>  | Bayswater  |  |            |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone<br>Outside Central Activities Zone   |  |            |
| <b>Stress Area</b>  | Outside Stress Area  |  |            |
| <b>Current Licensing Position</b>   | Not Applicable   |  |            |

## 1. RECOMMENDATION

Grant conditional permission.





ROYAL COURT APARTMENTS, 45-59 GLOUCESTER TERRACE, W2

## 2. SUMMARY

Royal Court Apartments comprises 45-59 Gloucester Terrace, a group of eight former terraced houses on the west side of the street. They are all stuccoed mid 19th century properties and Nos.45 - 57 are unlisted buildings, whereas No.59 is a Grade II listed building. The site lies within the Bayswater Conservation Area. Below first floor level the properties extend to the boundary line with the mews properties in Brook Mews North, whereas at first floor level there is a fairly regular rhythm of shallow projecting wings, some of which also extend to second floor height.

The building has been in use principally as a hotel. In February 2012 the building was the subject of a fire, which caused significant damage to the building. The hotel has remained closed since the fire and some works of strip out and repair have already commenced. The works of strip out have also revealed structural deficiencies within the surviving fabric.

This application seeks permission for various works of alteration which relate to a thorough refurbishment of the property following the fire. An accompanying listed building consent for works to No.59 (13/10780/LBC) has already been approved.

The proposals include a re-modelling of the interior, which will result in a change in the number of rooms from 78 to 96. The external alterations include the replacement of all the windows to the property; an enlargement of the rear wing to No.51; the addition of a service riser to the rear of No.51; the introduction of ductwork at roof level; the introduction of plant at mezzanine level to the rear, behind Nos. 49 and 55; and the introduction of two new lifts, which will have overruns that project above the roof.

In terms of consultation responses, the one aspect of the proposal which has raised particular concern relates to the impact of the plant on residential properties, particularly those within Brook Mews North, which back on to the application site.

The key issues raised by the proposal are considered to be:

- The impact of the proposed works on the buildings and the character and appearance of the Bayswater Conservation Area;
- The impact of the proposals on the residential amenity of adjacent occupants.

The proposals will result in a thoroughly refurbished property and the proposed alterations would not have an adverse impact on the buildings or upon the character and appearance of the conservation area. With respect to the proposed plant, it is considered that this is capable of complying with the City Council's noise control requirements. As such, the proposal is recommended for approval.

## 3. CONSULTATIONS

### FIRST CONSULTATION

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Holding objection, concerned about noise nuisance to residents living in Brook Mews North.

#### ENVIRONMENTAL SCIENCES

No objection with suggested conditions.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 56; Total No. of Replies: 1.

One objection received from 11 Brook Mews - concerned about the air conditioning units located to the rear of No.8 Brook Mews.

ADVERTISEMENT/SITE NOTICE: Yes.

**SECOND CONSULTATION****SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Maintain objection, concerned about noise nuisance to residents living in Brook Mews North and concerned about accuracy of the acoustic report. Support concerns expressed by local resident and feel that units should be located on main roof. Also concerned by the lift overruns and their visual impact.

**ENVIRONMENTAL SCIENCES**

No objection with suggested conditions.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 56; Total No. of Replies: 5 (four from same person)

Concerned about the noise impact of the air conditioning units and by the accuracy of the acoustic report. Also concerned about use of low noise mode and request more robust acoustic enclosure.

ADVERTISEMENT/SITE NOTICE: Yes.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

Royal Court Apartments comprises 45-59 Gloucester Terrace, a group of eight former terraced houses on the west side of the street. They are all stuccoed mid 19th century properties and Nos.45 - 57 are unlisted buildings, whereas No.59 is a Grade II listed building. The site lies within the Bayswater Conservation Area. The buildings comprise of lower ground floor, ground floor and five upper storeys (the top storey being in the form of a mansard roof). To the rear of the application site is Brook Mews North, which typically contains three storey 19th century mews houses, some of which are contiguous with the application site.

The building has been in use principally as a hotel, although there were, according to the applicant, rented residential apartments at basement and ground floor level. In February 2012 the building was the subject of a fire, which broke out around the lift shafts located in House 51 at fifth floor level. The fire caused significant damage to the central sections of the building at fifth, fourth and third floor levels. A combination of smoke damage, water used to extinguish the fire and water contained by roof mounted water tanks, caused much more extensive damage to the interior, spreading to all parts of the building, including the listed No.59. The building has remained closed since the fire and some works of strip out and repair have already commenced. The works of strip out have also revealed structural deficiencies within the surviving fabric.

## 4.2 Relevant History

14/02665/LBC – Internal alterations [to 59 Gloucester Terrace] including structural alterations, repair of stucco, replacement of roofing material to mansard roof and alterations to glazing, including secondary glazing. Consent granted on 2 September 2014.

13/10780/LBC – Internal works to all floors [of 59 Gloucester Terrace] including replacement of damaged plaster, plasterboard and asbestos containing wall, ceiling lining materials and electrical installations, together with bathrooms, kitchens and plumbing services. Consent granted on 9 January 2014.

93/01787/CLEUD – Certificate of Lawfulness granted for the use of the properties as 101 residential flats for short term letting with servicing – basement and ground (part), first, second, third, fourth and fifth floors dated 25 November 1993.

## 5. THE PROPOSAL

This application seeks permission for various works of alteration which relate to a thorough refurbishment of the property following the fire. An accompanying listed building consent for works to No.59 (13/10780/LBC) has already been approved. The proposals include a re-modelling of the interior, which will result in a change in the number of rooms from 78 to 96. The external alterations include the replacement of all the windows to the property; an enlargement of the rear wing to No.51; the addition of a service riser to the rear of No.51; the introduction of ductwork at roof level; the introduction of plant at mezzanine level to the rear, behind Nos. 49 and 55; and the introduction of two new lifts, which will have overruns that project above the roof.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

A Certificate of Lawfulness was granted for the site in 1993 which confirmed its use as residential flats for short term letting with servicing. The applicant described the building as an Apart-Hotel with a combination of hotel rooms and rented apartments. The total number of units prior to the fire was 95 (78 guest rooms/suites and 17 rented apartments) and the current proposals maintain the principal hotel use but by re-ordering the layout increase the number of hotel rooms to 96. As the proposal does not include any extension of the hotel in terms of an increase in floorspace, it is considered that the proposal raises no land use issues.

### 6.2 Townscape and Design

The proposed alterations to the property are considered acceptable in design terms. This group of mid 19th century former terraced houses make a positive contribution to the character and appearance of the conservation area. The proposed replacement windows would be to a traditional design, incorporating double glazing with timber vertical sliding sash windows. The windows would predominantly feature one-over-one sash windows and would result in a consistent appearance.



At roof level the proposals include the introduction of some ductwork and two lift overruns. The ductwork will project above the height of the roof surface by approximately 500mm and the lift overruns would project approximately 700mm above the roof. They would be lower than the two water tanks which were previously on the roof. SEBRA raise concern that these will be viewable from the Barrie Estate, which is located to the south. It is likely that these rooftop projections will be seen in long views and from non-street level views, but due to the low height of these items, which will be clad in a grey membrane, it is considered that these will have minimal visual impact and would not adversely affect the appearance of the buildings or the wider conservation area.

To the rear a small extension is proposed to the projecting wing to No.51. The extension would raise the height of the wing by approximately 1.7m and bring it up to the same height as other rear wings immediately to the north. Adjacent to this rear wing it is proposed to introduce an external service riser, which is to be clad in GRP and disguised with a brick finished appearance.

The two areas of proposed plant to the rear and at mezzanine level will be located within former internal rooms, which will have their roof removed and replaced with louvres. The plant will effectively be contained within the envelope of the existing building and as such will have minimal visual impact. The proposed plant enclosures are considered to have no adverse impact on the buildings or upon the character and appearance of the conservation area.

Overall, the proposals are considered acceptable in design terms and would accord with Policies S25 and S28 of our City Plan and DES 1, DES 5, DES 6, DES 9 and DES 10 of our UDP.

### **6.3 Amenity**

All of the objections to this application relate to concerns about the impact of the proposed plant. The initial proposal included a plant enclosure at mezzanine level to the rear of No.49 and a second plant enclosure at main roof level to No.51. This second enclosure was subsequently relocated to also be at mezzanine level to the rear of No.55. Principally because of this re-positioning of the plant and the request for a revised acoustic report, the application was re-validated and a second round of consultation took place.

However, objections have been received to the impact of noise from the plant, both to the original proposal and to the current revised proposal. One of the concerns expressed relates to the accuracy of the noise assessment, with queries raised about the location of the noise measuring devices, the location of the nearest noise receptors and the fact that local environmental conditions may have created untypical noise levels.

To address some of these concerns a further noise assessment has been undertaken by the applicant to establish the background noise levels. The new noise assessment identified a minimum background noise level of 42dB(L) between 07:00-23:00 and 37db(L) between 23:00 and 07:00. This compares with figures of 44dB(L) and 39dB(L) respectively in the previous noise assessment. The difference in minimum noise levels between the two sets of recording is 2dB.

Further concerns were expressed about the accuracy of this revised noise assessment and as a result a further noise assessment was undertaken by the Council's Environmental Sciences Team. This involved the installation of monitoring equipment on an objector's roof, in Brook Mews North for a six day period. The results of this survey produced a lowest daytime background noise level of 42dB(L), which corresponds with the applicant's acoustic data. The lowest night time noise level record by the Environmental Sciences Team was 32dB (L) which was 5dB lower than the applicant's data. However, the night time noise levels recorded by the

Council are below WHO guideline levels, which would mean that the plant has to operate at 5dB below the lowest noise level. The proposed plant is specified to operate at 27dB (L) and so would comply with our noise requirements.

The proposed plant will be sunk into former rooms at the rear of the hotel with louvres above. The air condenser units will be fitted with acoustic equipment and are proposed to operate in 'low noise mode' during night time hours. As proposed, with the required mitigation measures, the plant would accord with our noise compliance requirements and this has been confirmed by our Environmental Health officer. Conditions are imposed to ensure that the plant does comply with our noise requirements and that the plant is operated in setback mode between 23.00 and 07.00.

There are no other amenity issues which arise from the proposals.

#### **6.4 Transportation/Parking**

There are no transportation issues which arise from the proposals.

#### **6.5 Economic Considerations**

There are no economic considerations which arise from the proposals.

#### **6.6 Other UDP/Westminster Policy Considerations**

There are no other policy considerations which arise from the proposals.

#### **6.7 London Plan**

The proposals do not raise strategic issues.

#### **6.8 Planning Obligations**

The proposals are of insufficient scale to generate a requirement for any planning obligations.

#### **6.9 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposals are of insufficient scale to require an environmental assessment.

#### **6.10 Other Issues**

None.

#### **6.11 Conclusion**

The proposals are considered acceptable in terms of land use, townscape and design, and in terms of impact upon residential amenity, in accordance with TACE 1, DES 1, DES 5, DES 6, DES 9, DES 10 and ENV 6 and ENV 7 of our UDP and S23, S25, S28, S29 and S32 of our City Plan.

### **BACKGROUND PAPERS**

1. Application form.
2. Memorandum from Premises Management Environmental Sciences Team dated 17 June 2014.
3. Online response from owner/occupier of Mews North dated 19 June 2014.

4. E-mail from South East Bayswater Residents Association dated 6 August 2014.
5. Online response from owner/occupier of 11 Brook Mews North dated 13 March 2015.
6. Online response from owner/occupier of 11 Brook Mews North dated 19 March 2015.
7. E-mail from South East Bayswater Residents Association dated 27 March 2015.
8. Memorandum from Environmental Sciences Team dated 22 April 2015.
9. E-mail from owner/occupier of 11 Brook Mews North dated 4 June 2015.
10. Online response from owner/occupier of 2 Garson House dated 25 June 2015.
11. Letter from owner/occupier of 11 Brook Mews North dated 2 August 2015.
12. E-mail from owner/occupier of 11 Brook Mews North dated 14 August 2015.
13. E-mail from South East Bayswater Residents Association dated 17 August 2015.
14. Memorandum from Environmental Sciences Team dated 27 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Royal Court Apartments, 51 Gloucester Terrace, London, W2 3DQ

**Proposal:** Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvred roof; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades, roofs.

**Plan Nos:** 104922/1000 (site location plan); 104922-002; 101; 102; 103; 104; 105; 106; 001A; 003A; 007; 104922-010/E; 104922-1021/A; 104922-1023/A; 104922-1025; 104922-1026/A; 104922-1028; 104922-1029; Acoustic Planning Compliance Report ref. 10595.PCR.01 Rev H.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 FOR APPROVED PLANT OPERATING BETWEEN THE HOURS OF 07.00 AND 23.00

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be

representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

## Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

## 5 FOR APPROVED PLANT OPERATING BETWEEN THE HOURS OF 23.00 AND 07.00.

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 The condensing units hereby approved shall operate in night-time setback mode between 23.00 and 07.00.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted operates to an acceptable noise output at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 The replacement sash windows shall be timber vertical sliding and painted white. The details shown in approved drawing 007 reflect typical framing sizes only, with the presence of glazing bars restricted to the windows shown on the approved elevations.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The riser to the rear of no.51 shall be clad so as to match the tone and appearance of surrounding brickwork.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 All plant and ductwork at roof level shall be coloured to match the roof of the mansard roof prior to the hotel re-opening. The plant and ductwork shall thereafter be retained in a colour that matches the mansard roof.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 The acoustic louvred roofs shown on drawing number 104922-1021 Revision A shall be installed prior to first operation of the plant hereby approved. The acoustic louvred roofs shall be retained thereafter.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.



Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

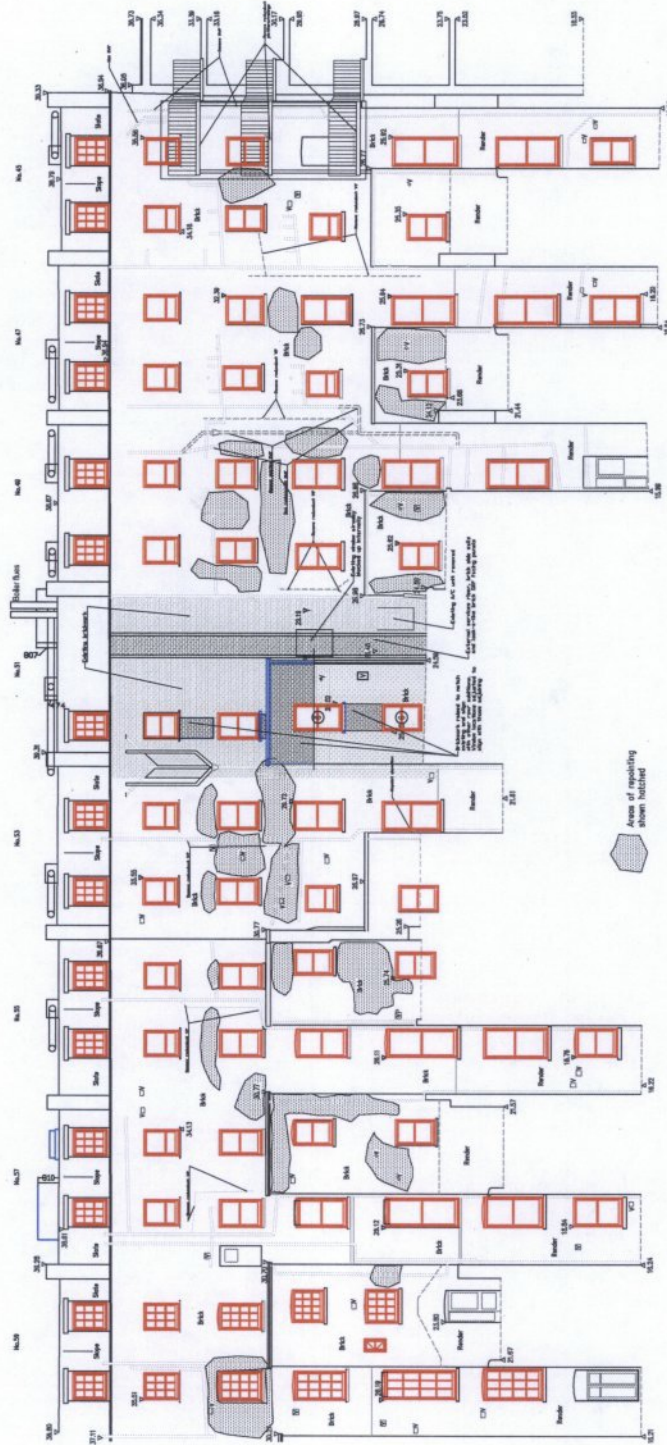
24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

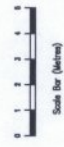
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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BACK ELEVATION B-B



| REV | description        | date       |
|-----|--------------------|------------|
| E   | Final elevations   | 28/02/2014 |
| D   | Revised elevations | 06/02/2014 |
| C   | Revised elevations | 06/02/2014 |
| B   | Revised elevations | 06/02/2014 |
| A   | Revised elevations | 06/02/2014 |



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**Royal Court Apartments**  
**51 Gloucester Terrace**  
**Fire Damage Reinstatement**  
Rear Elevations  
As Proposed for Planning

|       |       |         |          |      |            |
|-------|-------|---------|----------|------|------------|
| SCALE | 1:100 | DATE    | 11/09/13 | NO.  | 104922-010 |
| BY    |       | CHECKED |          | REV. | E          |











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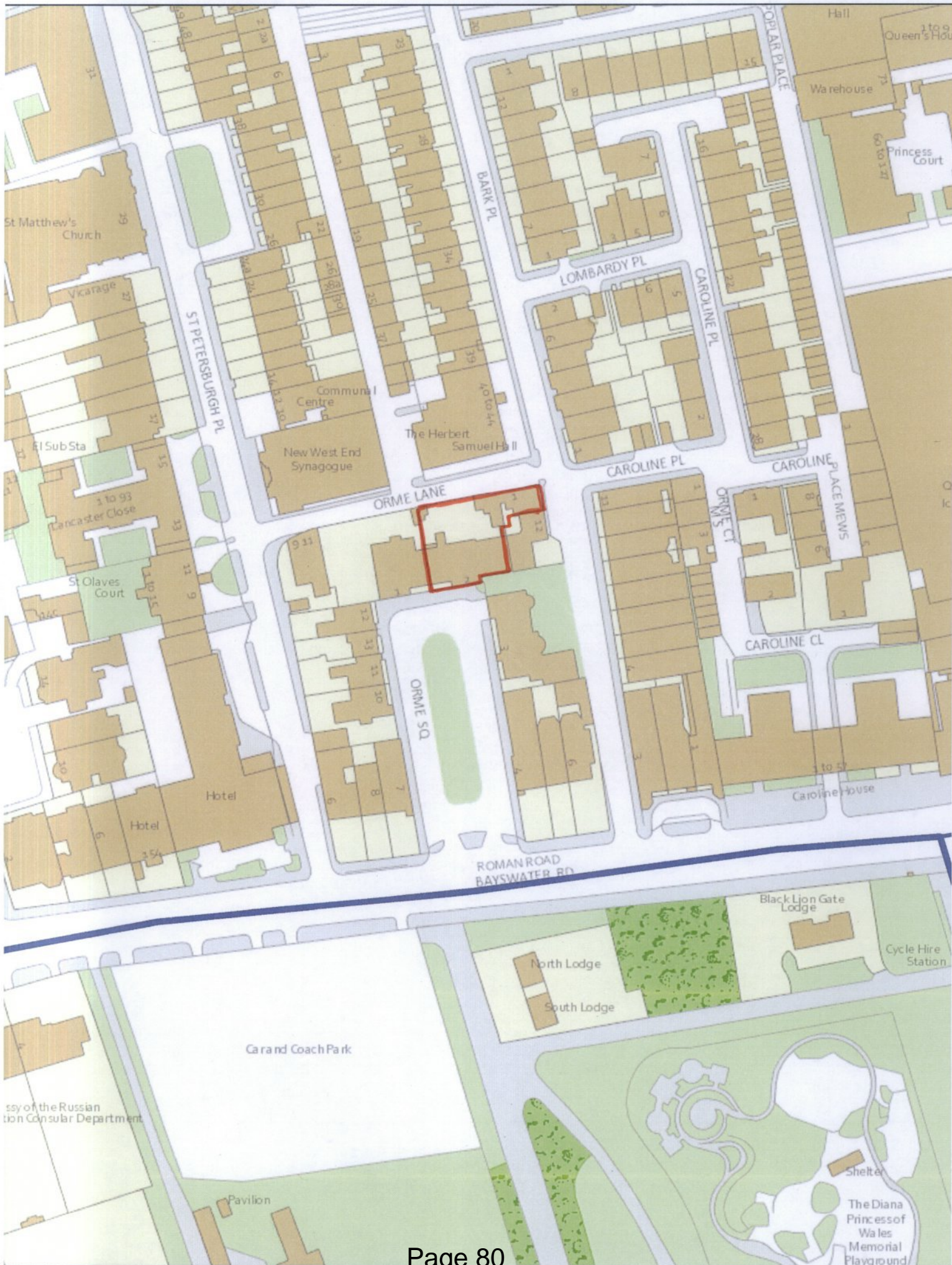
# Agenda Item 4

|          |
|----------|
| Item No. |
| 4        |

|   |   |  |            |
|---|---|--|------------|
| <b>CITY OF WESTMINSTER</b>  |   |  |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>22 September 2015  | <b>Classification</b><br>For General Release |            |
| <b>Report of</b><br>Director of Planning  |   | <b>Wards involved</b><br>Lancaster Gate      |            |
| <b>Subject of Report</b>  | <b>2 Orme Square and 1 Orme Lane, London, W2 4RS</b>  |  |            |
| <b>Proposal</b>   | Use of No. 2 Orme Square and 1 Orme Lane as a single dwellinghouse. Excavation of basement and sub-basement, replacement closet wing, single storey extension, associated internal and external alterations including provision of car lift. Roof top plant. Demolition and rebuilding of boundary wall to Orme Lane. |  |            |
| <b>Agent</b>  | Stanhope Gate Architecture Ltd  |  |            |
| <b>On behalf of</b>   | c/o Agent   |  |            |
| <b>Registered Number</b>  | 15/02841/FULL<br>15/02842/LBC   | <b>TP / PP No</b>                            |            |
| <b>Date of Application</b>  | 31.03.2015  | <b>Date amended/ completed</b>               | 31.03.2015 |
| <b>Category of Application</b>  | Minor   |  |            |
| <b>Historic Building Grade</b>  | Grade II Listed Building  |  |            |
| <b>Conservation Area</b>  | Bayswater   |  |            |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone<br>Outside Central Activities Zone  |  |            |
| <b>Stress Area</b>  | Outside Stress Area   |  |            |
| <b>Current Licensing Position</b>   | Not Applicable  |  |            |

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





2 ORME SQUARE AND 1 ORME LANE, W2

## 2. SUMMARY

No. 2 Orme Square is a Grade II listed building within the Bayswater Conservation Area. These applications propose to amalgamate this building with the building at the rear at 1 Orme Lane for use as a single dwellinghouse, rebuilding part of the rear closet wing on the main building, excavating a two storey basement beneath the garden area of the building to create a pool/gym complex and a further single storey basement beneath the building at 1 Orme Lane to house a car port. The basement areas are to be served by a lightwell in a recessed area between 1 Orme Lane and 2 Orme Square. Within the rebuilt garden area the applicant proposes to construct a single storey extension spanning the full depth of the garden area, installing a new covered walkway along a rebuilt boundary wall and rebuilding a closet wing on 2 Orme Square with associated internal and external alterations.

