



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** held on **Tuesday 30th March, 2021**, Please note that this will be a virtual meeting.

**Members Present:** Councillors Jim Glen (Chairman), Eoghain Murphy, Guthrie McKie and Selina Short.

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

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

2.1 Councillor Jim Glen explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Glen advised that in respect of item 6, that the application site was in his Ward and he had expressed an opinion on the application and would withdraw from the meeting at this point. Councillor Selina Scott would be chairing the Committee for this item.

2.3 Councillor Eoghain Murphy declared that in respect of item 1, that the application site was adjacent to his Ward and he had received correspondence on the matter, however he had not expressed an opinion on the application.

#### **3 MINUTES**

3.1 **RESOLVED:**

That the minutes of the meeting held on 2<sup>nd</sup> February 2021 e signed by the Chairman as a correct record of proceedings.

#### **4 PLANNING APPLICATIONS**

##### **1 MARBLE ARCH LONDON W1H 7DX**

Temporary installation of a viewing platform, landscaping, walkway and staircase, and other associated works, at Marble Arch for a temporary period of six months.

Additional representations were received from the Mayor of London's office( 23.3.2021) TfL(22.3.2021) Royal Parks(24.03.2021) London Gardens Trust (18.3.2021) The Church Commissioners (22.3.2021),one interested party (22.3.2021) and two local residents (22.3.2021 and 25.3.2021)

Late representations were received from the St Marylebone Society(26.3.2021) the Marylebone Association (26.03.2021), the Westminster Cycling Campaign (27.03.2021) and two local residents (27.03.2021 and 29.03.2021) and a copy of the applicant's Delivery and Servicing Plan(29.3.2021)

The presenting officer made the following representations:

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.The following policies in the City Plan 2019-2040 Intend to Adopt version (March2021) are relevant to the consideration of this application:

##### **Policy 1 Westminster's spatial strategy**

6. Supporting town centre and high streets, including centres of International importance in the West End and Knightsbridge, to evolve as multifunctional commercial areas to shop, work and socialise.

##### **Policy 2 Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area**

B. An improved retail and leisure experience that responds to innovation and change in the sector, including transformation of the Oxford Street District

##### **Policy 7 Managing development for Westminster's people**

E. Contributing to the greening of the City

##### **Policy 14 Town Centre, high streets and CAZ**

Proposals in existing town centres and high streets will enhance and diversify their offer as places to shop work and spend leisure time.

#### **Policy 15 Visitor Economy**

A. We will maintain and enhance the attractiveness of Westminster as a visitor destination balancing the needs of visitors' businesses and local communities.

#### **Policy 29 Freight and Servicing**

D. Where it is not possible to fully meet the servicing, collection, and delivery needs within a development site they must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

#### **Policy 33. Local environmental impacts**

A. The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment

#### **34. Green infrastructure**

A. The council will protect and enhance the city's green infrastructure to maximise its environmental, social, and economic value.

#### **CITY GREENING**

B. Developments will, wherever possible, contribute to the greening of Westminster by

incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme

#### **38. Design principles**

A. New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

#### **PROMOTING EXCELLENCE IN CONTEMPORARY DESIGN**

F. Imaginative approaches to contemporary architecture and use of innovative modern

building techniques and materials will be encouraged where they result in exemplary new buildings and public realm which incorporate the highest standards of environmental sustainability, that respect and enhance their surroundings and are integrated with and better reveal Westminster's heritage and existing townscape

#### **39. Westminster's heritage**

A. Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access

to and awareness of the city's heritage will be promoted.

#### **CONSERVATION AREAS**

K. Development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

#### **REGISTERED HISTORIC PARKS AND GARDENS**

Q. Proposals affecting Westminster's registered historic parks, gardens and open spaces will safeguard their special historic interest, integrity, character and appearance, and protect their settings and significant views from and towards these spaces.

#### **40. Townscape and architecture**

##### **WESTMINSTER VIEWS**

F. New development affecting strategic and local views (including local views of metropolitan importance) will contribute positively to their characteristics, composition

and significance and will remedy past damage to these views wherever possible.

#### **44. Security measures in the public realm**

A. Development will provide an integrated approach to the security of the site including

buildings and any associated public or private spaces.

B. Development and or public realm improvement proposals will be required to incorporate appropriate counter terrorism measures advised by the Metropolitan Police and / or the council. Where appropriate, the retrofitting of existing buildings and

spaces may be required.

Subject to the recommended conditions in the draft decision notice the scheme is considered to be compliant with policies in the new City Plan.