The key issues in this case are:

- The acceptability of the amalgamation of two units for use as a single dwellinghouse.
- Whether the extent of the basement excavation is acceptable in terms of its impact on the listed building and in terms of its impact on the biodiversity of the surrounding area.
- Whether the proposed development is acceptable in terms of its impact on the amenity of the occupants of neighbouring residential buildings.
- Whether the internal and external alterations to the listed building are acceptable given their impact on the special interest of this Grade II listed building.

The applications are considered acceptable in design, conservation, amenity and arboricultural terms, and it is recommended that planning permission and listed building consent are granted subject to the conditions set out in the draft decision letters.

## 3. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

- Proposal is a sensitive redevelopment overall.
- Concerns about Construction Management Plan.
- Concern about light pollution from lightwell from basement accommodation.

### THAMES WATER

Comments relating to drainage and surface water infrastructure.

### ENVIRONMENTAL HEALTH

No objection. Proposal should satisfy standard noise conditions, subject to supplementary acoustic report being provided.

### COUNCIL FOR BRITISH ARCHAEOLOGY

Concern about depth of basement proposed and impact on party walls.  
No objection to detailed design.

### HIGHWAYS PLANNING MANAGER

- Replacement parking meets standards set out in UDP.
- No objection subject to revised Construction Management Plan.

### ARBORICULTURAL MANAGER

- No objection to removal of Cherry tree in rear garden.
- Suggested conditions and amendments to Construction Management Plan to provide for the protection of trees surrounding the site.

**BUILDING CONTROL**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 194; Total No. of Replies: 8.

Five objections, one neutral letter and two letters of support.

In summary, the objections include the following issues:

**Design**

- Concern about extent of basement excavation. Seems excessive.

**Amenity**

- Concern about noise from proposed car lift.
- Concern about light pollution and views of lightwells.

**Trees**

- Concern about impact of the works on trees within the site.

**Construction management issues**

- Details submitted in Construction Management Plan insufficient.
- Concern about length and duration of building works.
- Concern about traffic routes proposed. Suggest use Orme Lane instead of Orme Square.
- Concern about building works and impact of works being carried out simultaneously with other developments, including the phasing of landscaping on completed developments.

The letter of support includes the following issue:

- Works to host building are sympathetic to its appearance and needed to ensure its longevity.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

The application site comprises 2 Orme Square and 1 Orme Lane. No. 2 Orme Square is one of a pair of semi-detached Grade II listed buildings. No. 1 Orme Lane is an unlisted semi-detached property which faces the junction between Orme Court and Orme Lane. The application site is also located within the Bayswater Conservation Area.

The buildings are at present linked to one another through a door set within the boundary between the two properties. To the rear of 2 Orme Square there is a substantial garden area with a garage accessed from Orme Lane, which borders the northern side of the application site.

**4.2 Relevant history**

None.

## 5. THE PROPOSAL

Planning permission and listed building consent are sought for the following:

- The excavation of a two storey basement beneath the main garden area behind 2 Orme Square and a single storey basement beneath 1 Orme Lane, with a lightwell within the infill area between 1 Orme Lane and 2 Orme Lane providing natural light to the basement area.
- A six metre extension at ground floor level to the rear of 2 Orme Square extending the full depth of the garden to the boundary with Orme Lane.
- Rebuilding of the boundary wall to Orme Lane and construction of a covered glass walkway in the rear garden area.
- Extensive internal and external alterations to the Grade II listed building at 2 Orme Square, including the rebuilding of the rear closet wing of 2 Orme Square.
- Alterations to 1 Orme Lane including the construction of a car lift to the enlarged garage to hold two vehicles.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposal comprises the amalgamation of 1 Orme Lane and 2 Orme Square. Although there are no formal planning records linking the two properties, the applicant has provided evidence in the Heritage Statement to demonstrate that the building at 1 Orme Lane has been used as ancillary accommodation (as staff accommodation and motor vehicle storage) for the main building at 2 Orme Square. As such, the existing amalgamation of the two units is considered likely to be lawful due to its age, and there is no policy objection to the amalgamation of the two units.

The proposal to extend the existing building on the site is otherwise in accordance with Policies S14 of the City Plan and H3 of the UDP.

### 6.2 Design

No. 2 Orme Square is one of a pair of Grade II listed houses located within the Bayswater Conservation Area. The building dates from the mid-19<sup>th</sup> century and has three storeys with a basement. The whole composition is 10 windows wide which are square headed sashes, with the centre four being set forward with rusticated quoins. No. 2 has undergone numerous alterations including an extension to the east by Lord Leighton who wanted to create a studio when he rented the property. Additionally, the proportions of the windows on the front elevation have been altered and the rear elevation shows evidence of reconstruction and alteration. Internally, whilst the structural walls remain, the plan form has been subdivided extensively resulting in altered room proportions and changes in floor levels.

Historic England have been consulted on the scheme and have not raised any objections.

#### 6.2.1 Basement

The principle of excavating a basement beneath the rear garden and beyond the footprint of the listed building is considered to have a limited impact on the special interest of the heritage asset as historic fabric. The location of the basement in the garden area away from the main building means that the associated hierarchy of space would not be compromised. Where access into the basement from the host building is proposed the two locations are considered to be sympathetic to the heritage asset. The access is to be through the rebuilt closet wing

and the second via an existing staircase in the north east corner of the Leighton Room. Gaining access into the basement in these locations will have little or no impact on the interpretation of the circulation of space within the host building and will not involve the loss of historic fabric.

Two lightwells are proposed to serve the basement; one is located against the rear elevation of the host building and the second is within the courtyard in 1 Orme Lane. The positioning and scale of the lightwell against the rear elevation has followed the guidance given in Westminster's Basement SPG and therefore is considered to be acceptable. It is noted that the visual impact has sought to be reduced by positioning a lightweight external staircase over it; whilst this is not a common design approach in this location, this approach is considered to be acceptable in design terms subject to the detailed design of the staircase which should be required by condition.

The lightwell within the courtyard of 1 Orme Lane is proposed to be two storeys deep and covered by a metal grid at ground floor level. The Basement Development in Westminster SPD states that lightwells should not be more than one additional storey in depth. However, given the confined location behind high walls and the introduction of a metal grille, the lightwell would preserve the setting of this heritage asset.

### **6.2.2 Front elevation**

The front elevation of 2 Orme Square has previously been compromised through the alteration of the windows at first floor level following internal alterations and the need for the windows to serve the new rooms. Additionally, decorative features such as metal work and finials have been removed. It is proposed to reinstate the first floor windows to their original proportions with the decorative surrounds and to reintroduce the architectural features in order to restore the unified appearance with 1 Orme Square. These alterations are considered to be acceptable in design terms as they are considered to enhance the special interest of the listed building. Nevertheless, a condition is recommended to ensure uniformity with No. 1 Orme Square is achieved in terms of detailed design of the new features.

Additionally, it is proposed to replace the glass canopy at lower ground floor level and to introduce an additional window where there is a door. These alterations are not contentious and would preserve the significance of the heritage asset.

### **6.2.3 Rear elevation**

The rear elevation has been extensively altered over time, as shown by the fabric analysis drawings submitted, through the introduction of the Leighton Room, the closet wing being increased in height, the introduction of additional windows and doors and general repairs in non-matching materials. The proposals seek to introduce a relatively uniformed aesthetic by introducing features which are to be replicated across the elevation, such as the brick arches above the windows and by removing the unsympathetic alterations such as vents and the modern external staircase. Whilst it could be argued that the alterations contribute to the evolution of the building and therefore their removal would harm the interpretation of the building, it is considered that the alterations which have taken place were unsympathetic and out of keeping with the architectural character of the building and subsequently do not contribute to the significance of the heritage asset. The alterations are therefore considered to be acceptable in design terms.

Additionally, it is proposed to demolish the existing closet wing and rebuild it slightly wider and to three storeys instead of four. Through rebuilding the closet wing, the change in floor levels, which is currently inconsistent, will be overcome and the proportions of the rooms will allow more functionality. Externally the closet wing will be constructed using one material and will terminate at a traditional height, therefore its appearance will be enhanced. Furthermore, it will allow for an access into the basement which does not harm the significance of the heritage asset. Consequently, this alteration is considered to be acceptable in design terms.

#### **6.2.4 Single storey rear extension**

It is proposed to demolish the single storey garage located in the north west corner of the rear garden and to replace it with a single storey extension which is connected to the host building, projecting out from the rear elevation and closet wing. As there is currently a building in this location, the principle of a single storey structure in this location is considered to be acceptable. It is recognised that the scale is increasing with the extension spanning the full length of the garden from the rear elevation to the boundary wall, however, this is considered to have a limited impact on the setting of the heritage asset. The extension has been designed in the form of an orangery and therefore can be interpreted as an ancillary structure, which is not uncharacteristic in gardens. The addition of a skylight will increase the height of the structure. However, and due to the high boundary treatment and the wider setting of the listed building, this feature will not be highly visible and therefore is considered to be acceptable.

#### **6.2.5 Roof level alterations**

On the principal building it is proposed to level off the middle section of the butterfly roof to create a platform upon which to introduce plant. Whilst this alteration will have an impact on historic fabric, the interpretation of the roof form will remain and the plant will be hidden from immediate and wider views, therefore, on this basis, the proposal is considered to be acceptable. A condition has been added requiring a detailed section showing the plant enclosure on 2 Orme Square demonstrating that the plant will not extend above the roofline and be located within the building's envelope. A rooflight is proposed on the rear roofslope. Given its location and scale, it is considered to have a limited impact on the building's significance.

#### **6.2.6 Internal alterations**

Internally the lower ground floor level has been subdivided extensively and additional partitions have been inserted on all floor levels. The proposed demolition, whilst a large amount is proposed, generally relates to later additions to the building which are of limited interest and therefore is considered to be acceptable. Where removal of historic fabric is proposed this has been limited to single doorways to improve the circulation across floor levels and therefore downstands will be retained to aid the interpretation of the plan form.

The proposed new partitions are not considered to compromise the historic plan form and allow for the proportions of rooms to remain. The retention and reuse of architectural features such as fireplaces are welcomed. Nevertheless, a condition requiring the protection of existing ornamental features is recommended. The insertion of the lift into the rebuilt closet wing is a sympathetic approach as it limits the impact on historic fabric.



### **6.2.7 Garden additions**

In the garden it is proposed to dismantle the rear boundary wall to provide access for the construction works. Whilst historical maps show the presence of a boundary wall in this location, it would appear from the scale and uniformity of the bricks that the existing wall is a later addition to the site, therefore the principle of demolishing it and rebuilding it is considered to be acceptable. As the wall is considered to be an important townscape feature which contributes to the setting of the heritage asset, a condition is recommended which requires a brick sample and the wall to be rebuilt to the same scale as part of the completed works.

It is proposed to erect a covered walkway along the rear boundary wall connecting the single storey rear extension with 1 Orme Lane. Whilst the full enclosure of the rear garden is not desirable, given its lightweight design, use of materials and relatively modest scale, the walkway is considered to have a limited impact on the setting of the heritage asset as it is subservient to the host building and can be interpreted as a garden structure.

### **6.2.8 Alterations to 1 Orme Lane**

The alterations to 1 Orme Lane which includes the insertion of new French and timber doors, the introduction of skylights, extension to accommodate a new staircase and internal alterations, are considered to have a limited impact on the setting of 1 Orme Square. It is recognised that a section of the building is considered to be curtilage listed due to having historical associations with the host building, however, the proposed alterations are not considered to compromise the interpretation of the building and its relationship to the host.

In summary, the proposed alterations are considered to be acceptable in design and conservation terms subject to the recommended conditions. They comply with Policies S25 and S28 of the City Plan and DES 1, DES 5, DES 9 and DES10 of the UDP, and the relevant supplementary planning guidance.

## **6.3 Amenity**

A number of responses to the consultation exercise express concerns about the impact of the proposals on the amenity of neighbouring residents.

### **6.3.1 1 Orme Square**

The works to the rear elevation of the building involve the reconstruction of the existing closet wing within a comparable building envelope to that which exists at present. Accordingly, it would not result in unacceptable loss of light, sense of enclosure or overlooking. The orangery structure to be constructed alongside the party wall shared with 1 Orme Square would rise to 3.7 metres from ground level along the boundary wall. Whilst these changes would be visible from the adjoining residential garden, they are not considered to result in a material loss of amenity for the neighbouring occupier. The changes would not have a material impact on the amenity of the neighbouring resident at 1 Orme Square.

### **6.3.2 12 Orme Court**

No. 12 Orme Court is attached to 1 Orme Lane, sharing a party wall with a patio area enclosed by the eastern boundary wall of 2 Orme Square. To house the staircase descending to the basement area, the applicant proposes a single storey extension within the existing patio area of 1 Orme Lane. This extension is discreetly located and replaces an existing

extension. Accordingly, it is not considered to have a material adverse impact on the amenity of the occupier of 12 Orme Court.

The remaining patio area is to serve as a grilled lightwell which would be covered by a grille and descend to eight metres deep. The adjoining resident of 12 Orme Court expresses concern about the replacement of a patio with a lightwell grille, but in amenity terms the lightwell would be enclosed by walls on all sides. Any light spillage from this lightwell, and the rooflights on the adjacent passageways, would only be visible in oblique views from the upper floors of 12 Orme Court. This light spill would also be directed upwards, rather than towards neighbouring properties and is not considered to result in a material impact on the adjacent property.

### **6.3.3 Noise**

A number of residents have expressed concerns regarding the proposed car lift operating within the garage of 1 Orme Lane. The applicant proposes to excavate a basement beneath the existing garage building therefore creating two parking spaces in a vertical stacking arrangement. The noise generated by the operation of this stacker is a concern to the neighbouring residents on Orme Court.

The applicant has provided a plant noise assessment for this and the other elements of mechanical ventilation necessary to serve a basement of this scale. Environmental Health have commented that the application should meet the standard noise conditions but have requested a supplementary noise report specifying the exact plant to be used in this development by condition. As such, it is considered that the issues resulting from the development can be managed within the City Council's noise criteria, and there are no reasons to withhold planning permission on the grounds of noise impact.

Overall the proposals are considered to be acceptable in amenity terms, meeting the requirements of S29 of the City Plan and ENV6 and ENV13 of the UDP.

## **6.4 Highways/Parking Issues**

### **6.4.1 Car lift**

The Highways Planning Manager has raised no objection to the vertical car stacking arrangement proposed by the applicant. As a material change is occurring through the amalgamation of the two units, a condition has been added requiring the retention of this garage space for the purpose of off street parking, to avoid the conversion of this space to residential accommodation and creating additional demand for on street parking.

### **6.4.2 Construction Management Plan**

A number of comments have been received regarding the Construction Management Plan (CMP). There have been a number of recent developments in the area that have resulted in congestion and disruption for residents surrounding the site.

The general principle surrounding the construction of this development is that the site will be accessed from the rear at Orme Lane through the demolished rear wall. The CMP submitted by the applicant shows in outline a proposal whereby all the parking bays along Orme Lane are suspended with the intermittent closure of the junction between Orme Lane and Orme Court.

Alongside the comments received from neighbours regarding the Construction Management Plan, the Highways Planning Manager has expressed concerns that the vehicle tracking movements around Orme Square are heavily constrained and more detail is needed within a

Construction Management Plan for a project of this nature, for instance specifying vehicle size, width and tracking to establish effective access routes. A condition is recommended requiring the submission of a revised CMP, and an Informative sets out the additional information required.

Subject to conditions, the proposals are considered acceptable in highways planning terms, meeting the requirements of TRANS 1, TRANS 2, TRANS 3, TRANS 9 and TRANS 23 of the UDP.

#### **6.5 Equalities and Diversities**

Not relevant.

#### **6.6 Economic Considerations**

Not relevant.

#### **6.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **6.8 London Plan**

The proposals do not raise strategic issues.

#### **6.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

#### **6.10 Planning Obligations**

The development is of insufficient scale to require planning obligations.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposed development will result in the loss of a small Cherry tree on site. The Arboricultural Manager considers that this tree is of limited significance and no objections are raised to its removal. In respect of the large London Plane tree at 1 Orme Square, it is considered that the applicant has demonstrated through trial excavations that there are no grounds to object to the application due to the potential impact to this tree.

The Arboricultural Manager also expresses concerns that the sections showing the replacement wall along Orme Lane could harm the rooting environment of trees at 40-44 Bark Place (north side of Orme Lane). It is recommended that further details on this aspect of the development are required by condition.

The basement covers the entire garden area and there is no margin of undeveloped garden land retained by the development. However, 1.5 metres of soil depth is retained above the basement to enable future planting. This arrangement is acceptable and in line with the general guidance set out in the City Council's Basement Development in Westminster SPD.

The proposals are considered to be acceptable in sustainability and biodiversity terms, and in accordance with Policy S38 of the City Plan and DES 1 (A), ENV 16 and ENV 17 of the UDP.

## **6.12 Other Issues**

### **6.12.1 Basement Excavation**

The Council does not currently have a specific planning policy relating to basement development but is working with local residents to development one in revising our adopted City Plan to incorporate detailed policy. Until this plan has been adopted, the Supplementary Planning Document 'Basement Development in Westminster', adopted 24 October 2014 is relevant and has been taken into account in the assessment of the planning applications.

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant

professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

## 7. CONCLUSION

In summary, the proposed development is considered to be acceptable in design and conservation, amenity, transportation and environment terms and would accord with the relevant policies in the City Plan and UDP. As such, these applications are recommended for approval, subject to the conditions set out in the draft decision letters.

## BACKGROUND PAPERS

1. Application forms
2. Response from Bayswater Residents Association dated 12 May 2015
3. Response from Thames Water dated 16 April 2015
4. Response from Environmental Health dated 29 April 2015
5. Response from Historic England dated 30 April 2015
6. Response from Council for British Archaeology (undated)
7. Response from Highways Planning Manager dated 18 June 2015.
8. Response from Arboricultural Manager dated 25 June 2015.
9. Objection letter from 12 Orme Court dated 29 April 2015
10. Neutral letter from 3 Orme Square dated 1 May 2015.
11. Objection letter from 10 Orme Square dated 4 May 2015.
12. Objection letter from 39 Bark Place and 33 St Petersburg Mews dated 13 May 2015.
13. Letter of support from 3 Orme Square dated 18 May 2015.
14. Objection letter from Flat 4, 11 Orme Court dated 21 June 2015.
15. Objection letter from 1 Bark Place dated 21 June 2015
16. Letter of support from 8 Orme Court dated 28 June 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** 2 Orme Square and 1 Orme Lane, London, W2 4RS
- Proposal:** Use of No. 2 Orme Square and 1 Orme Lane as a single dwellinghouse. Excavation of basement and sub-basement, replacement closet wing, single storey extension, associated internal and external alterations including provision of car lift. Roof top plant. Demolition and rebuilding of boundary wall to Orme Lane.
- Plan Nos:** Drawing numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07, PL-08, PL-09, PL-10, PL-11, PL-13, PL-16, PL-17, PL-18, PL-19, PL-20, PL-21, PL-22, PL-23, PL-24, PL-25, PL-26, PL-27, PL-28, PL-29, PL-30, PL-31, PL-34, PL-35, PL-36, PL-37, PL-38, PL-39, PL-40; 'Data Sheet Wohn Parklift 402' (submitted by email 15th June 2015). Design and Access Statement by Stanhope Gate Architecture (March 2015), Landscaping proposal by Bowles and Wyer Garden and Landscaping Design (March 2015), Arboricultural Impact Appraisal by Barrell Tree Consultancy (30 March 2015 - ref: 14360-AIA-AS), M and E Services Sustainability Statement (3 March 2015), Acoustic consultancy report by Red Twin Limited (24 February 2015), BREEAM Domestic Refurbishment Pre-assessment by Twin and Earth Limited (19 February 2015), Sustainability Design Statement by Twin and Earth Limited (19 February 2015), Heritage Statement by Heritage Collective (March 2015 - ref: 14/1644).

For information only: Structural Method Statement by Mason Navarro Pledge Ltd, Desk Study and Ground Investigation Report by GEA (parts 1 - 2), Construction Traffic Management Plan by Price and Myers (February 2015).

**Case Officer:** Neil Holdsworth

**Direct Tel. No.** 020 7641 5018

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- \* between 08.00 and 18.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday; and
  - \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and
- \* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 7 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been



submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within three years of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within \*\*\*\* of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 11 You must apply to us for approval of detailed drawings of the following parts of the development

-

- New external doors
- New windows
- rooflights
- External staircase
- Finials

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 The new external metal on the front elevation shall match those present on no.1 Orme Square and shall be painted black and maintained as such.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 Where the plans show that the boundary wall is to be demolished and rebuilt it must be rebuilt to the same scale as the existing boundary wall under one scheme of works.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 15 The car lift that you install in the garage facing Orme Court must be the 'Wohr parklift 402' as per the details submitted by email dated 15 June 2015. If you want to install a different car lift as part of this development, the approval of the City Council must be sought under the terms of this permission.

Reason:

To avoid unnecessary movements on the highway which could pose a risk to public safety. This is set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 16 You must apply to us for approval of detailed drawings of the following parts of the development:

- A section drawing taken through the plant proposed to the roof of 2 Orme square, demonstrating that the plant will not extend above the roofline and be located within the buildings envelope

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must apply to us for approval of detailed drawings of the following parts of the development:

- A section of the foundations of the replacement wall along Orme Lane, demonstrating that a sufficient rooting environment is provided for the two lime trees (G2) at 40-44 Bark Place is provided.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this

permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.  
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
  - \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 9 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 11 Condition 7 of this planning permission requires you to submit a revised construction management plan for approval prior to the commencement of any works associated with the excavation of the basement. This plan must address the potential impact of construction traffic on the two lime trees (G2) identified in the arboricultural report and the trees on Orme Square. In addition, you must provide more detail on vehicle size, width and tracking in respect of vehicles entering and leaving the site on the proposed routes.

**DRAFT DECISION LETTER**

**Address:** 2 Orme Square and 1 Orme Lane, London, W2 4RS

**Proposal:** Use of 2 Orme Square and 1 Orme Lane as a single dwellinghouse. Excavation of basement and sub-basement, replacement closet wing, single storey extension, associated internal and external alterations including provision of car lift. Roof top plant. Demolition and rebuilding of boundary wall to Orme Lane.

**Plan Nos:** Drawing numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07, PL-08, PL-09, PL-10, PL-11, PL-13, PL-16, PL-17, PL-18, PL-19, PL-20, PL-21, PL-22, PL-23, PL-24, PL-25, PL-26, PL-27, PL-28, PL-29, PL-30, PL-31, PL-34, PL-35, PL-36, PL-37, PL-38, PL-39, PL-40.

**Case Officer:** Neil Holdsworth

**Direct Tel. No.** 020 7641 5018

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Reason:

You must apply to us for approval of detailed drawings of the following parts of the development

-

- New external doors
- New windows
- rooflights
- External staircase
- Finials

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details;. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The new external metal on the front elevation shall match those present on no.1 Orme Square and shall be painted black and maintained as such.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)



- 9 Where the plans show that the boundary wall is to be demolished and rebuilt it must be rebuilt to the same scale as the existing boundary wall under one scheme of works.

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 ANY VARIATIONS THAT MAY OCCUR BEFORE  
 COMMENCEMENT OF WORK.

- KEY:**
- REMOVAL WORKS
  - EXISTING WALL
  - EXISTING LEVEL
  - PROPOSED LEVEL

PLANNING SUBMISSION  
 MARCH 2015



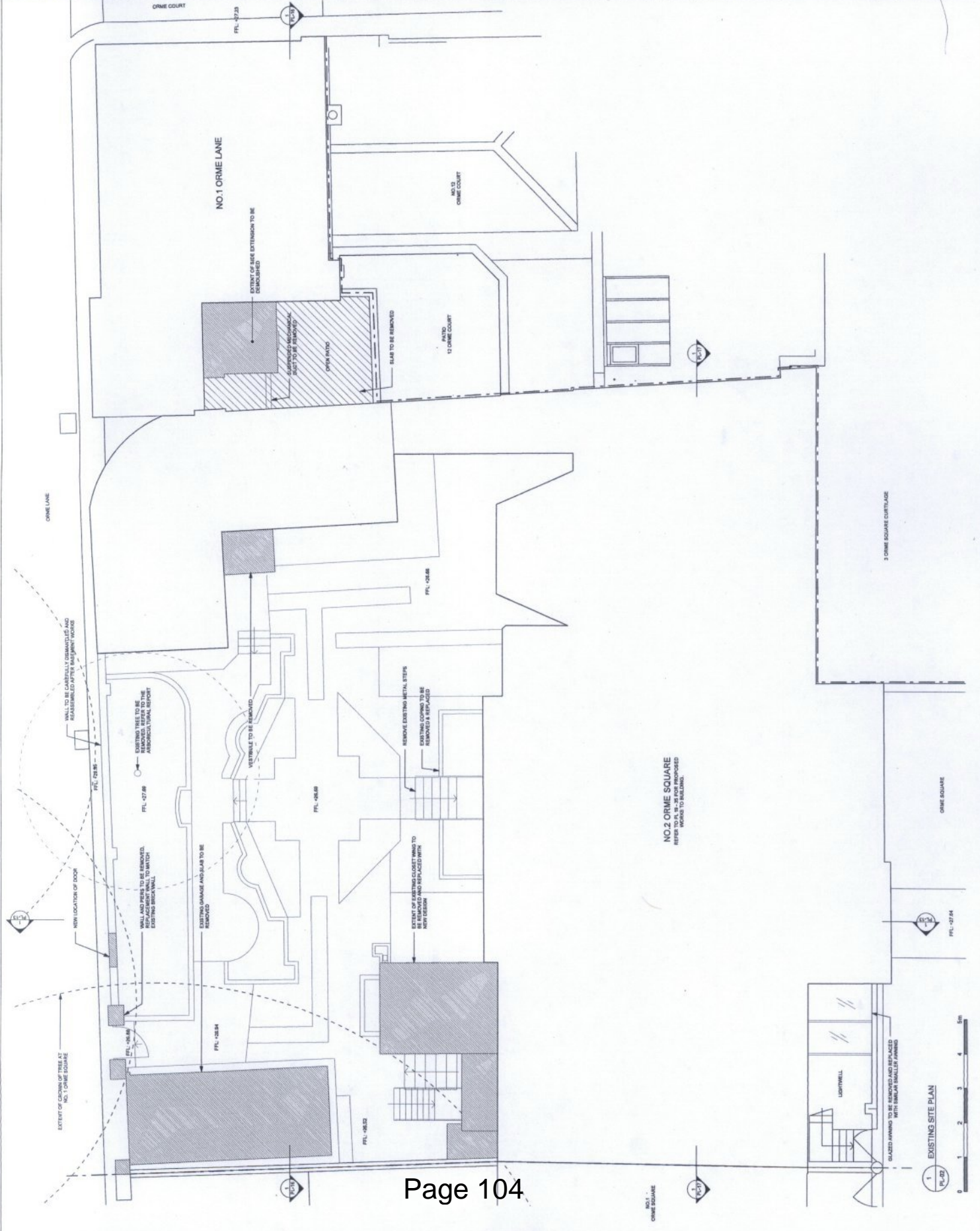
| REV. | DATE | DESCRIPTION |
|------|------|-------------|
|      |      |             |

2 ORME SQUARE &  
 1 ORME LANE  
 LONDON W2

SITE PLAN  
 EXISTING & REMOVAL

| DWG No | SCALE                   | DATE     |
|--------|-------------------------|----------|
| PL-02  | 1:50 @ A1<br>1:100 @ A3 | MAR 2015 |

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1 EXISTING SITE PLAN  
 PL-02



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| KEY | REMOVAL WORK   |
|-----|----------------|
|     | EXISTING WALL  |
|     | EXISTING LEVEL |
|     | PROPOSED LEVEL |

PLANNING SUBMISSION  
 MARCH 2015

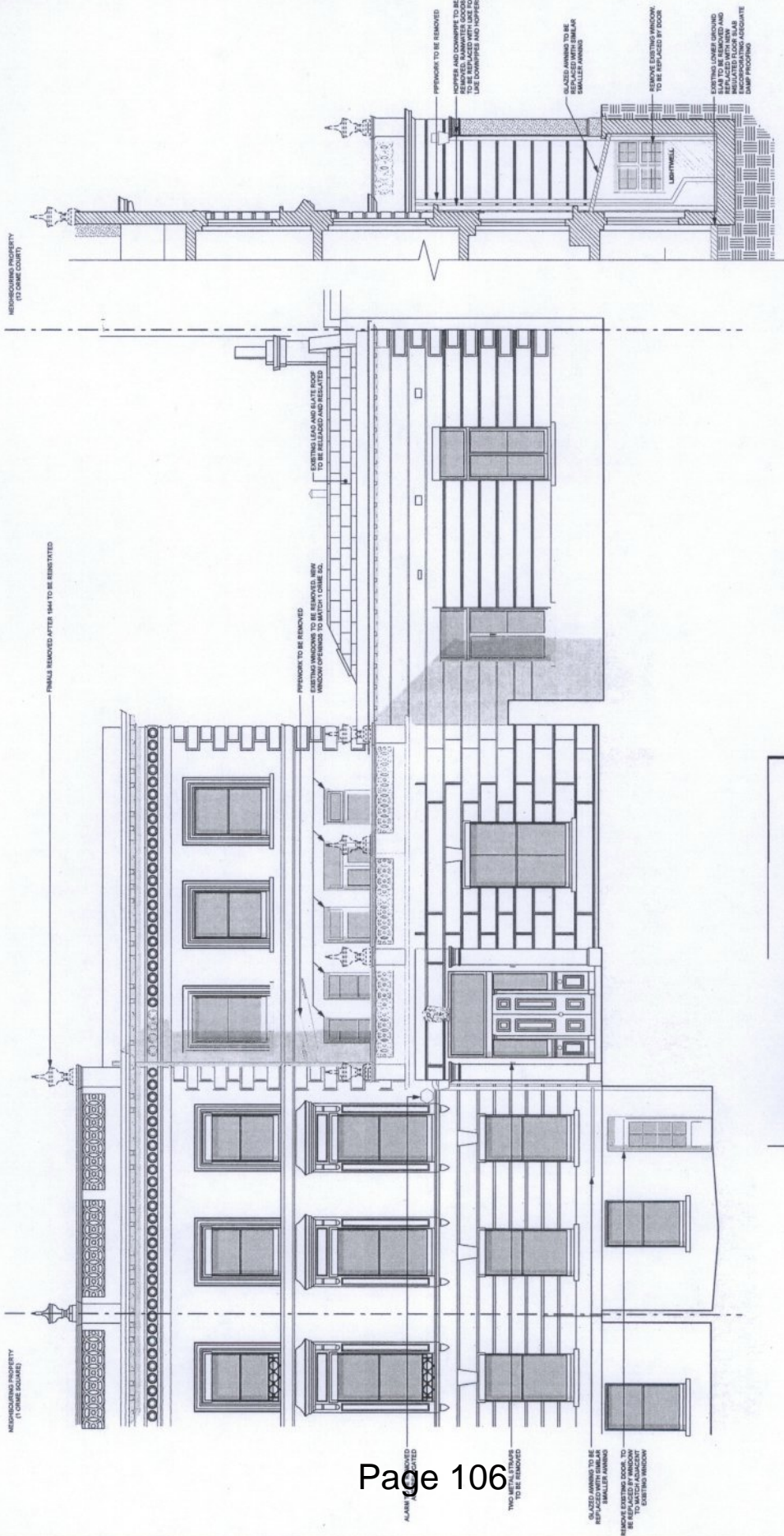
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2 ORME SQUARE &  
 1 ORME LANE  
 LONDON W2

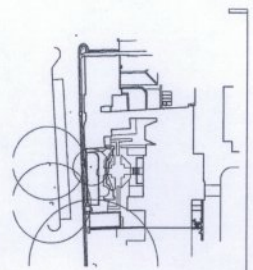
SOUTH (FRONT) ELEVATION  
 EXISTING & REMOVAL

| DWG No | SCALE                   | DATE     |
|--------|-------------------------|----------|
| PL-08  | 1:50 @ A1<br>1:100 @ A3 | MAR 2015 |

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2 EXISTING WEST ELEVATION OF ENTRANCE  
 PL-08



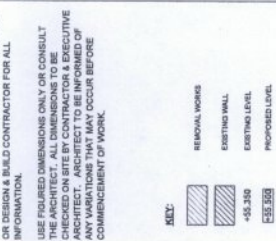
1 EXISTING SOUTH (FRONT) ELEVATION  
 PL-08

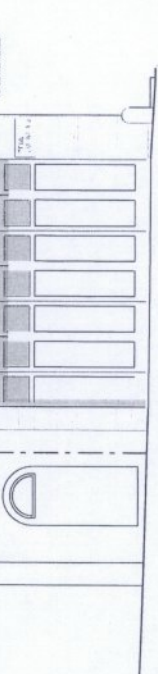
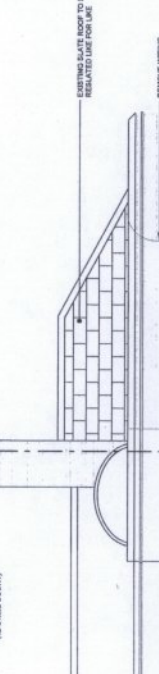
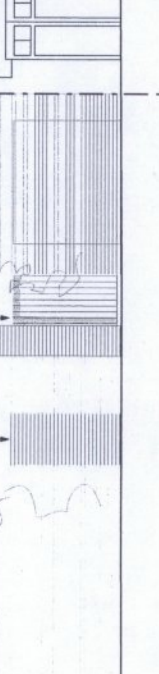
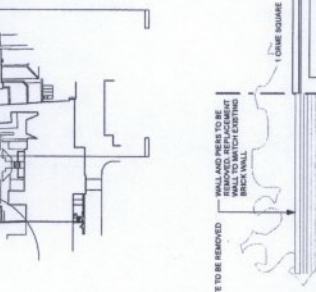






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**KEY:**  
  
 REMOVAL WORKS  
 EXISTING WALL  
 EXISTING LEVEL  
 -85.350  
 PROPOSED LEVEL  
 -85.350



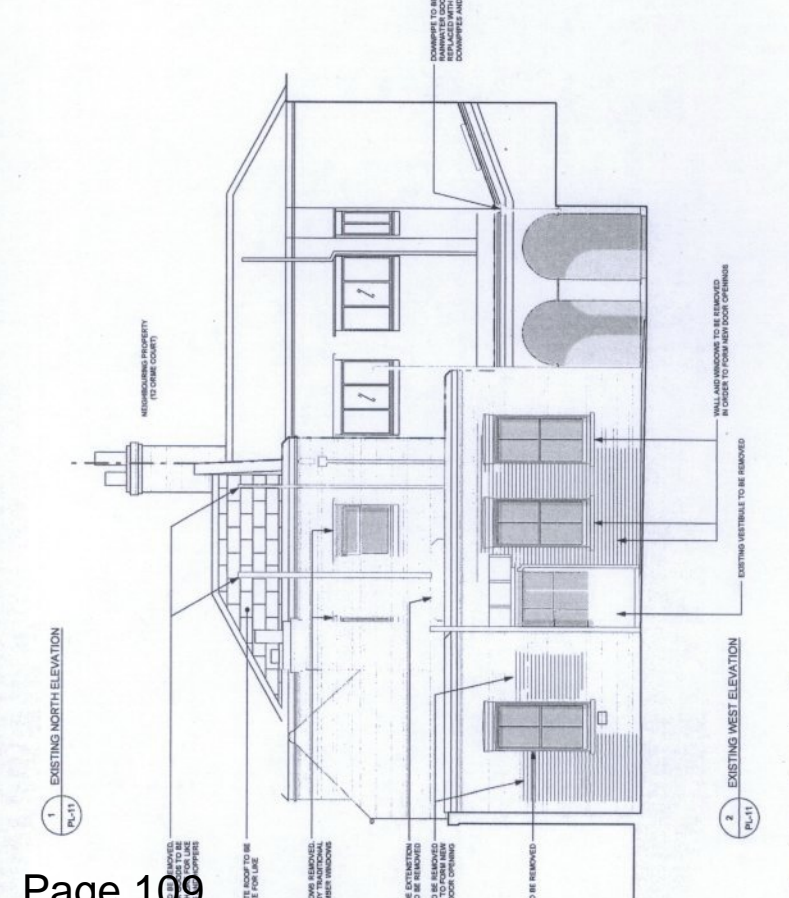
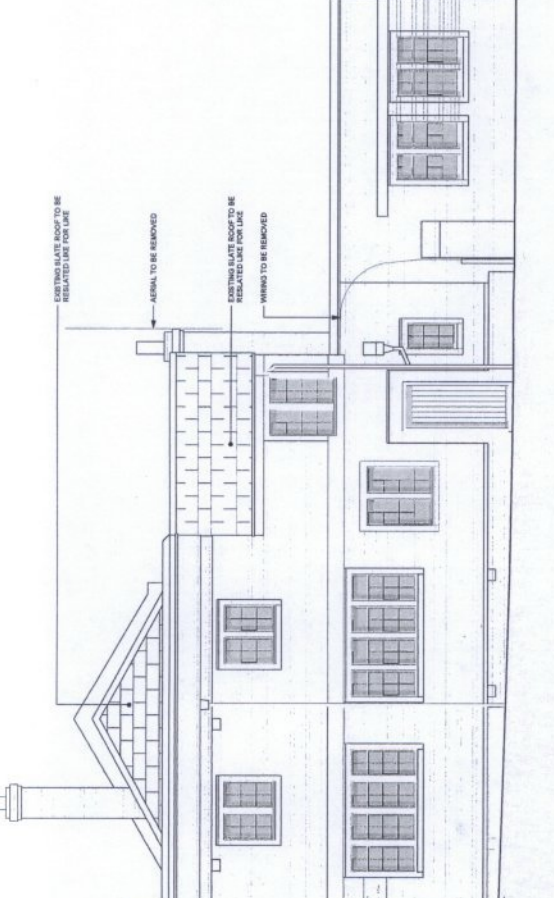
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 MARCH 2015

| REV. | DATE | DESCRIPTION |
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|      |      |             |
|      |      |             |

**2 ORME SQUARE &  
 1 ORME LANE  
 LONDON W2**  
 EXISTING / REMOVAL  
 COTTAGE ELEVATIONS

|         |            |          |
|---------|------------|----------|
| DRNG No | SCALE      | DATE     |
| PL-11   | 1:100 @ A3 | MAR 2015 |

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3 EXISTING EAST ELEVATION  
 (P.1-1)

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- KEY:**
- REMOVAL WORKS
  - EXISTING WALL
  - EXISTING LEVEL
  - PROPOSED LEVEL
  - NEWLY EXPOSED TO BE PROTECTED AND OVERHAULED
  - PROTECT AND SET ASIDE FOR REUSE

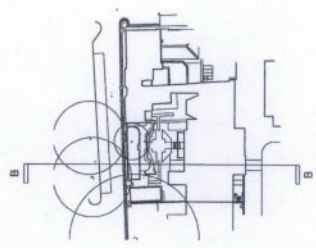
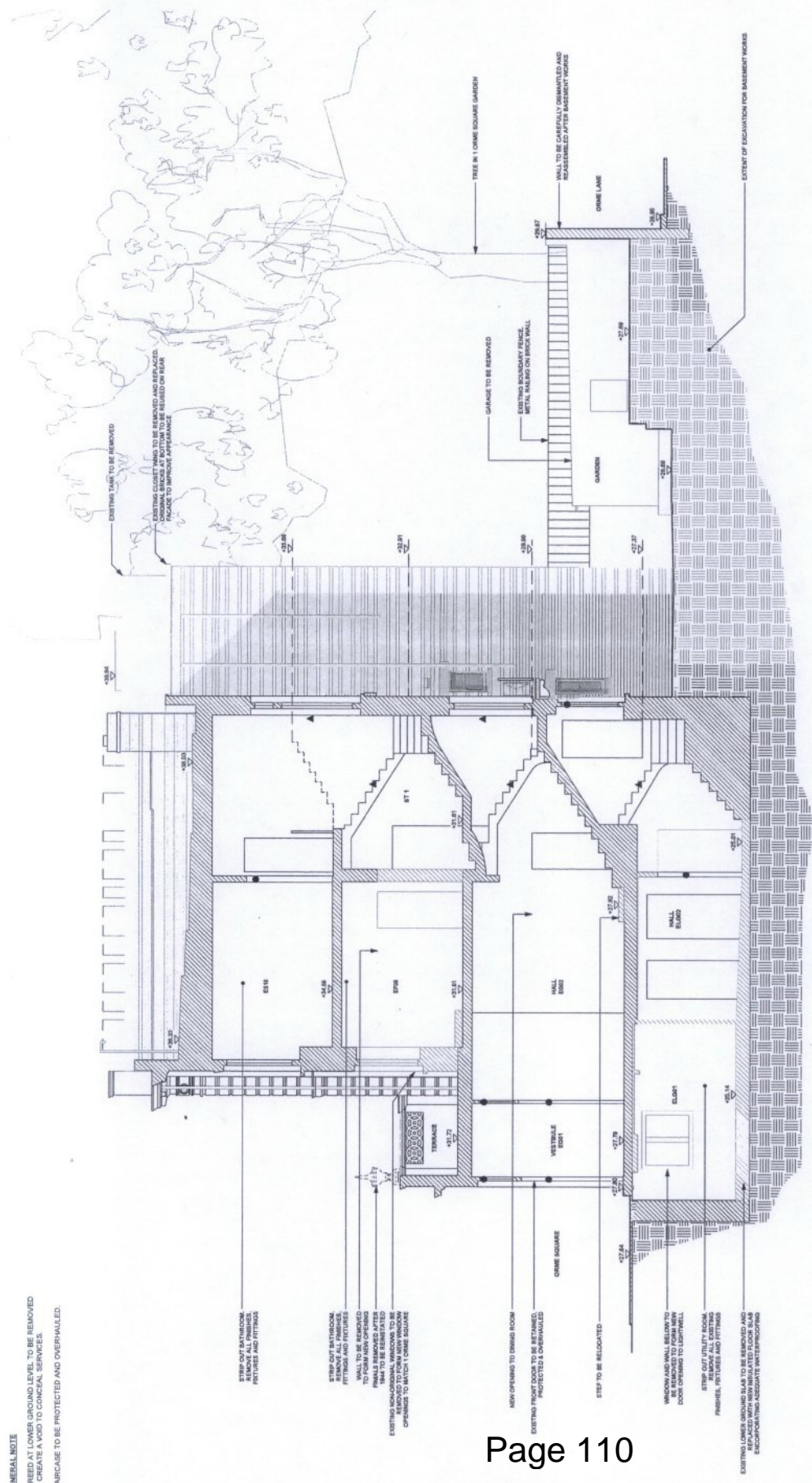
PLANNING SUBMISSION  
 MARCH 2015

2 ORME SQUARE &  
 1 ORME LANE  
 LONDON W2  
 SECTION B-B  
 EXISTING / REMOVAL

|         |                         |          |
|---------|-------------------------|----------|
| DRWG No | SCALE                   | DATE     |
| PG-13   | 1:50 @ A1<br>1:100 @ A3 | MAR 2015 |

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| REV. | DATE | DESCRIPTION |
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|------|------|-------------|



**GENERAL NOTE**  
 SCREENED AT LOWER GROUND LEVEL TO BE REMOVED TO CREATE A VOID TO CONCEAL SERVICES.  
 STAIRCASE TO BE PROTECTED AND OVERHAULED.