***Amendments to the reasons for the conditions and the Informative on the draft decision notice in accordance with the new City Plan are shown below.***

In the verbal presentation officers will also refer to the following insertions:

#### **5. CONSULTATIONS**

##### **HISTORIC ENGLAND (ARCHAEOLOGY)**

Advise that the proposal located within a Tier 1 Archaeological Priority Area which does not

appear from the information submitted to have an archaeological impact. Statement.

Further information would therefore be appreciated in order to advise further, for example

details of the construction methodology and/or whether there will be any excavations for

foundations or services.

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

Archaeology

With regard to the comments from Historic England Archaeology about the absence of an

archaeological impact statement, the applicant has confirmed that the proposal is totally

non-intrusive, with no digging involved at all, and that the structure is solely dependent on scaffolding on the ground.

Kay Buxton and James Wickham both addressed the Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

That conditional permission for a temporary period of 6 months under Regulation 3 of the Town and Country Planning General Regulations 1992 be granted and an additional condition and informatives as set out above and an additional informatives

- a) after the temporary period has concluded the applicant use their best endeavours to re-use trees and planting where practicable within Westminster , and
- b)the applicant to investigate whether any additional temporary cycle parking can be provided in the vicinity or within Hyde Park( albeit subject to the views of Royal Parks ) .

## 2 THE NATIONAL GALLERY TRAFALGAR SQUARE LONDON WC2N 5DN

Installation of hostile vehicle mitigation security bollards and raising of the height of the perimeter wall at the National Gallery.

The presenting officer tabled the following amendments:

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, the Council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

The following policies in the City Plan 2019 - 2040: Intend to Adopt version (March 2021) are relevant to the consideration of this application:

7: Managing development for Westminster's people

33: Local environmental effects

38: Design principles

39: Westminster's heritage

40: Townscape and architecture

44: Security measures in the public realm

It is not considered that these policies have would have impact upon the acceptability of the applications and the recommendation.

*Amendments to the reasons for the conditions and the Informative on the draft decision notice of application 20/06529/COFUL in accordance with the new City Plan are shown below, (amendments in **bold text below**):*

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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 **and Policies 7 and 33 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), 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 **and Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26BE)

4 You must apply to us for approval of details of the following parts of the development: photographs of stone sample taken on site. 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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), 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 **and Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26BE)

5 Pre-Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016), DES 11 of our Unitary Development Plan that we adopted in January 2007 **and Policy 39 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**.

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 (November 2016), Unitary Development Plan, **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, neighbourhood plan (where relevant), 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.

*Amendments to the reasons for the conditions and the Informative on the draft decision notice of application 20/06530/COLBC in accordance with the new City Plan are shown below, (amendments in **bold text below**):*

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 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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** .

3 You must apply to us for approval of details of the following parts of the development: photographs of stone sample taken on site. 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 and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** .

Informative(s):

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, the London Plan 2021, Westminster's City Plan (November 2016), the City of Westminster Unitary Development Plan adopted January 2007, and **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Joel Colman addressed the Committee in objection to the application.

#### **RESOLVED UNANIMOUSLY:**

1. That conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed.
3. That informatives be added i) the applicant continues to work closely with the National Gallery regarding timing of the works ;ii) and the applicant be requested to work closely with the National Gallery relating to the key access to the collapsible bollards with these discussions helping to inform discussions with the emergency services.

#### **3 DEVELOPMENT SITE AT 8 CHESTERFIELD HILL LONDON W1J 5BW**

Variation of conditions 1, 2, 3, and 15 of planning permission dated 10 August 2016 (RN: 16/00807/FULL), which itself varied condition 1 of planning permission dated 14 January 2014 (RN: 13/10660), for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level - NAMELY, to allow the reconfiguration of internal layout to alter the mix of residential units, alterations to the fenestration and roof, and associated works (S73 application).

The presenting officer tabled the following amendments:

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, the Council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to

the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

The following policies in the City Plan 2019 - 2040: Intend to Adopt version (March 2021) are relevant to the consideration of this application:

7: Managing development for Westminster's people

8: Housing delivery

10: Housing for specific groups (This policy normally requires 25% of all new housing units to be family sized)

25: Walking and cycling

27: Parking

32: Air quality

33: Local environmental effects

34: Green infrastructure

37: Waste management

38: Design principles

39: Westminster's heritage

40: Townscape and architecture

It is not considered that these policies have would have impact upon the acceptability of the application and the recommendation.