STRIP OUT BATHROOM  
 SERVICES AND FITTINGS  
 REMOVE AND FITTINGS

STRIP OUT BATHROOM  
 FITTINGS AND FIXTURES  
 WALL TO BE REMOVED  
 TO FORM NEW OPENING  
 THAT TO BE REPARTICED  
 EXISTING BATHROOM TO BE  
 REMOVED TO FORM NEW WALKWAY  
 OPENINGS TO MATCH ORME SQUARE

NEW OPENING TO DINING ROOM  
 EXISTING POINT DOOR TO BE RETAINED  
 PROTECTED & OVERHAULED

STEP TO BE RELOCATED

EXISTING WALLS TO BE REMOVED TO FORM NEW  
 DOOR OPENING TO LIGHTWELL  
 STRIP OUT UTILITY ROOM  
 REMOVE ALL EXISTING  
 FINISHES, FIXTURES AND FITTINGS





EXISTING LOWER GROUND SLAB TO BE REMOVED AND  
 REPLACED WITH NEW INSULATED FLOOR SLAB  
 EQUIPPED WITH ASSOCIATE WATERPROOFING

1 EXISTING SECTION B-B  
 Pg. 13





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KEY:  
 PROPOSED ALTERATIONS  
 EXISTING WALL  
 EXISTING LEVEL  
 PROPOSED LEVEL

PLANNING SUBMISSION  
 MARCH 2015



| REV. | DATE | DESCRIPTION |
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

  

|  |                                  |                                   |   |
|--|----------------------------------|-----------------------------------|---|
| 2 ORME SQUARE & 1 ORME LANE<br>LONDON W2 |                                  | SITE PLAN<br>PROPOSED ALTERATIONS |   |
| DWG No<br>PL-18                          | SCALE<br>1:50 @ A1<br>1:100 @ A3 | DATE<br>MAR 2015                  | STANHOPE GATE ARCHITECTURE<br>105 JERMYN STREET<br>LONDON SW1Y 7EE<br>T 020 7481 8955 mail@stanhopegate.co.uk<br>www.stanhopegatearchitects.com |



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KEY:  
 PROPOSED WORKS  
 EXISTING WALL  
 EXISTING LEVEL  
 PROPOSED LEVEL

PLANNING SUBMISSION  
 MARCH 2015

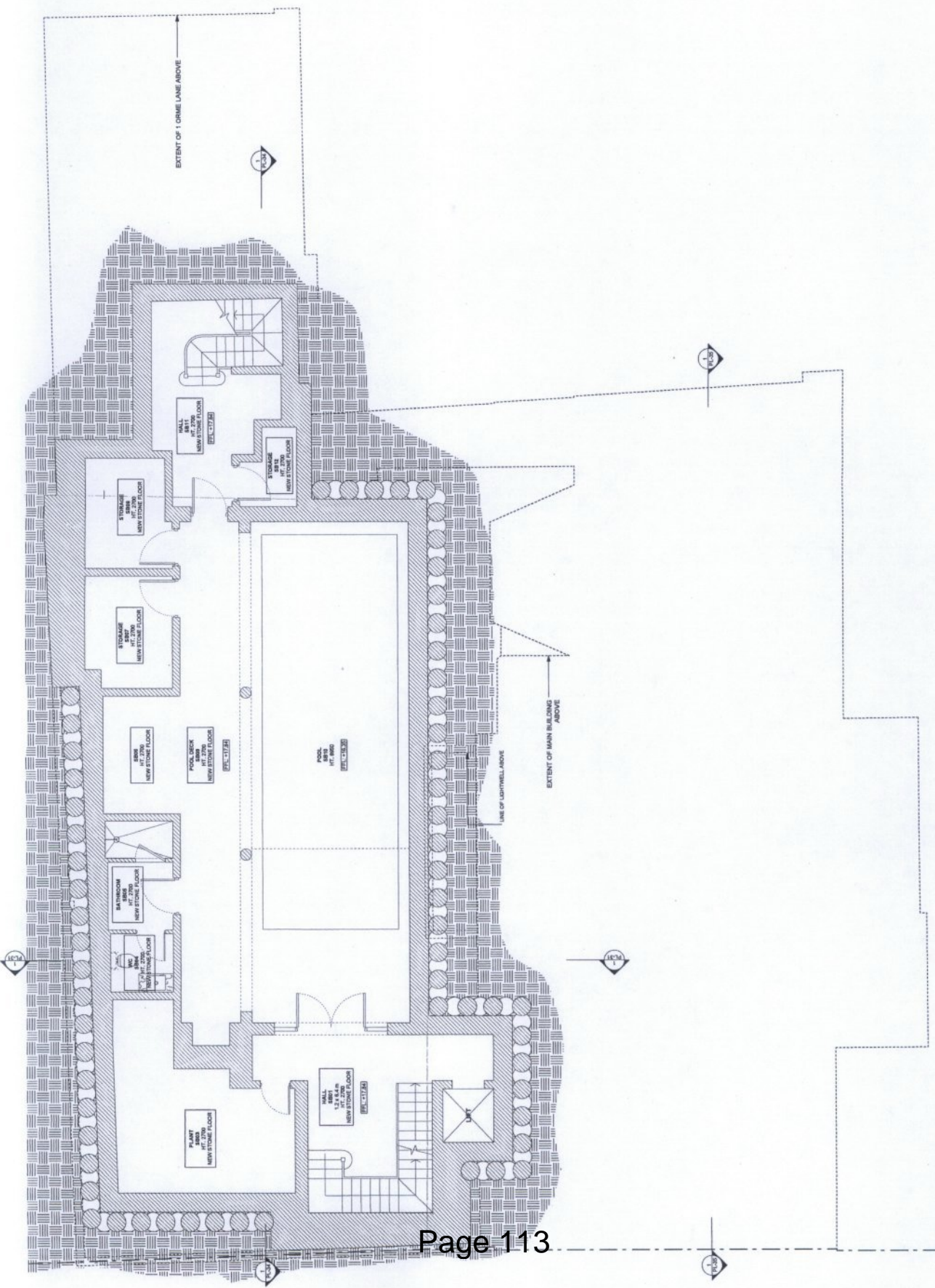
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|---|------------------|
| 2 ORME SQUARE &<br>1 ORME LANE<br>LONDON W2 |                  |
| SUB-BASEMENT PLAN<br>PROPOSED WORKS         |                  |
| DWG No<br>PL-19                             | DATE<br>MAR 2015 |
| SCALE<br>1:100 @ A3                         | DATE<br>MAR 2015 |

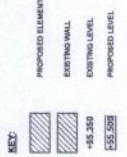
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1 PROPOSED SUB-BASEMENT FLOOR PLAN  
 PL-19



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PLANNING SUBMISSION  
 MARCH 2015



| REV. | DATE | DESCRIPTION |
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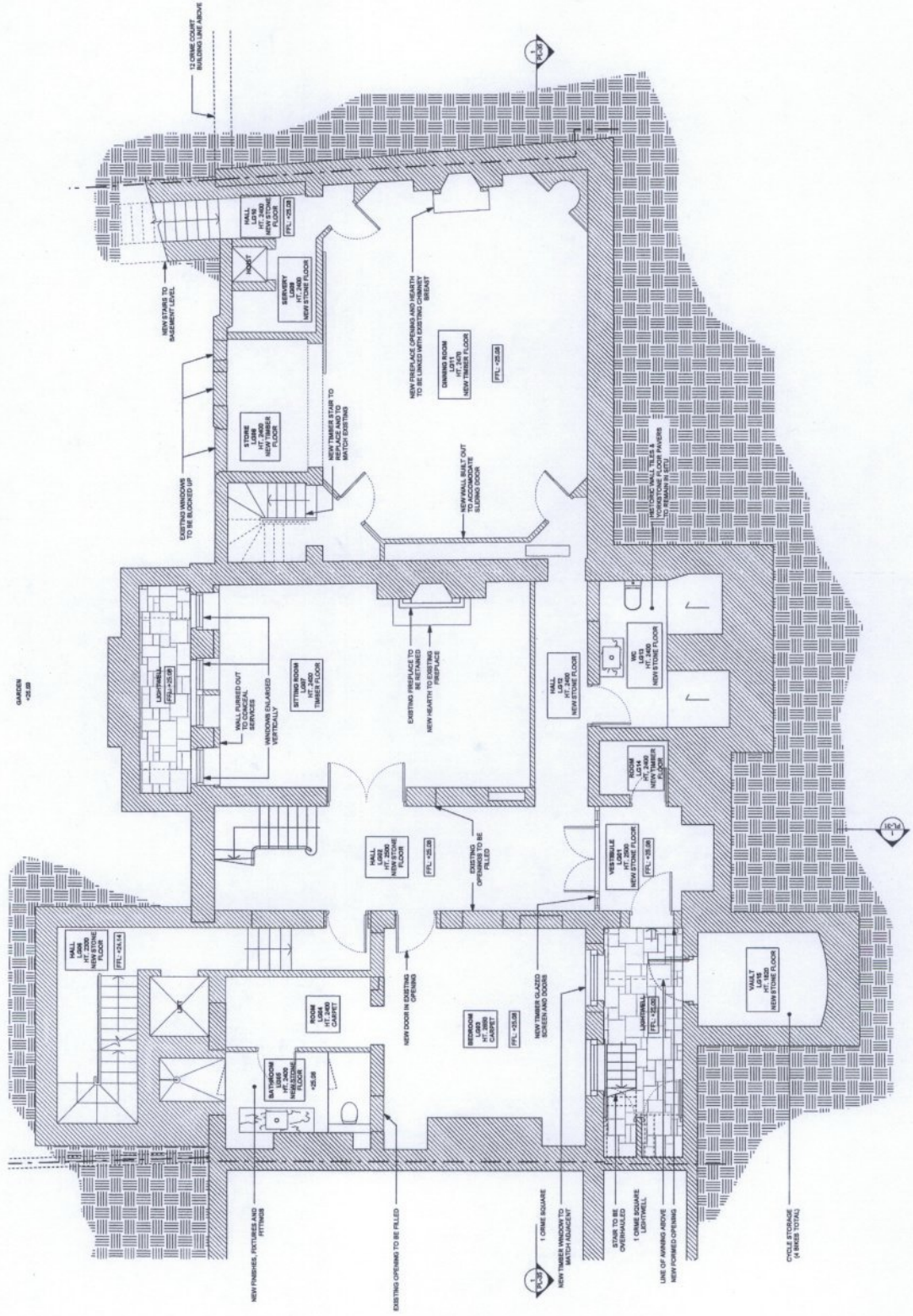
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|---|--|
| 2 ORME SQUARE &<br>1 ORME LANE<br>LONDON W2 |  |
| LOWER GROUND FLOOR PLAN<br>PROPOSED WORKS   |  |

|                  |                     |                  |
|------------------|---------------------|------------------|
| DRNG No<br>PL-21 | SCALE<br>1:100 @ A3 | DATE<br>MAR 2015 |
|------------------|---------------------|------------------|

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GENERAL NOTE WHERE INDICATED FOR PROPOSED WORKS  
 NEW PERIOD STYLE CORNICES, SHIRTINGS, DOORS, FRAMES, ARCHITRAVES & FLOOR  
 FINISHES TO NEW AREAS TO MATCH EXISTING, EXCEPT WHERE INDICATED OTHERWISE.



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NEIGHBOURING PROPERTY (1 ORME SQUARE)  
 NEIGHBOURING PROPERTY (2 ORME SQUARE)

KEY:  
 PROPOSED ELEMENT  
 EXISTING WALL  
 EXISTING LEVEL  
 PROPOSED LEVEL

PLANNING SUBMISSION  
 MARCH 2015

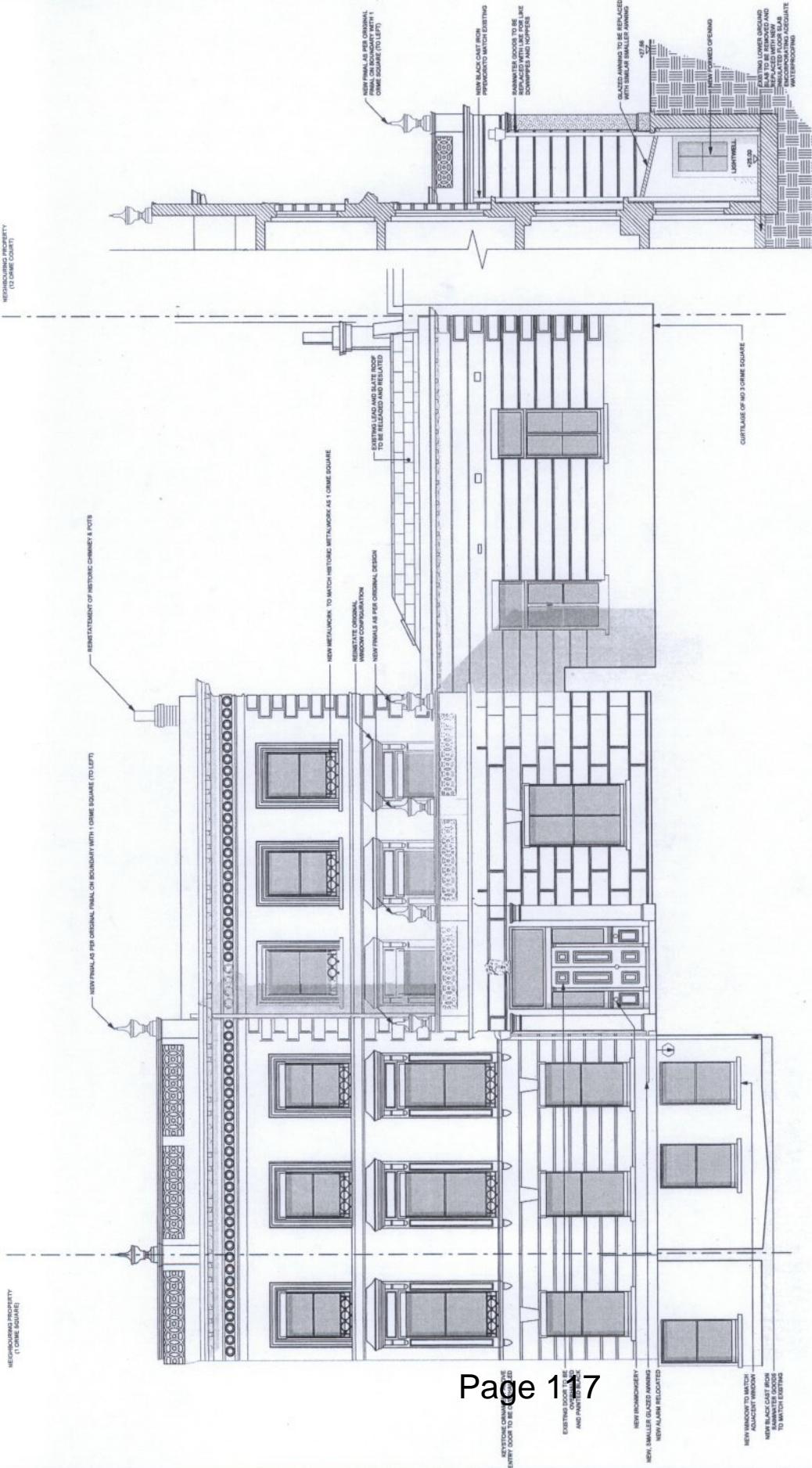
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2 ORME SQUARE &  
 1 ORME LANE  
 LONDON W2

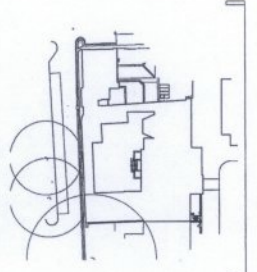
SOUTH (FRONT) ELEVATION  
 PROPOSED

| DWG No | SCALE                   | DATE     |
|--------|-------------------------|----------|
| PL-26  | 1:50 @ A1<br>1:100 @ A3 | MAR 2015 |

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 LONDON SW1Y 8EE  
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2 PROPOSED WEST ELEVATION OF ENTRANCE  
 PL-26



1 PROPOSED SOUTH (FRONT) ELEVATION  
 PL-26

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 COMMENCEMENT OF WORK.

KEY:

|               |                  |
|---------------|------------------|
| [Hatched Box] | PROPOSED ELEMENT |
| [Solid Box]   | EXISTING WALL    |
| [Dashed Box]  | EXISTING LEVEL   |
| [Dotted Box]  | PROPOSED LEVEL   |

PLANNING SUBMISSION  
 MARCH 2015

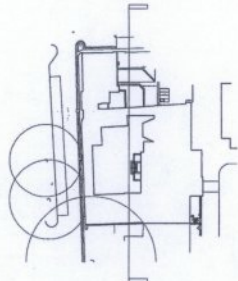
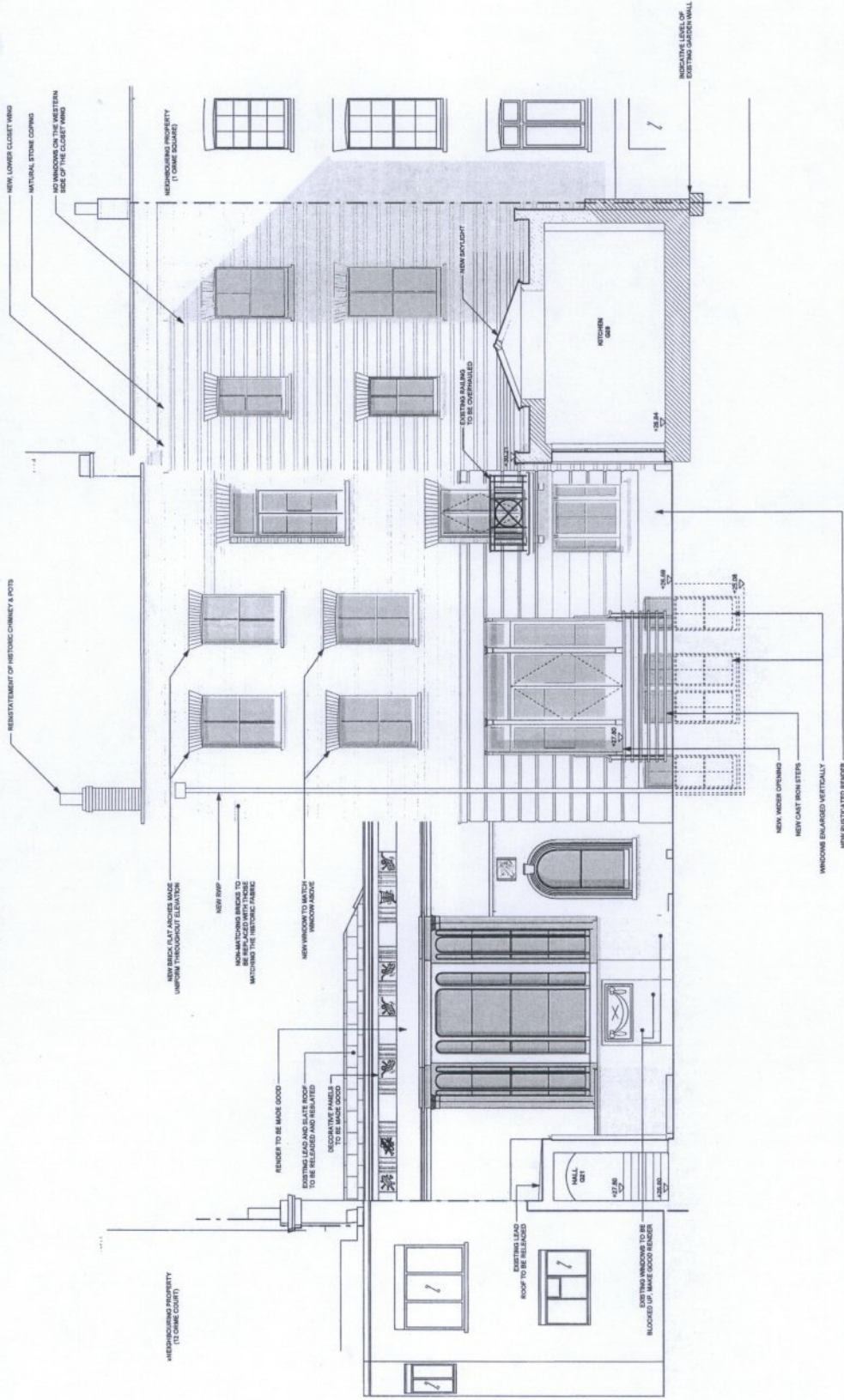
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| NORTH (REAR) ELEVATION<br>PROPOSED         |                                  |                  |  |
| DRWG No<br>PL-27                           | SCALE<br>1:50 @ A1<br>1:100 @ A3 | DATE<br>MAR 2015 |  |

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1 PROPOSED NORTH (REAR) ELEVATION  
 P-27





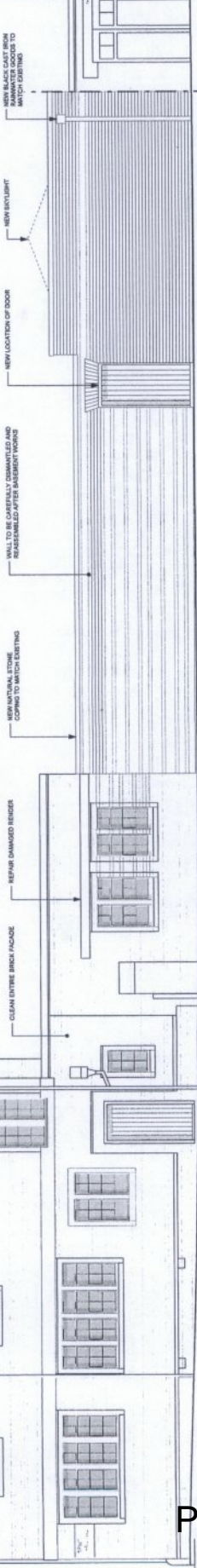


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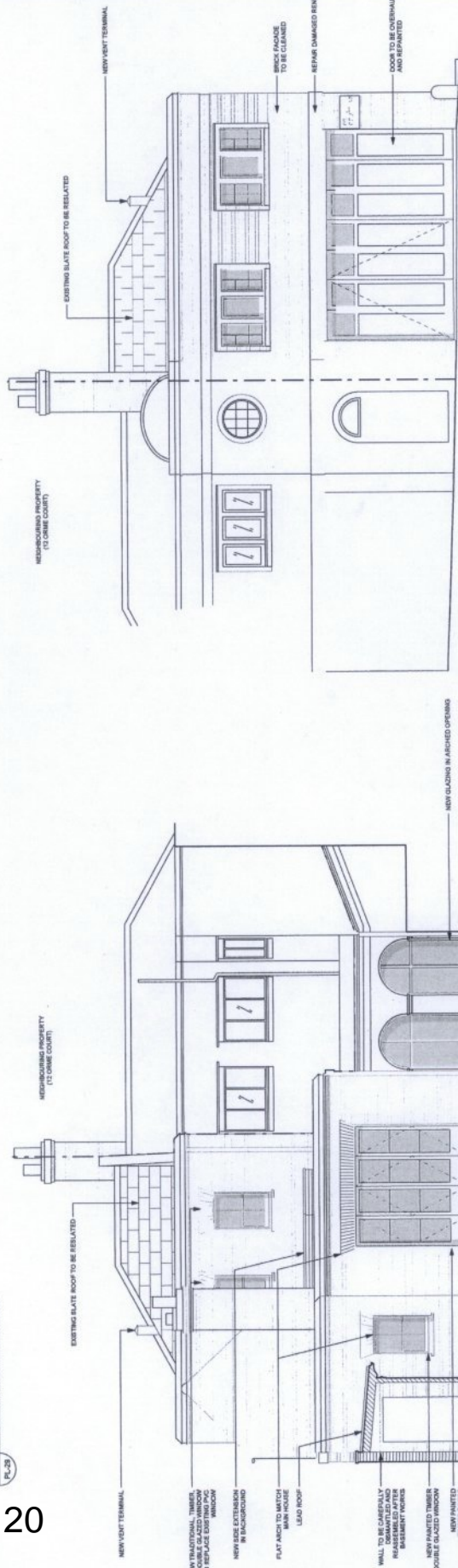
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 PROPOSED LEVEL

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 EXISTING SLATE ROOF TO BE  
 RELATED LIKE FOR LIKE  
 CLEAN ENTIRE BRICK FACADE  
 REPAIR DAMAGED RENDER  
 REPAIR DAMAGED RENDER  
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 IN BACKGROUND  
 FLAT ROOF TO MATCH  
 MAIN HOUSE  
 LEAD ROOF  
 NEW PAINTED TIMBER  
 DOUBLE GLAZED WINDOW  
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 TIMBER COUSERS  
 NEW GLAZING IN ARIKED OPENING  
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NEW VENT TERMINAL  
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 MAIN HOUSE  
 LEAD ROOF  
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 DOUBLE GLAZED WINDOW  
 NEW PAINTED  
 TIMBER COUSERS  
 NEW GLAZING IN ARIKED OPENING  
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 BRICK FACADE  
 TO BE  
 CLEANED  
 REPAIR DAMAGED RENDER  
 DOOR TO BE  
 DEMOLISHED  
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PLANNING SUBMISSION  
 MARCH 2015



| REV. | DATE | DESCRIPTION |
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2 ORME SQUARE AND  
 1 ORME LANE  
 LONDON W2

COTTAGE ELEVATIONS  
 PROPOSED ALTERATIONS

| DWG No | SCALE                   | DATE     |
|--------|-------------------------|----------|
| P-29   | 1:50 @ A1<br>1:100 @ A3 | MAR 2015 |

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 LONDON SW1Y 6EE  
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3 PROPOSED EAST ELEVATION  
 P-29

2 PROPOSED WEST ELEVATION  
 P-29



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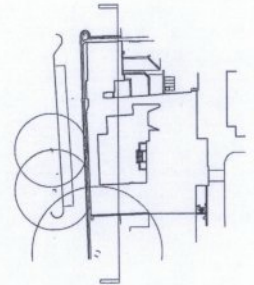
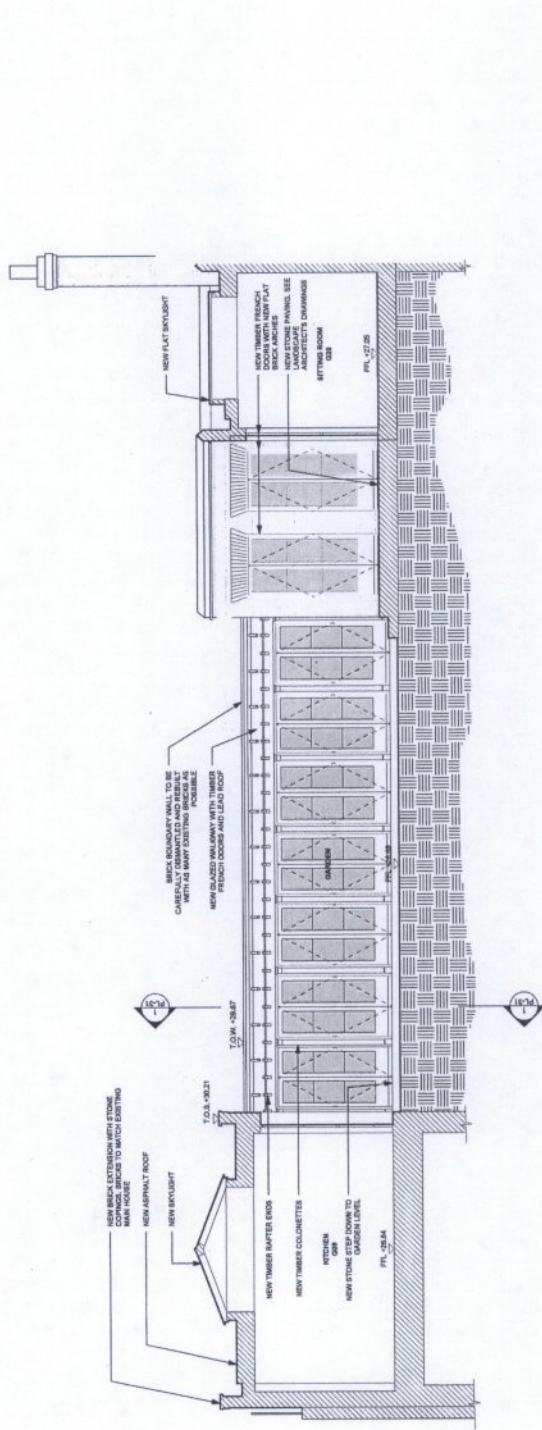
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|  | PROPOSED LEVEL |

PLANNING SUBMISSION  
 MARCH 2015





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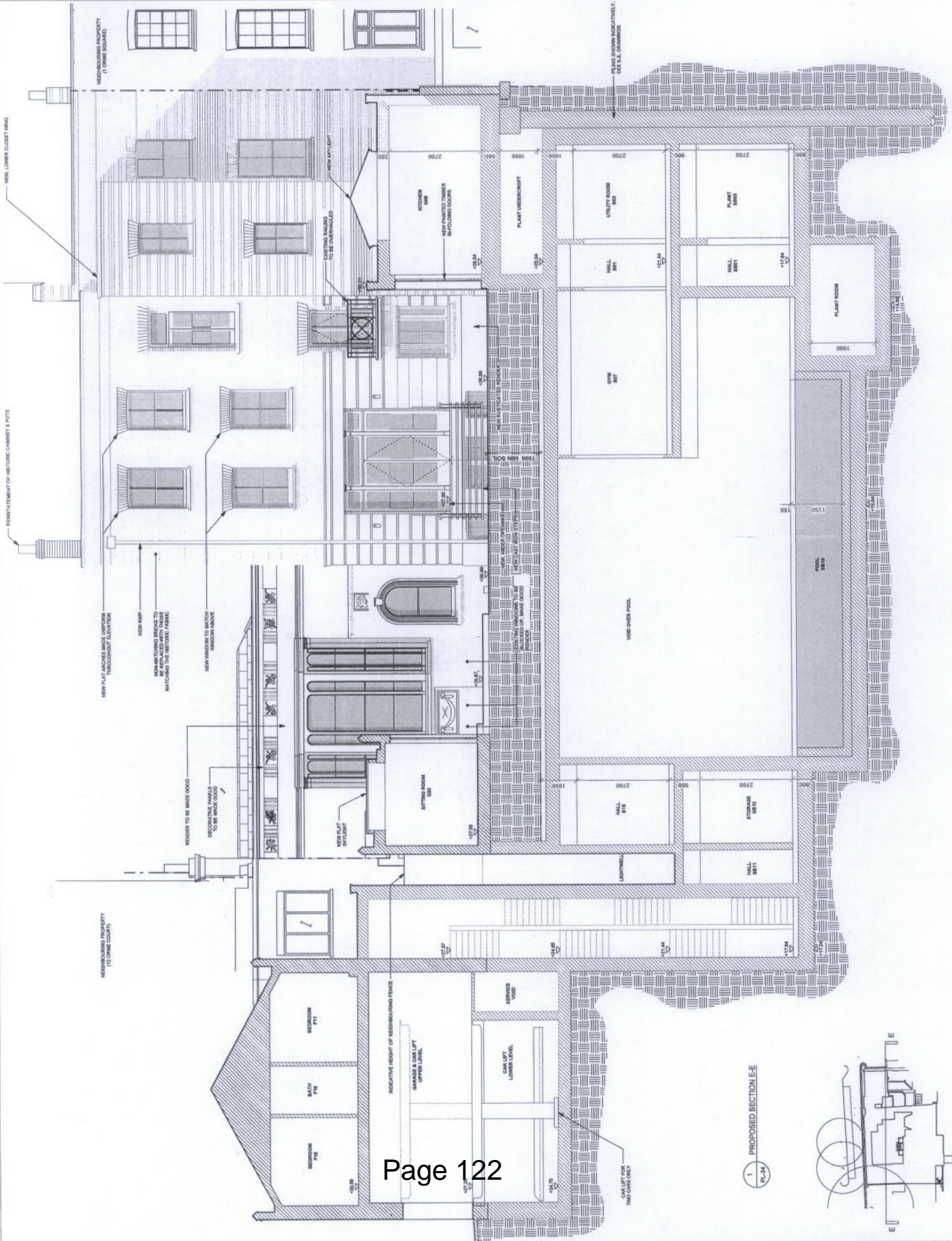
  

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| <b>2 ORME SQUARE &amp;<br/>1 ORME LANE</b><br>LONDON W2 |  |
| GLAZED WALKWAY ELEVATION<br>PROPOSED ALTERATIONS        |  |
| DRWG No<br>PL-30  | SCALE<br>1:100 @ A1<br>1:100 @ A3  |
| DATE<br>MAR 2015  | STANHOPE GATE ARCHITECTURE<br>101, BERNARD STREET<br>LONDON SW1Y 6EE<br>T 020 7451 0255 email@stanhopegate.co.uk<br>www.stanhopegatearchitecture.com |



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**KEY:**  
 PROPOSED WALL  
 EXISTING WALL  
 EXISTING LEVEL  
 PROPOSED LEVEL



PLANNING SUBMISSION  
 MARCH 2015

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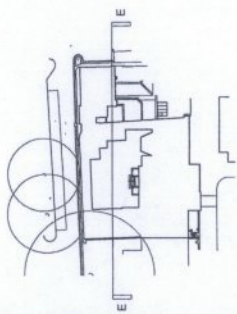
  

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| 2 ORME SQUARE &<br>1 ORME LANE<br>LONDON W2 |                                  | PROPOSED SECTION E-E |  |
| DWG No<br>PL-34                             | SCALE<br>1:50 @ A1<br>1:100 @ A3 | DATE<br>MAY 2015     |  |

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|--|--|
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1 PROPOSED SECTION E-E  
 PL-34



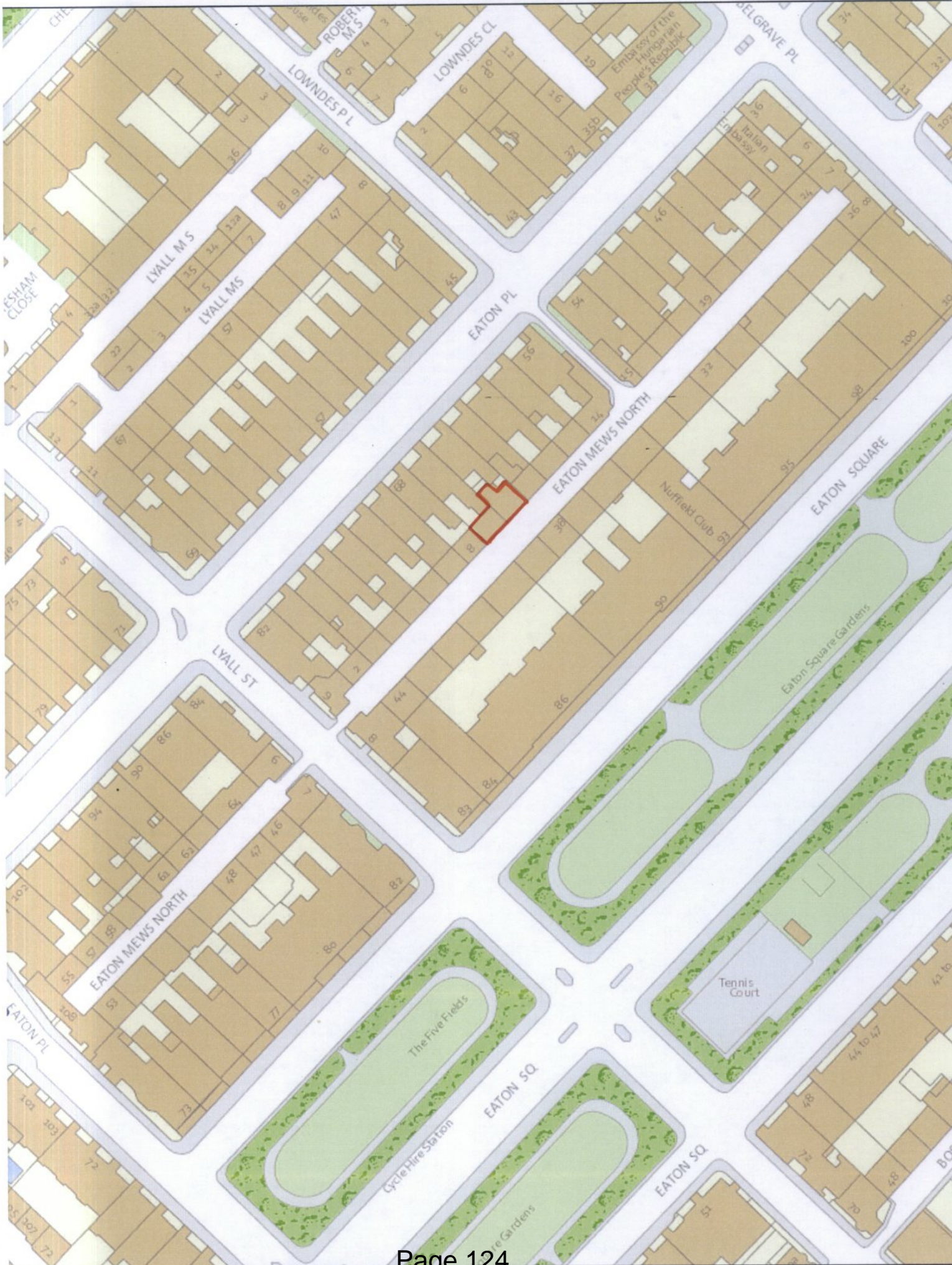
# Agenda Item 5

|          |
|----------|
| Item No. |
| 5        |

|   |   |  |                |
|---|---|--|----------------|
| <b>CITY OF WESTMINSTER</b>  |   |  |                |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>22 September 2015  | <b>Classification</b><br>For General Release |                |
| <b>Report of</b><br>Director of Planning  | <b>Wards involved</b><br>Knightsbridge And Belgravia  |  |                |
| <b>Subject of Report</b>  | <b>9 and 10 Eaton Mews North, London, SW1X 8AR</b>  |  |                |
| <b>Proposal</b>   | Application 1: Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.<br>Application 2: Formation of a basement extension to Nos. 9 and 10 and use of the property as two separate dwellings. |  |                |
| <b>Agent</b>  | Savills   |  |                |
| <b>On behalf of</b>   | Chloe Parashos c/o Leconfield   |  |                |
| <b>Registered Number</b>  | 15/03309/FULL<br>15/02961/FULL  | <b>TP / PP No</b>                            | TP/25662/25661 |
| <b>Date of Application</b>  | 15.04.2015  | <b>Date amended/ completed</b>               | 15.04.2015     |
| <b>Category of Application</b>  | Minor   |  |                |
| <b>Historic Building Grade</b>  | Unlisted  |  |                |
| <b>Conservation Area</b>  | Belgravia   |  |                |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone<br>Outside Central Activities Zone  |  |                |
| <b>Stress Area</b>  | Outside Stress Area   |  |                |
| <b>Current Licensing Position</b>   | Not Applicable  |  |                |

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional permission.





9 AND 10 EATON MEWS NORTH, SW1

## 2. SUMMARY

Nos. 9 and 10 Eaton Mews North is a single dwellinghouse comprising of ground and first floor levels. The building is unlisted but within the Belgravia Conservation Area. Two applications have been submitted which seek the following: Application 1: The erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings (15/03309/FULL) and Application 2: The formation of a basement extension to Nos. 9 and 10 and use of the property as two separate dwellings (15/02961/FULL).

The key issues in this case are:

- The impact of the proposals on residential amenity.
- The impact of the proposals on the character and appearance of the conservation area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

## 3. CONSULTATIONS

### APPLICATION 1:

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 32; Total No. of Replies: 3.

#### Amenity

- Loss of privacy and increased overlooking.
- Loss of light.
- Increased sense of enclosure.
- Loss of view.

#### Design

- Extensions are large and overbearing given scale of mews.

#### Other

- Noise and disturbance during building works.
- No notice received by adjoining occupiers of proposed development.

ADVERTISEMENT/SITE NOTICE: Yes.

### APPLICATION 2:

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Objection.

- Loss of existing off street car parking.

#### ENVIRONMENTAL HEALTH

No objection.



**BUILDING CONTROL**

Structural method statement acceptable.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 43; Total No. of Replies: 3.

(Three from the same owner/occupier).

**Amenity**

- Loss of light.
- Loss of privacy.
- Increased sense of enclosure.

**Other**

- No notice received by adjoining occupiers of proposed development.
- Loss of rent.
- Increased parking demand.
- Noise and disruption during building works.

ADVERTISEMENT/SITE NOTICE: Yes.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

Nos. 9 and 10 Eaton Mews North are two unlisted buildings within the Belgravia Conservation Area. The buildings are currently amalgamated into a single family dwelling comprising of ground and first floor levels. The building is located on the north side of Eaton Mews North.

**4.2 Relevant History****9 Eaton Mews North**

A Lawful Development Certificate was issued on the 20 March 2015 confirming that the excavation of a single level basement under the existing property (15/01707/CLOPUD) would be permitted development.

**10 Eaton Mews North**

A Lawful Development Certificate was issued on the 20 March 2015 for the excavation of a single level basement under the existing property (15/01709/CLOPUD) would be permitted development.

Planning permission was granted on the 27 January 1992 for an additional mansard floor on existing mews house and conservatory link to main house (64 Eaton Place) (91/04641/FULL).

**5. THE PROPOSAL****Application 1: 15/03309/FULL**

Permission is sought for the erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.

**Application 2: 15/02961/FULL**

Permission is sought for the formation of a basement extension to Nos. 9 and 10 and use of the property as two separate dwellings. The application has been revised to omit rear extensions and roof terraces.

**6. DETAILED CONSIDERATIONS****6.1 Land Use**

The proposals submitted under Applications 1 and 2 seek to provide additional residential floorspace to the existing dwellinghouse. In land use terms the proposals are considered acceptable and comply with Policy S14 of the City Plan and saved Policy H3 of the UDP.

**6.2 Townscape and Design****Application 1:**Roof extension

It is proposed to erect a roof extension to both Nos. 9 and 10. Along with No. 11, the two mews properties are the only remaining mews houses which retain their traditional pitched roofs. Given the overwhelming change in the character of the roof scape within the mews, the principle of roof extensions is not opposed in townscape terms.

In design terms the mansards conform to the established roof line in terms of their height and are in line with the guidance contained within the City Council's supplementary planning guidance on roofs, and exhibit a traditional form and well-designed details such as modest dormer windows. The proposals are acceptable in accordance with Policies DES1, DES6, DES9, S25 and S26.

Alterations to the front elevation

Alterations are also proposed to the front elevation which comprises of the replacement of the existing bay windows, repositioning of the front entrance door to No. 9 and alterations to the existing garage doors. These alterations benefit from permitted development rights under Schedule 2, Part 1 Class A of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

**Application 2:**

The proposal originally included the erection of rear extensions with terraces to the rear of both Nos. 9 and 10. However these were considered to be an uncharacteristic addition to the rear of the mews properties and therefore unacceptable in both design and amenity. These have now been omitted.

Basement excavation

The proposals seek to form a single storey basement extension beneath Nos. 9 and 10 Eaton Mews North. A Certificate of Lawful Development has been issued for both Nos. 9 and 10 for a new (slightly smaller) basement extension but this has not been implemented.

The proposed basements will provide additional residential accommodation in the form of a gym, media room and utility room. Both basements will have an external lightwell to allow natural light into the basement areas. The external lightwell is not visible from the public

realm and there will be very limited views from the upper floor windows of the adjoining properties.

The building is not listed but nevertheless the proposed floor to ceiling height of the proposed basement extension does not exceed the floor to ceiling height of the upper ground floor level.

A structural method statement for the proposed basement extensions has been provided. The structural statement has been assessed by Building Control officers who have confirmed that the method of excavation is satisfactory. Conditions are recommended to control noise from building works and the submission of a Construction Management Statement.

#### External alterations

Following the omission of the proposed rear extensions to Nos. 9 and 10, the remaining external alterations consist of the reconfiguration of the existing windows at rear first floor level and insertion of a new central window on both properties. These alterations benefit from permitted development rights under Schedule 2, Part 1 Class A of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

There are two existing extensions at rear ground floor level which are to remain as existing. The only alteration proposed is to the design of the French doors. The proposed alterations are considered acceptable but also benefit from permitted development rights under Schedule 2, Part 1 Class A of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

### **6.3 Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

#### **Application 1:**

##### Daylight and Sunlight

Policy ENV 13 seeks to ensure good lighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

The properties included in the assessment are Nos. 37-40 Eaton Mews North and Nos. 62, 64, 66 and 68 Eaton Place.

Objections have been received from (Flat 1) 66 Eaton Place on the grounds that the proposed roof extension would cause a loss of light. Flat 1 occupies the lower ground and ground floor level and has a small courtyard area which backs onto the rear of No. 9 Eaton Mews North. The lower ground floor level has a set of doors which provide access to the courtyard area from the study/living room area. At ground floor level there is a rear window which serves the dining room.

There will be no material loss of daylight or sunlight to the windows in the rear of 66 Eaton Place.

#### Overlooking

There is already a degree of mutual overlooking between No. 9 Eaton Mews North and to 66 Eaton Place. The new dormer windows in the new roof extension will serve staircases, circulation spaces and en-suite bathrooms. It is proposed to obscurely glaze the lower three panes of the windows which is considered acceptable and will be secured by condition.

#### Sense of enclosure

With the exception of Nos. 9 to 11 Eaton Mews North the majority of the mews properties along the terrace have roof extensions.

The occupiers of Flat 1 at 66 Eaton Place and the lower ground/ground floor flat of 64 Eaton Place would be able to see the new mansard extension but not to a degree which would be regarded as causing an increased sense of enclosure.

#### **Application 2:**

The proposed extensions and terraces to both Nos. 9 and 10 have been omitted from the proposals. The residential occupiers of the flats within Nos. 62 and 66 Eaton Place had both objected to the extensions on grounds of increased sense of enclosure and loss of privacy/overlooking caused by the additional bulk of the extensions and proposed high level terraces on both extensions. Given that the extensions have now been omitted from the proposals, these objections have been overcome.

Both buildings are single family dwellings and at rear first floor level of both Nos. 9 and 10 it is proposed to alter the existing windows and insert a new central window. The windows on the rear elevation which will serve a staircase and en-suite bathroom area will all be obscurely glazed and this will be secured by condition.

It is proposed to replace the existing French doors to the existing extensions. The doors to the rear of No. 10 are not dissimilar to the existing situation. The proposed French doors to the extension to the rear of No. 9 already face onto the side elevation looking towards No. 8 and do not face towards the rear of 66 Eaton Place. The proposed alterations and insertion of new French doors to Nos. 10 and 9 respectively are not considered to cause material harm to the amenity of 66 Eaton Place.

#### **6.4 Transportation/Parking**

Concern has been raised that the proposal to split the existing property into two separate dwellings will increase parking demand. The property was originally designed as two separate dwellings. The mews is a private road. The existing garages to both properties are to be retained therefore a refusal on parking grounds is not considered sustainable in this instance.

#### **6.5 Economic Considerations**

Not applicable.

#### **6.6 Other UDP/Westminster Policy Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be

applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

### **6.7 London Plan**

The proposal does not raise strategic issues.

### **6.8 Planning Obligations**

Not applicable.

### **6.9 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposal is of insufficient scale to require an environmental assessment.

### **6.10 Other Issues**

#### **Applications 1 and 2:**

The residential occupier of 66 Eaton Place has stated that they were not consulted about the proposals. However, the City Council had sent out neighbour notification letters to the nearest affected residential properties including 66 Eaton Place as well as placing a site notice and press notice to advertise the application.

Concern has been raised that the proposed works would result in a loss of rent to an adjoining property within the mews as a result of the noise and disturbance caused by the works. This is not a planning matter.

### **6.11 Conclusion**

Subject to conditions, the applications are acceptable in design, listed building and amenity terms. In all other respects the proposals are considered acceptable.

## **BACKGROUND PAPERS**

Application 1:

1. Application form.
2. E-mail from the occupier of 11 Eaton Mews North dated 20 May 2015.
3. E-mail from the occupier of Flat 1, 62 Eaton Place dated 1 June 2015.
4. Letters from Peter Weatherhead Planning on behalf of the occupiers of Flat 1, 66 Eaton Place dated 6 July 2015 and 20 August 2015.

**Application 2.**

1. Application form.
2. Memorandum from Environmental Health dated 5 May 2015.
3. Memorandum from Highways Planning Manager dated 12 May 2015.
4. E-mail from Building Control dated 9 June 2015.
5. E-mail from the occupier of 11 Eaton Mews North dated 20 May 2015.
6. E-mail from the occupier of Flat 1, 62 Eaton Place dated 1 June 2015.
7. E-mail from the occupier of Flat 1, 66 Eaton Place dated 26 June 2015.
8. E-mail from the occupier of Flat 1, 66 Eaton Place dated 30 June 2015.
9. Letters from Peter Weatherhead Planning on behalf of the occupiers of Flat 1, 66 Eaton Place dated 6 July 2015 and 20 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 9 and 10 Eaton Mews North, London, SW1X 8AR

**Proposal:** Erection of a mansard roof extension to Nos. 9 and 10 and use of the property as two separate dwellings.

**Plan Nos:** EX100, EX200, EX201, EX202, EX203, EX204, EX205, EX206, EX207, PL201 Rev. A, PL202, PL203, PL204, PL205, PL206, PL207, PL208, Daylight and Sunlight Study and Planning, Design and Access Statement dated April 2015.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The roofs shall be covered in traditional Welsh slate. You must then keep the roofs in that condition.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The windows shall be timber. You must then keep them in that condition.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The dormer windows in the rear roof extension hereby approved and as shown annotated on drawing PL206 must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 The garage doors are 'permitted development', but are very close to the public road. They may block the road when they are open. You will need to be sure that you can open the doors safely without causing any danger to the public or breaking any other law before carrying out this part of the development. (I37BA)



**DRAFT DECISION LETTER**

- Address:** 9 and 10 Eaton Mews North, London, SW1X 8AR
- Proposal:** Formation of a basement extension to No. 9 and No. 10 and use of the property as two separate dwellings
- Plan Nos:** EX100, EX200, EX101, EX102, EX103, EX104, EX105, EX106, EX107, PL100 Rev. D, PL101 Rev. C, PL102 Rev. D, PL103 Rev. B, PL104, PL105 Rev. D, PL106 Rev. C, PL107 Rev. C and Design and Access Statement dated August 2015.

For Information purposes only: Structural Method Statement in support of a planning application by Peek Architecture for a subterranean development Rev. A prepared by Duffy Associates Consulting Engineers dated 27 March 2015 (see informative 3) and Construction Management Plan dated March 2015 (see informative 4).

**Case Officer:** Zulekha Hosenally **Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- \* between 08.00 and 18.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday; and
  - \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and
- \* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paragraphs 135 and 128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 The windows at rear first floor level hereby approved and as shown annotated on drawing PL105 Rev. D must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
  
- 4 For the avoidance of doubt the Construction Management Plan required under condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.

# APPLICATION 1

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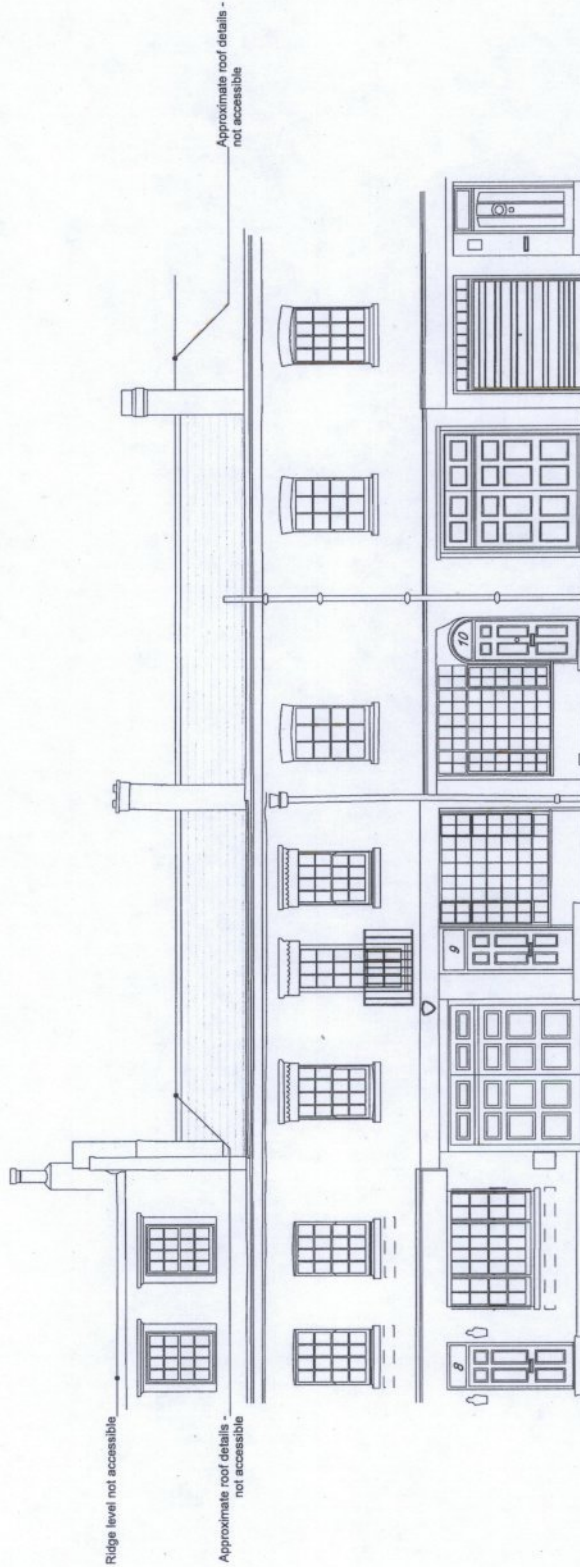
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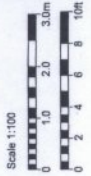


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**9 & 10 EATON MEWS NORTH,  
LONDON**  
DRAWING NAME:  
**EXISTING FRONT ELEVATION**

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:  
**P728 EX204 - 1:100 @ A3**  
DATE: FIRST AUTHOR:  
**JAN 2015 YH**

**PEEK** | Architecture + Design Ltd  
Address: 15-17 Palace Street, London, W1P 6DB  
Web: www.peekarchitecture.co.uk | Email: george@peekarchitecture.co.uk | Tel: 0207 734 9384



Application 1



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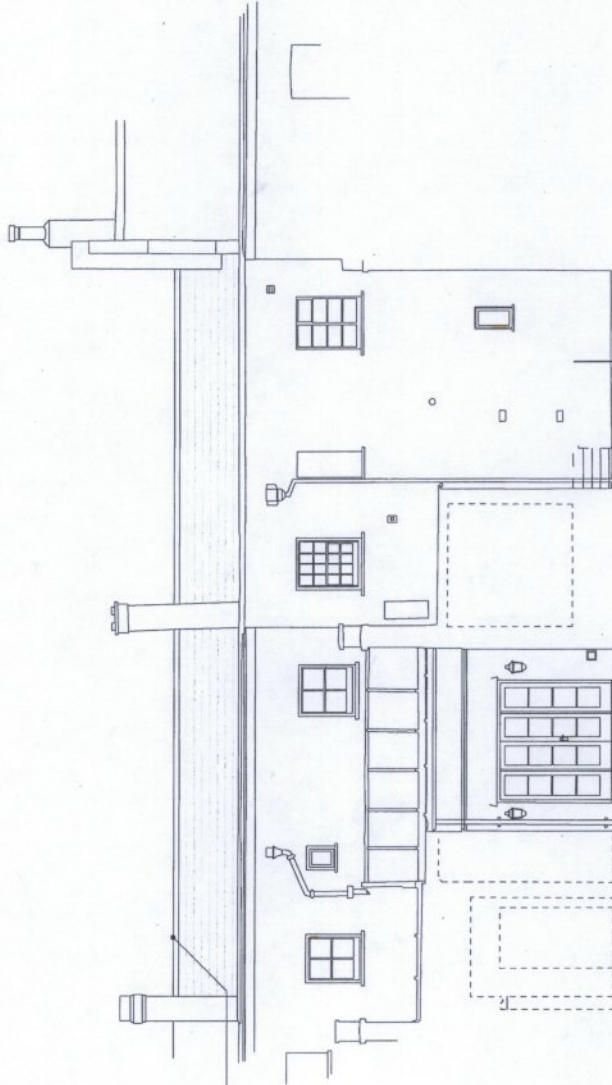
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Approximate ridge level -  
not accessible

DATUM 18.00m

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**9 & 10 EATON MEWS NORTH,  
LONDON  
DRAWING NAME:  
EXISTING REAR ELEVATION**

PROJECT NO: **P728** DRAWING NO: **EX205** REVISION: **-** SCALE & SIZE: **1:100 @ A3**  
START DATE: **JAN 2015** FIRST AUTHOR: **YH**



**PEEK** | Architecture + Design Ltd  
Address: 10-12 Peck Street, London, W1F 0GB  
Web: www.peakarchitecture.co.uk | Email: info@peakarchitecture.co.uk | Tel: 0207 734 2284

*Application 1*

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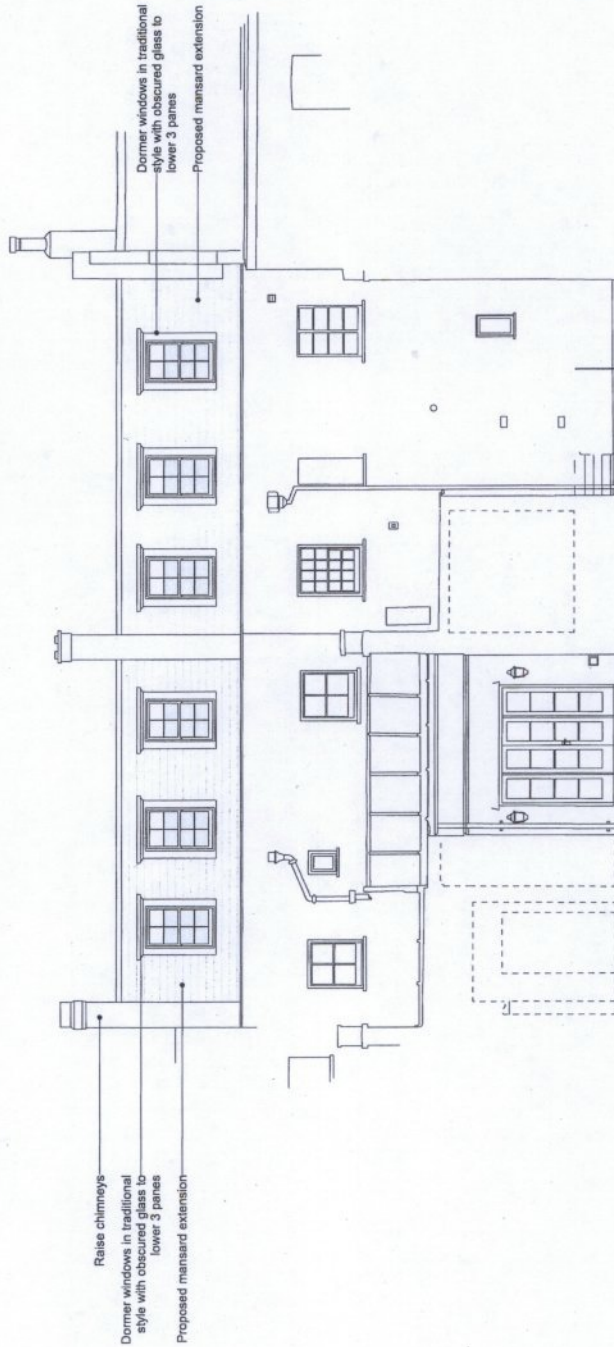
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DATUM 18.00m

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**9 & 10 EATON MEWS NORTH,  
LONDON**  
PROPOSED REAR ELEVATION

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:  
**P728 PL206** 1:100 @ A3  
 START DATE: FIRST AUTHOR:  
**JAN 2015 YH**

**PEEK** Architecture + Design Ltd  
 Address: 13 Pinedale Street, London, W1F 8JH  
 info@peekarchitecture.co.uk | Design@peekarchitecture.co.uk | Tel: 0207 754 3084



Application 1



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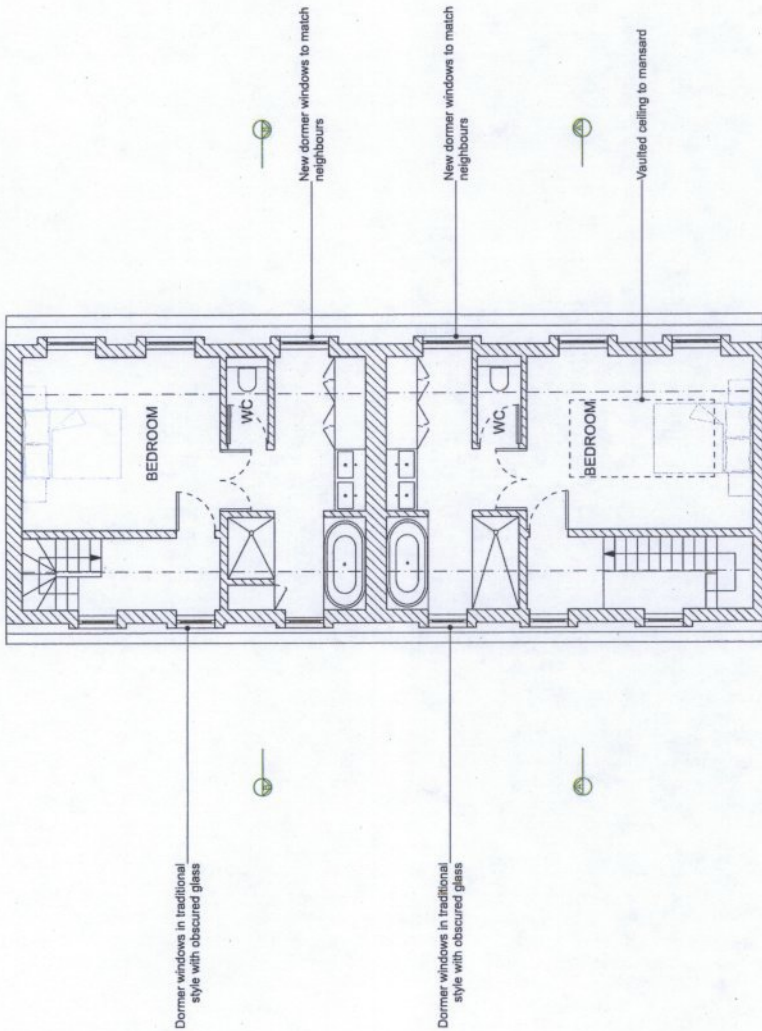
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**9 & 10 EATON MEWS NORTH,  
LONDON**  
DRAWING NAME: **PROPOSED SECOND FLOOR PLAN**

PROJECT NO: P728 DRAWING NO: PL203 SCALE & SIZE: 1:100 @ A3  
 REVISION: -  
 START DATE: JAN 2015 FIRST AUTHOR: YH

**PEEK** Architecture + Design Ltd  
 Address: 15-17 Strand Street, London, W1P 8QR  
 Website: peekarchitecture.co.uk | Email: info@peekarchitecture.co.uk | Tel: 0207 734 3054



Application 1

## APPLICATION 2

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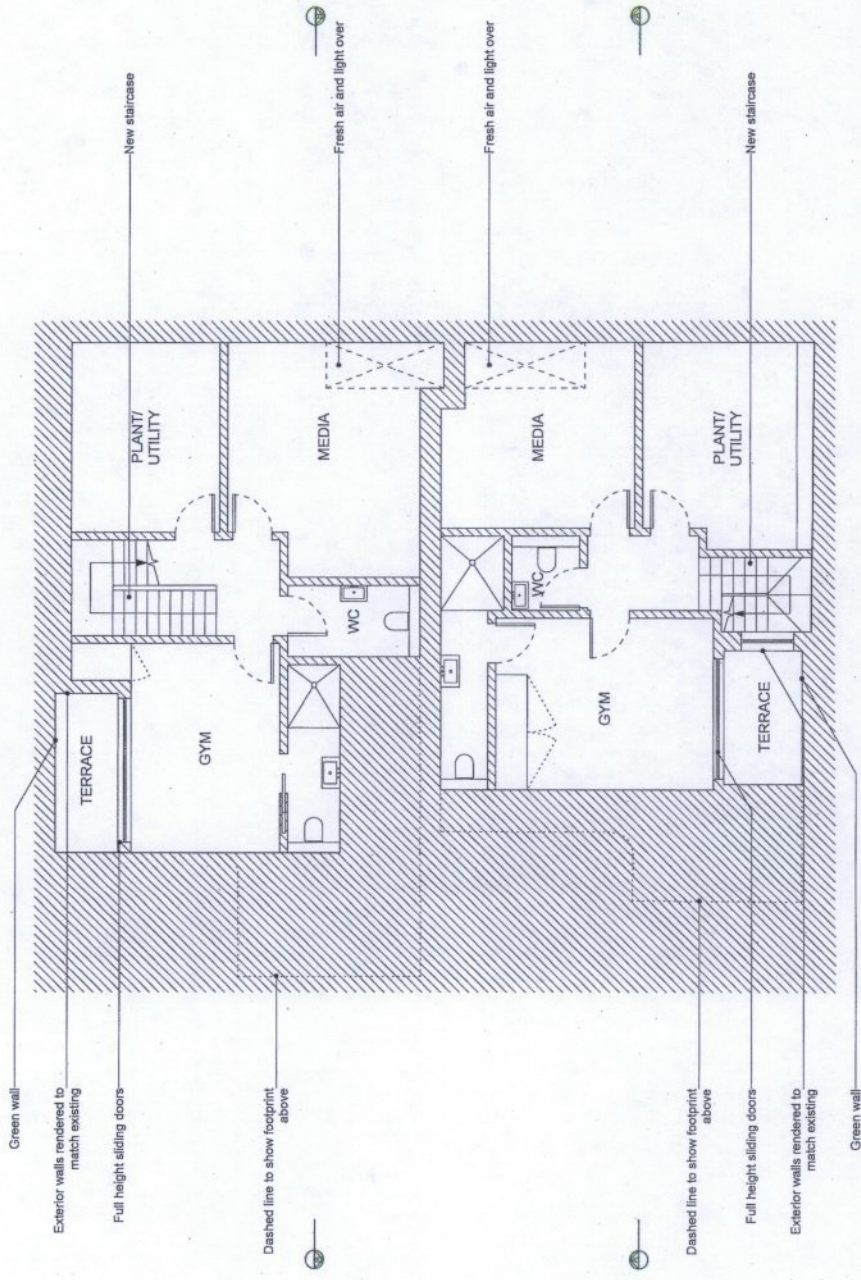
| NO.      | DATE | REVISION                         | REVISION COMMENTS | AUTHOR | CHECKER |
|----------|------|----------------------------------|-------------------|--------|---------|
| 01-06-15 | D    | Structures amended               |                   | YH     | GT      |
| 22-05-15 | C    | Design update                    |                   | YH     | GT      |
| 20-04-15 | B    | Design update                    |                   | YH     | GT      |
| 30-03-15 | A    | Structure letter and wall change |                   | YH     | GT      |
| 24-03-15 | -    | Final Issue                      |                   | YH     | GT      |

**9 & 10 EATON MEWS NORTH,  
 LONDON**

**PROPOSED BASEMENT PLAN**

PROJECT NO: PL100 D  
 DRAWING NO: REVISION  
 SCALE & SIZE: 1:100 @ A3  
 START DATE: JAN 2015  
 FIRST AUTHOR: YH

**PEEK** | Architecture + Design Ltd  
 Address: 13-15 Peak Street, London, W1P 8JQ  
 Web: www.peakarchitecture.com | Email: info@peakarchitecture.com | Tel: 0207 734 3004



North

Scale 1:100

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Application 2

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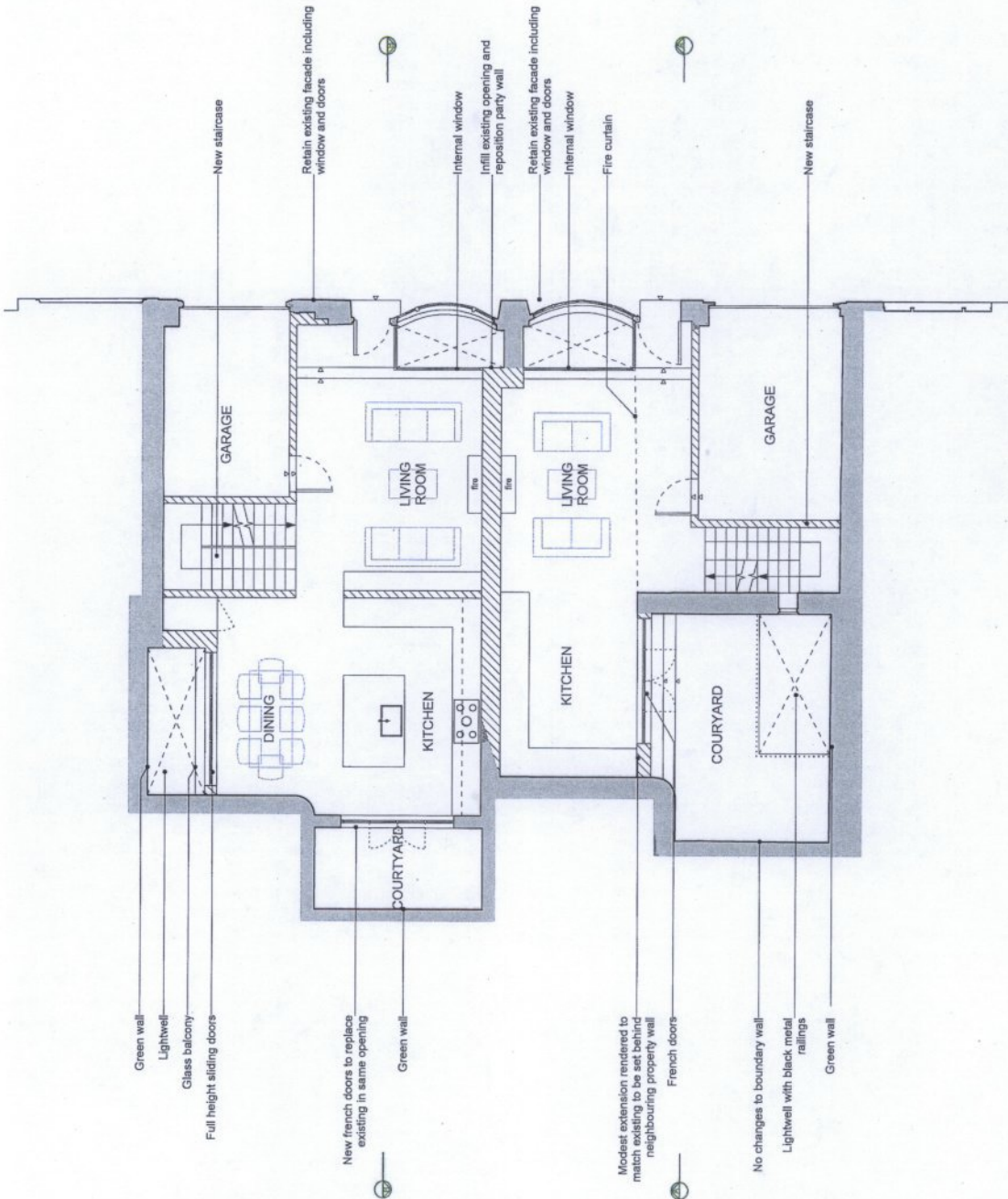
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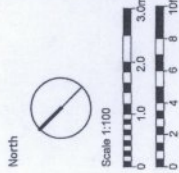
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|----------|----------|--------------------------|--------|---------|
| 12-05-15 | C        | Notes expanded           | YH     | GT      |
| 24-05-15 | B        | Design amended           | YH     | GT      |
| 27-05-15 | A        | Final elevations amended | YH     | GT      |
| 18-09-15 | -        | Final issue              | YH     | GT      |

**9 & 10 EATON MEWS NORTH,  
LONDON**  
DRAWING NAME:

**PROPOSED GROUND FLOOR PLAN**

PROJECT NO: **P728** DRAWING NO: **PL101** SCALE @ SIZE: **1:100 @ A3**  
START DATE: **JAN 2015** FIRST AUTHOR: **YH**

**PEEK** | Architecture + Design Ltd  
Peek Architecture + Design Ltd, 111 Great Portland Street, London, W1W 6LP  
 Web: www.peakarchitecture.com | Email: info@peakarchitecture.com | Tel: 0207 731 3094



Application 2



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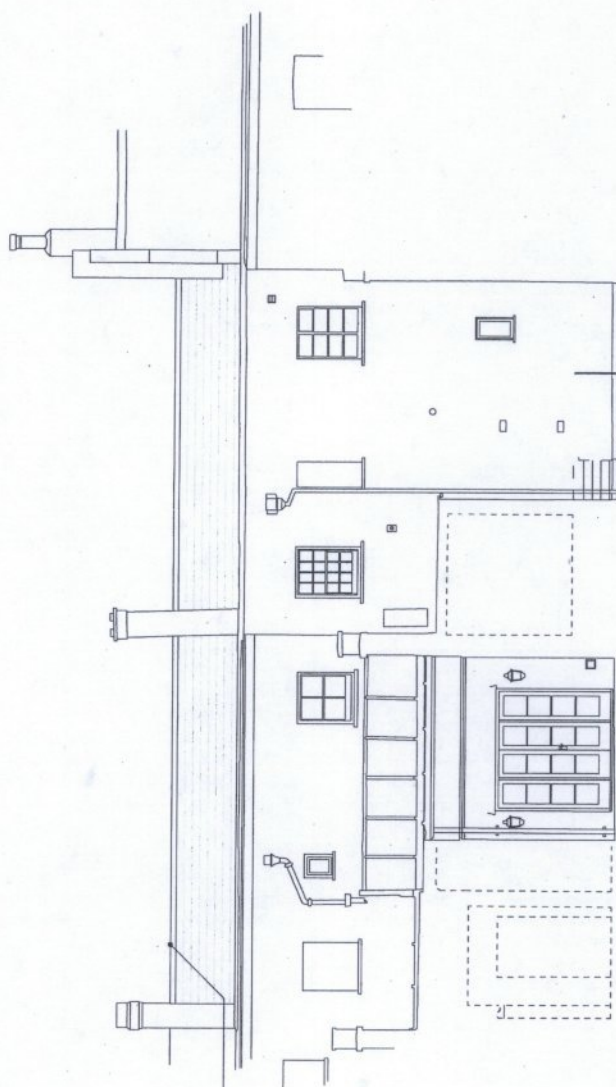
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Approximate ridge level -  
not accessible

DATUM 18.00m

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| REVISION COMMENTS: |       |
| AUTHOR:            | YH DT |
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**9 & 10 EATON MEWS NORTH,  
LONDON**  
DRAWING NAME:  
**EXISTING REAR ELEVATION**

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:  
**P728 EX105 - 1:100 @ A3**  
 START DATE: FIRST AUTHOR:  
**JAN 2015 YH**

**PEEK** | Architecture + Design Ltd  
 Address: 11-13 Strand Street, London, W1F 8DF  
 Tel: +44 (0)20 7731 5000 | Email: info@peekarchitects.com | Website: www.peekarchitects.com



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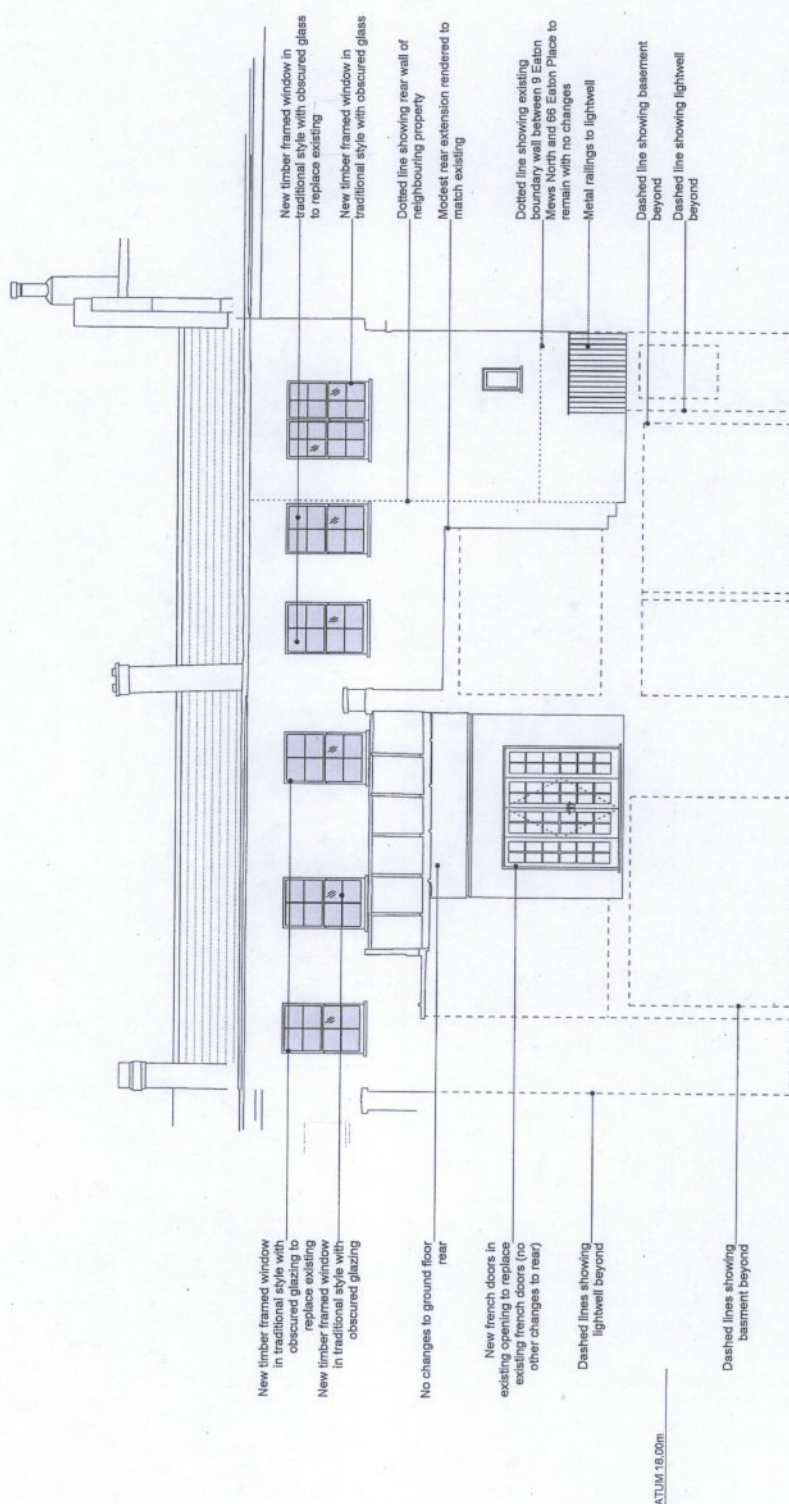
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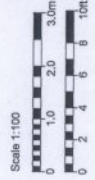


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| 12-06-15 | D        | Mews expanded                     | YH GT    |
| 27-07-15 | C        | Obscured floor extension outlined | YH GT    |
| 11-07-15 | B        | First floor extension outlined    | YH GT    |
| 01-07-15 | A        | Timberline outlined               | YH GT    |
| 24-06-15 | -        | First floor                       | YH GT    |

**9 & 10 EATON MEWS NORTH,  
 LONDON**  
 DRAWING NAME:  
**PROPOSED REAR ELEVATION**

PROJECT NO: DRAWING NO: REVISION: SCALE @ SIZE:  
**P728 PL105 D 1:100 @ A3**  
 START DATE: FIRST AUTHOR:  
**JAN 2015 YH**

**PEEK** | Architecture + Design Ltd  
 Address: 12-13 Pined Street, London, W1F 8DB  
 Web: www.peekarchitecture.com | Email: info@peekarchitecture.com | Tel: 0207 734 3304



*Application 2*

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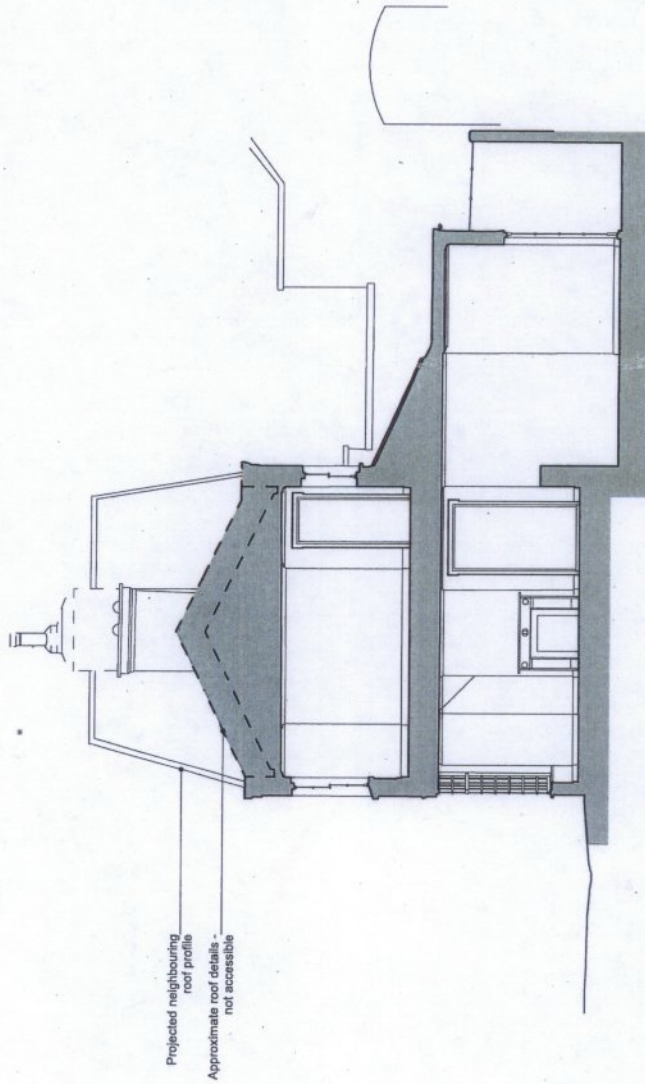
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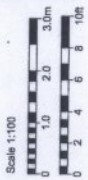


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| REVISIONS:         |    |
| REVISION COMMENTS: |    |
| AUTHOR:            | YH |
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**9 & 10 EATON MEWS NORTH,  
LONDON**  
DRAWING NAME:  
**EXISTING SECTION BB**

PROJECT NO: DRAWING NO: REVISION: SCALE & SIZE:  
**P728 EX107 - 1:100 @ A3**  
 START DATE: FIRST AUTHOR:  
**JAN 2015 YH**

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 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



Application 2



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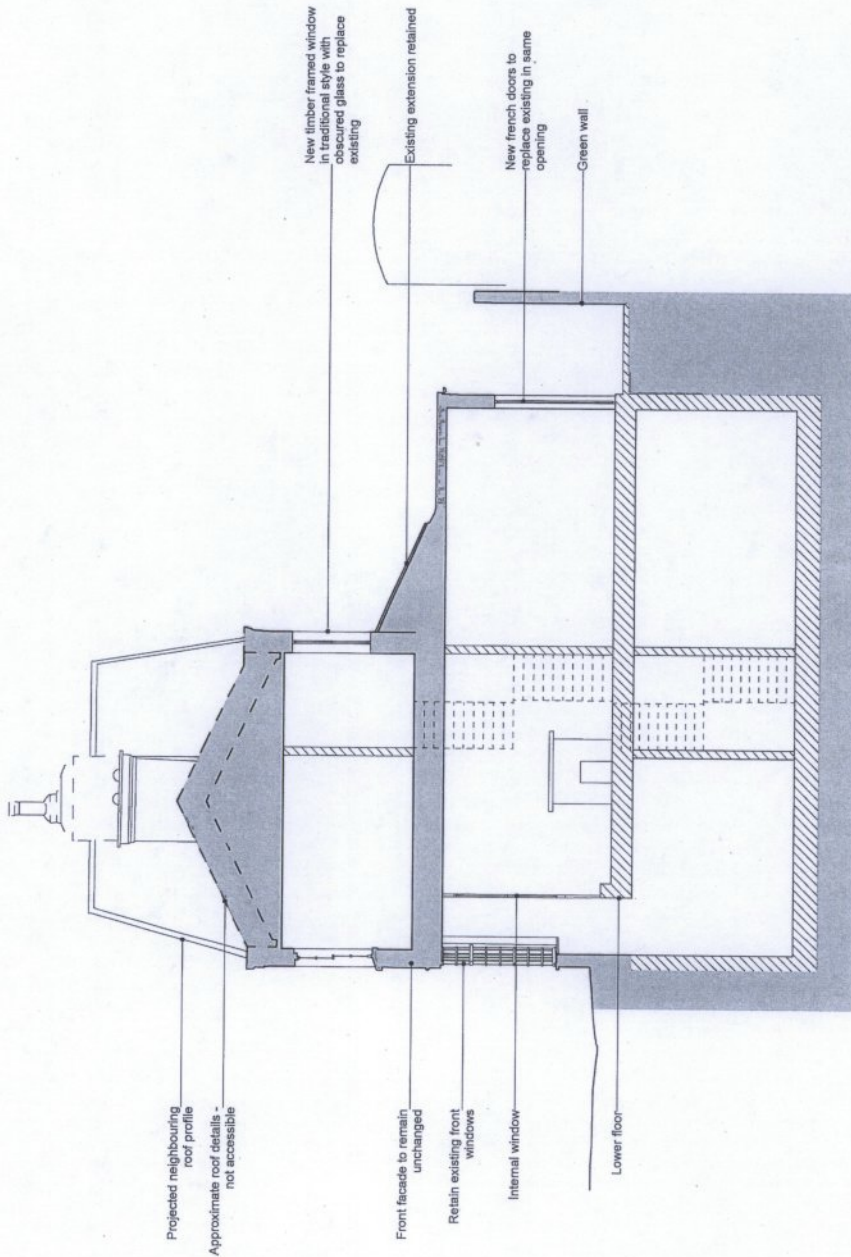
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**GENERAL NOTES:**

CASE COPY

TP: \_\_\_\_\_  
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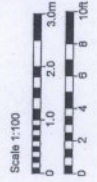
| DATE:              | REVISION: | CHECKER:                       | AUTHOR: |
|--------------------|-----------|--------------------------------|---------|
| 13.08.15           | C         | Nick expanded                  | YH GT   |
| 27.07.16           | B         | Ground floor extension omitted | YH GT   |
| 17.07.16           | A         | First floor extension omitted  | YH GT   |
| 08.07.15           |           | First issue                    | YH GT   |
| REVISION COMMENTS: |           |                                |         |

**9 & 10 EATON MEWS NORTH,  
LONDON**

**PROPOSED SECTION BB**

PROJECT NO: P728  
DRAWING NO: PL107  
START DATE: JAN 2015  
REVISION: C  
FIRST AUTHOR: YH

SCALE & SIZE:  
**1:100 @ A3**



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Application 2

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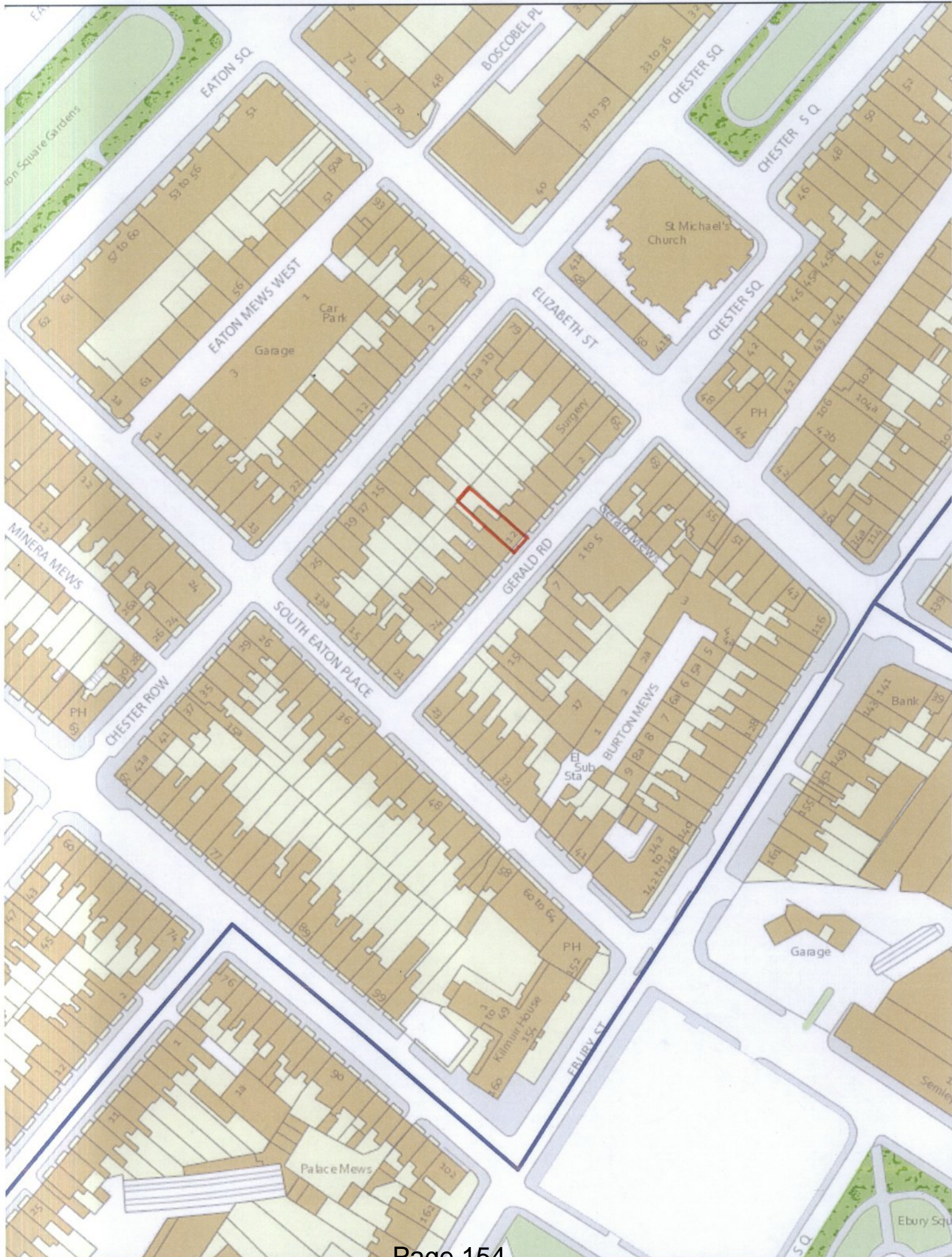
# Agenda Item 6

|          |
|----------|
| Item No. |
| 6        |

|   |   |  |            |
|---|---|--|------------|
| <b>CITY OF WESTMINSTER</b>  |   |  |            |
| <b>PLANNING APPLICATIONS COMMITTEE</b>  | <b>Date</b><br>22 September 2015  | <b>Classification</b><br>For General Release |            |
| <b>Report of</b><br>Director of Planning  | <b>Wards involved</b><br>Knightsbridge And Belgravia  |  |            |
| <b>Subject of Report</b>  | <b>12 Gerald Road, London, SW1W 9EQ</b>   |  |            |
| <b>Proposal</b>   | Excavation to create basement extension beneath dwelling and rear garden, excavation to lower front pavement vaults, demolition and rebuilding of single storey rear extension, construction of new double height glass conservatory extension at the rear, two new dormer windows to front roof elevation. |  |            |
| <b>Agent</b>  | Mr Rabih Hage   |  |            |
| <b>On behalf of</b>   | 12 Gerald Road Ltd  |  |            |
| <b>Registered Number</b>  | 15/01803/FULL<br>15/01804/LBC   | <b>TP / PP No</b>                            | TP/17624   |
| <b>Date of Application</b>  | 25.02.2015  | <b>Date amended/ completed</b>               | 17.03.2015 |
| <b>Category of Application</b>  | Other   |  |            |
| <b>Historic Building Grade</b>  | Grade II Listed Building  |  |            |
| <b>Conservation Area</b>  | Belgravia   |  |            |
| <b>Development Plan Context</b><br>- London Plan July 2011<br>- Westminster's City Plan: Strategic Policies 2013<br>- Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone<br><br>Outside Central Activities Zone  |  |            |
| <b>Stress Area</b>  | Outside Stress Area   |  |            |
| <b>Current Licensing Position</b>   | Not Applicable  |  |            |

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.





12 GERALD ROAD, SW1

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## 2. SUMMARY

No. 12 Gerald Road is a single family dwelling comprising of lower ground to third floor level. The building is Grade II listed and within the Belgravia Conservation Area.

Permission is sought for the excavation to create a basement extension beneath the dwellinghouse and rear garden, excavation to lower the front pavement vaults, demolition and rebuilding of single storey rear extension, construction of new double height glass conservatory extension at the rear and two new dormer windows to front roof elevation.

The key issues in this case are:

- The impact on residential amenity.
- The impact on the listed building and the character and appearance of the Belgravia Conservation Area.

The proposals are considered to comply with the Council's policies in relation to listed buildings, design and conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and the applications are accordingly recommended for approval.

## 3. CONSULTATIONS

### HISTORIC ENGLAND

Authorisation dated 20 April 2015 allowing the City Council to determine the application as seen fit.

### BELGRAVIA RESIDENTS ASSOCIATION

Any comments to be reported verbally.

### HIGHWAYS PLANNING MANAGER

No objection.

### BUILDING CONTROL

Structural method statement is considered to be satisfactory.

### ENVIRONMENTAL HEALTH

No objection.

### ARBORICULTURAL MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23; Total No. of Replies: 7.

#### Amenity

- Loss of garden.
- No noise emitting equipment to be fixed to neighbouring properties.
- Double height conservatory would cause light pollution.
- Ensure replacement trees and garden provided.

#### Design

- Houses already have basements and development should be of a moderate scale.
- Impact of basement extension on listed building.
- Extent of basement extension under garden.

#### Other

- Noise disruption during building works.
- Structural damage to adjoining properties.
- Applicant should satisfy WCC and Grosvenor of their intentions not to develop the home and sell it on but continue to use it as a home.

ADVERTISEMENT/SITE NOTICE: Yes.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

12 Gerald Road is a five storey building (including lower ground floor level) single family dwelling. The building is Grade II listed and within the Belgravia Conservation Area.

### 4.2 Relevant History

Permission and listed building consent were granted in 2013 for the excavation of one front pavement vault to provide a new shower room, and connection to main house via lobbied entrance at lower ground floor level. Demolition and rebuilding of existing single storey rear extension, construction of new double height rear conservatory-style extension and construction of two new dormer windows to front roof elevation and internal alterations (12/12321/FULL and 12/12322/LBC). (Not implemented).

## 5. THE PROPOSAL

Planning permission and listed building consent are sought for excavation works to create a basement extension beneath the dwelling and rear garden; excavation to lower front pavement vaults, demolition and rebuilding of single storey rear extension, construction of new double height glass conservatory extension at the rear and installation of two new dormer windows to front roof elevation.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposed works seek to provide additional residential accommodation to the existing dwellinghouse.

### 6.2 Townscape and Design

#### Basement extension and lowering of front basement vaults

The proposed basement extension is a single storey extension which is beneath the main house and rear garden area. The basement extension will provide a gym, playroom, living room and bathroom and utility area. The extent and depth of the basement extension has been modified to reduce the depth of excavation under the main house. The proposed basement extension does not exceed the floor to ceiling height of the lower ground floor level and maintains the internal hierarchy of the listed building. It is proposed to install external walk on rooflights within the rear lower ground floor area which will be set against the building

line and provide some natural light to the new floorspace below. In design and listed building terms, the proposed basement extension is considered acceptable in design terms. With regard to the construction of the basement itself, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter.

Concerns have been raised that the proposed basement extension should be restricted in terms of its extent into the garden area and beneath the listed building. The City Council has yet to adopt a formal policy on basements but in 2014 adopted its supplementary planning guidance on basement extensions. The proposed basement extension, following revisions, is considered to adhere to the requirements of the Council's SPG on basement extensions, particularly with regards to maintaining the internal hierarchy of the listed building.

Given the subterranean nature of the proposed basement extension, this will have a minimal impact on the appearance of the existing building, and the development will result in a neutral impact on the Belgravia Conservation Area.

#### Two storey rear extension

The proposed two storey extension is set between the closet wing extension on the application building and that on the adjoining No. 10 Gerald Road. As the lower ground floor is sunk below garden level, it will appear as a one and a half storey extension in views from surrounding buildings and therefore will not be overdominant at the rear of the building.

Permission has previously been granted for the erection of a two storey rear extension in this location therefore the principle of an extension in this location is considered acceptable. The approved design of the extension was a traditional timber style extension. The proposed extension will comprise of a frameless glazed extension. Concerns have been raised by the residential occupier to the rear that the proposed extension has an unnaturally large opening and will not be in keeping with the main building. The opening has been modified and retains a door width opening from the main rear elevation into the new extension. Whilst the approved scheme was for a traditional style extension, the proposed glazed extension is of a lightweight structure and allows the rear of the building to be read. The proposed two storey rear extension is considered to be acceptable in design terms and in line with Policies DES 5, DES 6, and supplementary planning guidance.

#### Demolition and rebuilding of single storey rear extension

The rebuilding of the existing modern extension at lower ground/ground floor level is not contentious and will occupy the same height and depth as the existing extension. This aspect



has also previously been approved in 2013 and is again considered acceptable in design terms.

#### Alterations to roof

The proposed alterations to the front section of the mansard, namely the installation of two dormer windows, have previously been approved and will improve the appearance of this part of the building.

#### Internal alterations

Internally, minor changes to the layout are proposed which will not affect the special interest of the building. Few historic features remain internally.

### **6.3 Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

#### Light Pollution

Concerns have been raised that the proposed glazed extension will cause light pollution to neighbouring properties. The proposed extension will be set against the rear wall of the main building within an existing recessed area between the flank wall of No. 10 and the single storey extension on the application building. Due to its location and height, the proposed extension is not considered to cause material harm to the adjoining properties in terms of light pollution as the extension would be set back a sufficient distance from the windows of the adjoining properties. Furthermore, there is a similar extension at lower ground and ground floor level to the rear of 11 Chester Row which was approved in 2012.

#### Rebuilt single storey extension

It is proposed to rebuild the existing rear extension at lower ground and ground floor level due to the poor construction of the existing structure. The rear extension will be built to the same height and depth as the existing extension and will provide a study with French doors to access the rear garden area. In terms of amenity, as the extension occupies the same footprint as the existing extension, it is not considered that there will be a material impact on privacy or overlooking to adjoining properties.

#### Noise and disturbance

There will inevitably be an element of disturbance to residents, particularly during the construction phase of the proposed basement. Conditions are recommended to control the hours of building works in order to mitigate the impact on nearby residential occupiers. An Informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme as well as keeping residents informed concerning the works.

A Construction Management Plan has been submitted as part of the application which sets out measures to mitigate against noise and disruption during construction. This is considered acceptable and can be secured by condition.

#### **6.4 Transportation/Parking**

Not applicable.

#### **6.5 Economic Considerations**

Not applicable.

#### **6.6 Other UDP/Westminster Policy Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

#### **6.7 London Plan**

The proposal does not raise strategic issues.

#### **6.8 Planning Obligations**

Not applicable.

#### **6.9 Environmental Assessment including Sustainability and Biodiversity Issues**

Concern has been raised that the proposed basement would not provide enough soil depth for trees once the basement is completed. The existing rear garden area is hard landscaped. The proposal provides replacement plans and sections to show the rear garden with a minimum soil depth of 1.2m to allow for soft landscaping. The Arboricultural Manager has been consulted on the proposals and has raised no objection.

#### **6.10 Conclusion**

The proposals relating to the proposed basement and rear extensions and associated works are considered acceptable and comply with policies within the City Plan and UDP and the applications are recommended for approval as set out in the draft decision letters.

**BACKGROUND PAPERS**

1. Application forms.
2. Letter of authorisation from Historic England dated 20 April 2015.
3. E-mail from Building Control dated 29 April 2015.
4. Memorandum from Environmental Health Consultation Team dated 29 April 2015.
5. Memorandum from the Highways Planning Manager received 1 August 2015.
6. Memorandum from the Arboricultural Manager dated 7 August 2015.
7. E-mail from the occupier of 11 Chester Row dated 28 April 2015.
8. E-mail from the occupier of 20 Gerald Road dated 29 April 2015.
9. E-mail from the occupier of 21 South Eaton Place dated 30 April 2015.
10. E-mail from the occupier of 4 Gerald Road dated 30 April 2015.
11. Letter and e-mail from the occupier of 14 Gerald Road dated 1 May 2015 and 12 May 2015.
12. E-mail from the occupier of 6 Gerald Road dated 4 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 12 Gerald Road, London, SW1W 9EQ

**Proposal:** Excavation to create basement extension beneath dwelling and rear garden, excavation to lower front pavement vaults, demolition and rebuilding of single-storey rear extension, construction of new double-height glass conservatory extension at the rear, two new dormer windows to front roof elevation.

**Plan Nos:** P160- Location Plan, P160- Site Plan, P160-PL-101, P160-PL-102, P160-PL-103, P160-PL-104, P160-PL-105, P160-PL-110, P160-PL-111, P160-PL-120, P160-PL-121 Rev. A, P160-PL-122 Rev. A, P160 LA-140 Rev. D, P160 LA-141 Rev. D, P160 LA-142 Rev. B, P160 LA-143 Rev. A, P160 LA-144 Rev. A, P160 LA-145 Rev. A, P160 LA-150 Rev. A, P160 LA-151 Rev. C, P160 LA-152 Rev. C, P160 LA-160 Rev. D, P160 LA-161 Rev. D, P160 LA-162 Rev. D, Statement of Heritage Significance dated 27 February 2015, Noise level survey report dated 17 March 2015 (Ref: QF8196/PF5344/RP1(A), Design and Access Statement and Construction Management Plan dated 11 March 2015 (12GR rev 1).

For information purposes only:

Structural Engineering Notes to Support Planning Application dated June 2015. (see informative 3).

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and
- \* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development: -

- glazed two storey rear extension.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must keep to the terms of the details set out in the Construction Management Plan dated 11 March 2015 (12GR rev 1).

**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 For the avoidance of doubt the Construction Management Plan required under condition 5 shall

be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 The rooms in the underground vaults are only considered acceptable by our Environmental Health officers on the basis that they are used in connection with the main house. If used as separate living accommodation (e.g. for staff accommodation) the lack of sufficient natural light and reasonable views would mean the proposal fails the Housing Health and Safety Rating System - Housing Act 2004.

Additionally the conversion of vault areas for human habitation is not normally recommended because of the low headroom, potential damp problems and 'remote room' issues. The potential for rising dampness (from the ground) and penetrating dampness (from the entrance slab above) together with condensation due to lack of through ventilation is great. Experience has shown that despite thorough "tanking" (complete damp proofing) of vaults, the integrity of the tanking can be damaged by nails/screws etc. New techniques, such as 'Delta membrane', may be more appropriate as alternatives to traditional 'tanking' methods.

You are recommended to seek advice from our Environmental Health Department on appropriate damp proof treatment and ventilation (including additional mechanical ventilation as necessary). However, any works that affect the external appearance may require a further planning permission. For further advice, please contact:

Residential Environmental Health Team  
 4th Floor East, Westminster City Hall  
 64 Victoria Street  
 London SW1E 6QP  
 Website [www.westminster.gov.uk](http://www.westminster.gov.uk)  
 Email [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
 Tel : 020 7641 3003 Fax : 020 7641 8504

**DRAFT DECISION LETTER**

**Address:** 12 Gerald Road, London, SW1W 9EQ

**Proposal:** Excavation to create basement extension beneath dwelling and rear garden, excavation to lower front pavement vaults, demolition and rebuild of single-storey rear extension, construction of new double-height glass conservatory extension at the rear, two new dormer windows to front roof elevation and internal alterations.

**Plan Nos:** P160- Location Plan, P160- Site Plan, P160-PL-101, P160-PL-102, P160-PL-103, P160-PL-104, P160-PL-105, P160-PL-110, P160-PL-111, P160-PL-120, P160-PL-121 Rev. A, P160-PL-122 Rev. A, P160 LA-140 Rev. D, P160 LA-141 Rev. D, P160 LA-142 Rev. B, P160 LA-143 Rev. A, P160 LA-144 Rev. A, P160 LA-145 Rev. A, P160 LA-150 Rev. A, P160 LA-151 Rev. C, P160 LA-152 Rev. C, P160 LA-160 Rev. D, P160 LA-161 Rev. D, P160 LA-162 Rev. D, Statement of Heritage Significance dated 27 February 2015, Noise level survey report dated 17 March 2015 (Ref: QF8196/PF5344/RP1(A), Design and Access Statement and Construction Management Plan dated 11 March 2015 (12GR rev 1).

For information purposes only:

Structural Engineering Notes to Support Planning Application dated June 2015. (see informative 3).

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development: -

- glazed two storey rear extension.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.



**General notes**

- All dimensions are to be measured as indicated on drawings unless otherwise stated.
- This drawing shall be used for construction with the exception of any notes and architects' drawings.
- Copyright in all intellectual property remains with Hatch Hage Ltd.
- This drawing is to be used for construction only. All information and construction details are subject to change without notice.
- Drawings shall be made in accordance with British Standards, current Building Regulations and all other applicable codes of practice.
- The drawings shall be considered as a single drawing, as if they were drawings and not a set of drawings.
- The drawings shall be prepared in accordance with the current Hatch Hage Ltd. standard plan. Hatch Hage Ltd. approved and not revised any responsibility for the Condition or its independent consultant.

CASE COPY

TP: \_\_\_\_\_  
RN: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

| NO. | DATE      | BY | REVISION            |
|-----|-----------|----|---------------------|
| D   | 18 JUL 15 | JM | PLANNING SUBMISSION |
| C   | 08 MAY 15 | JM | PLANNING SUBMISSION |
| B   | 28 FEB 15 | JM | PLANNING SUBMISSION |
| A   | 28 FEB 15 | JM | PLANNING SUBMISSION |

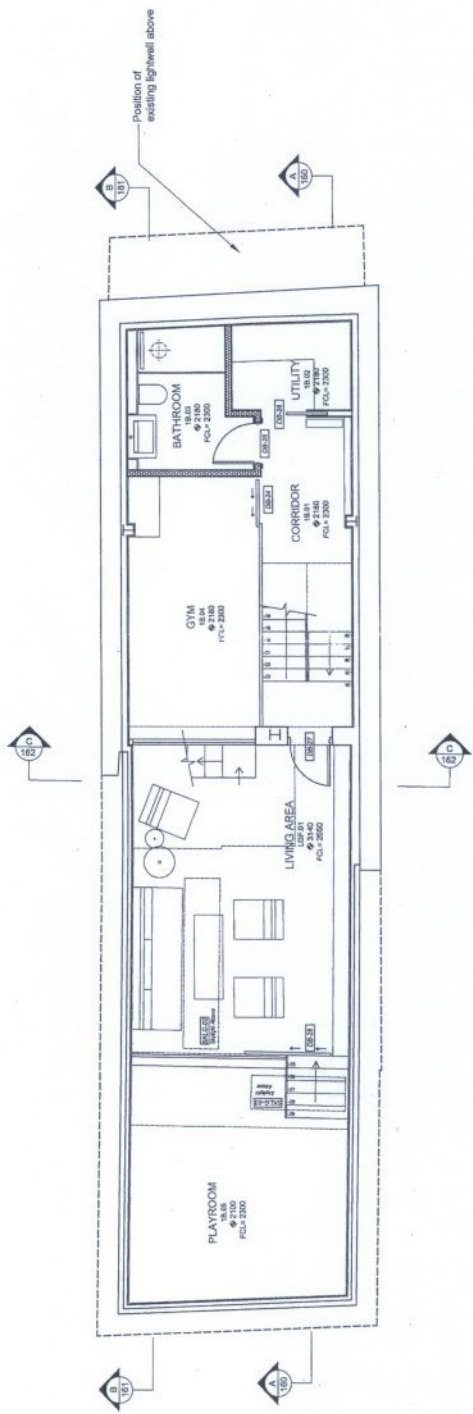
**Revisions**



**reath hage**  
 PROJECT  
 12 Gerald Road  
 SW1W 9EQ  
 London W1W 9EQ  
 t: 020 8223 8228  
 e: info@reath-hage.com

DRAWING TITLE  
**PLANNING**

| DRAWING TITLE                     |           |
|-----------------------------------|-----------|
| <b>Proposed Plan<br/>Basement</b> |           |
| PROJECT NO                        | P160      |
| DRAWN BY                          | PR        |
| DATE                              | 12-Nov-14 |
| REASON                            | D         |
| SCALE                             | 1:100-A3  |









**General notes**

- All dimensions are to be checked on site before commencement of work. Any discrepancies should be reported immediately to the Architect.
- Work should be carried out in accordance with the Architect's drawings, specifications and other documents referred to in the contract documents.
- Work should be carried out in accordance with the Building Regulations and any other applicable laws and regulations.
- Work should be carried out in accordance with the relevant Codes of Practice.
- The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
- The Contractor shall be responsible for the safety of the site and for the protection of the existing structures and services.
- The Contractor shall be responsible for the disposal of any waste materials.
- The Contractor shall be responsible for the completion of the work within the agreed programme of works.
- The Contractor shall be responsible for the maintenance of the site during the construction period.
- The Contractor shall be responsible for the completion of the work in accordance with the contract documents.

CASE COPY

TP:  
RN:  
ADDRESS:

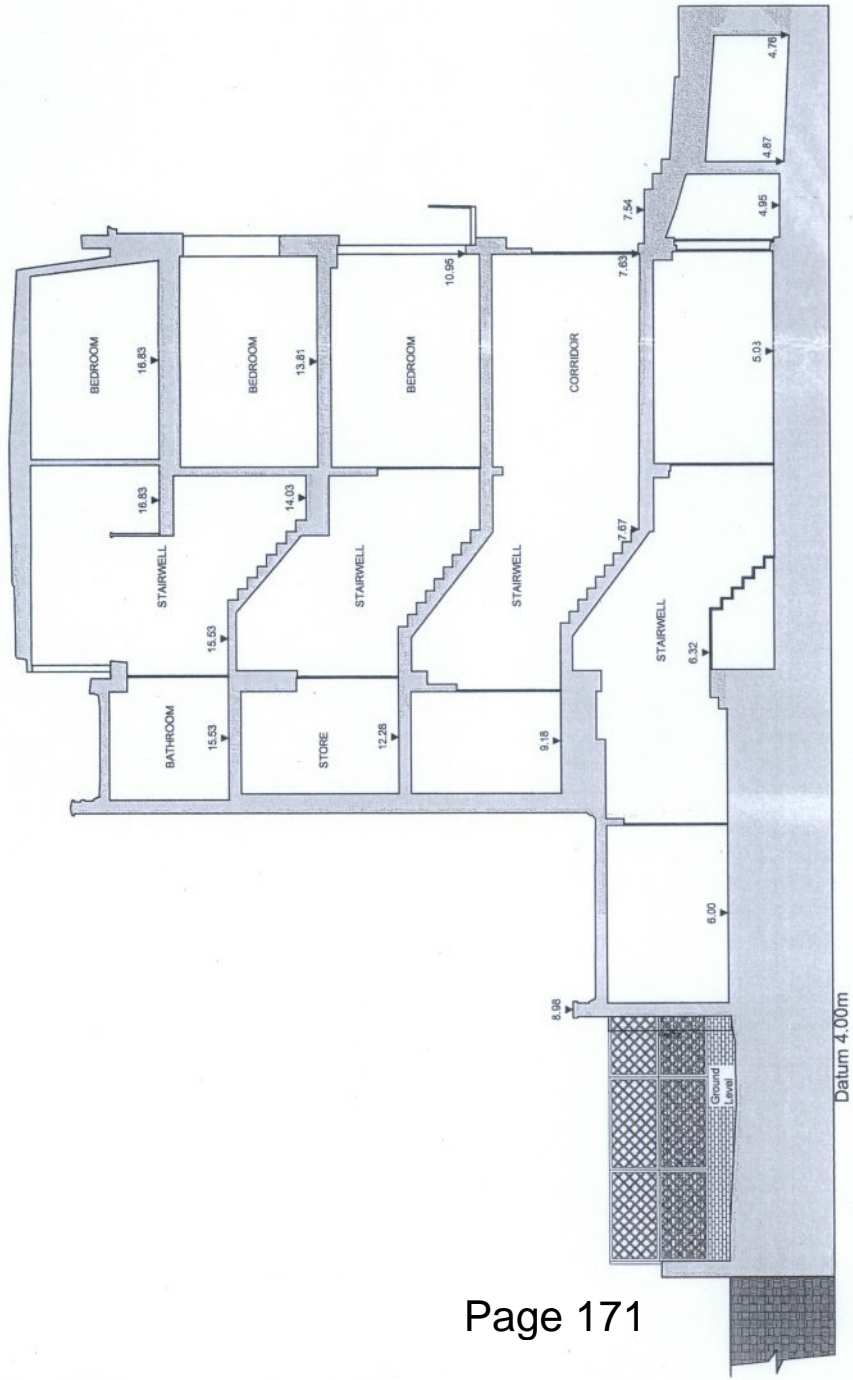
**Revisions**



PROJECT  
12 Gerald Road  
SW1W 9EQ

**PLANNING**

|               |    |                                |           |
|---------------|----|--------------------------------|-----------|
| OWNER         | PR | DATE                           | 24-Feb-15 |
| REVISION      |    | SCALE                          | 1:100-A3  |
| DRAWING TITLE |    | Existing Section Section A - A |           |
| DRAWING NO    |    | P160 - PL - 120                |           |











**General notes**

- All dimensions are to be confirmed on site before commencement of works. Any discrepancy should be reported immediately to the Architect.
- The drawing shall be read in conjunction with all relevant Architect's drawings.
- Contract and technical conditions apply with Hatch Hage Ltd.
- This drawing is for guidance and design indication only. All materials and construction details shall be confirmed on site before commencement of works.
- It is the responsibility of the Contractor to ensure that all relevant Building Regulations and relevant Codes of Practice are followed.
- Information shall be provided as appropriate to the Contractor and approved by Hatch Hage Ltd. immediately from the Contractor or the independent consultant.

CASE COPY

TP:  
RN:  
ADDRESS:

NO. DATE REVISION

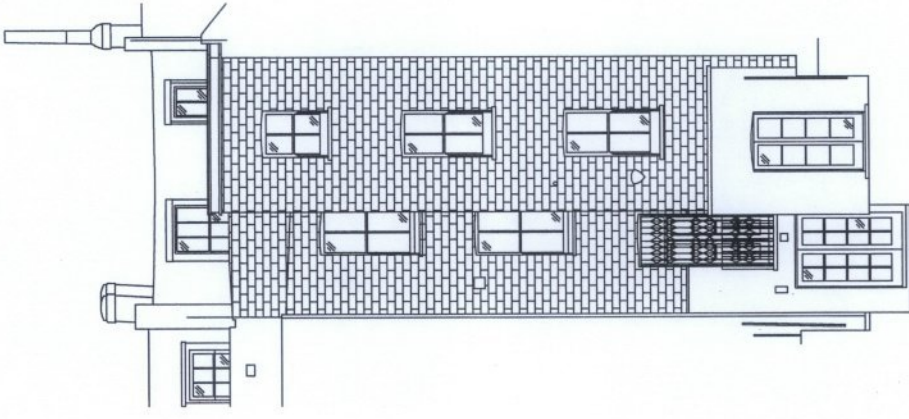
**Revisions**



12 Gerald Road  
SW1W 9EQ

**PLANNING**

|                                      |           |
|--------------------------------------|-----------|
| DRAWING TITLE                        |           |
| Existing Elevation<br>Rear Elevation |           |
| DRAWING NO                           | DATE      |
| P160 - PL - 111                      | 24-Feb-15 |
| SCALE                                | SCALE     |
| PR                                   | 1:100-A3  |



- 1.885 Floor Level
- 1.885
- 1.885 First Floor
- 1.885
- 1.885 Second Floor
- 1.885
- 1.885 First Floor
- 1.885
- 1.885 Ground Floor
- 1.885 Street Level
- 1.885
- 1.885 Lower Ground Floor
- 1.885 Datum

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