*Amendments to the reasons for the conditions and the Informative on the draft decision notice in accordance with the new City Plan are shown below, (amendments in **bold text below**) – including additional condition 18, to protect the family sized units:*

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 The development must be carried out using the details of facing materials approved by the City Council on 10 April 2018 under reference 18/01193/ADFULL or in accordance with alternative samples of facing materials, including glazing, and elevations and roof plans annotated to show where the materials are to be located submitted to and approved by the City Council as local planning authority.

You must not start any work on these parts of the development until we have approved any alternative samples of facing materials that you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021).**

(R26DD)

3 You must carry out the development in accordance with the details of:

i) External doors,

ii) windows and railings (part),

approved by the City Council on 23 November 2018 under reference

18/09597/ADFULL, as amended by email dated 8 February 2021 from Philips

Planning (confirming that the door to the cycle/refuse store will be formed in timber);

ii) dormer windows and railings (part),

iii) railings,

iv) string courses, moulded/rubbed brickwork, and carved stone,

approved by the City Council on 22 January 2019 under reference

18/10563/ADFULL or in accordance with alternative details of

i) external doors,

ii) windows and dormers,

iii) railings,

iv) string courses, moulded/rubbed stonework, and carved stone

submitted to and approved by the City Council as local planning authority. You must not start any work on these parts of the development until we have approved any alternative details that you have sent us. You must then carry out the work according to these approved 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R26DD)

4 The development (demolition and construction) shall be undertaken in accordance with the details (Unilateral Undertaking that redevelopment is carried out as a continuous process post-demolition) approved by the City Council on 6 July 2016 under reference 15/11589/ADFULL or in accordance with either  
(a) an alternative construction contract with the builder to complete the redevelopment work for which we have given planning permission, or  
(b) another alternative means of ensuring we are satisfied that demolition and redevelopment will only occur as part of a continuous process.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007, **Policies 38 and 39 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

5 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007, **Policies 38 and 39 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

6 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and **Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R11AC)

7 You must provide the waste store shown on drawing 15027 C645\_P\_00\_001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016), ENV 12 of our Unitary Development Plan that we adopted in January 2007 and **Policies 7 and 37 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R14BD)

8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

**To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R22AB)

9 (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 (November 2016) **and Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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. (R46AB)

10 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration as set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007 and to prevent adverse effects as a result of vibration on the noise environment in accordance with **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R48AA)

11 You must carry out the development accordance with the Construction Management Plan approved on 24 February 2016 under reference 15/11591/ADFULL or the Construction Management Plan approved on 22 April 2016 under reference 16/02425/ADFULL or in accordance with a new a Construction Management Plan for the proposed development which has been submitted to and approved in writing by the City Council as local planning authority prior to the commencement of works, including any works of demolition. The plan must include the following details (where appropriate):

- (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 and S32 of Westminster's City Plan (November 2016) and STRA 25, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and policies **7, 32 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**.

*[includes policy S32 of the City Plan (November 2016) which was previously omitted in error and omits policy TRANS 23 of the UDP which was previously included in error.]*

12 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(s) 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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 (November 2016) **and Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, by contributing to reducing excessive ambient noise levels. (R51AB)

13 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set out in ENV6 (4) and paragraphs 9.84 to 9.87 of our Unitary Development Plan that we adopted in January 2007 and **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R49AA)

14 The door and screen to the refuse store (Farm Street frontage) shall be formed in solid timber.

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016); DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 **and policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** and as set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, S32 of Westminster's City Plan (July 2016) and **policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

*[Now includes policy S32 of the City Plan (November 2016) which was previously omitted in error.]*

15 The development must be carried out in accordance with the details, including a biodiversity management plan, approved by the City Council on 28 January 2019 under reference 19/00403/ADFULL or in accordance with alternative detailed drawings and a bio-diversity management plan in relation to the green/living roof, to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved any alternative details that you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain the green/living roof in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and **Policy 34 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R43CB).

16 The area of flat roof outside the third-floor bathroom, as shown on drawing 204-PL2, shall not be used for sitting out and shall only be accessed for maintenance purposes or as a means of escape.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016), ENV 13 of our Unitary Development Plan that we adopted in January 2007 and **Policies 7 and 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R21AC)

17 The glass that you put in the automatic opening vent (AOV) at third floor level in the east elevation must not be clear glass, and you must fix it permanently shut (except in an emergency). You must apply to us for approval of details, either a sample of the glass (at least 300mm square) or photographs demonstrating how obscure the glass is. You must not occupy any of the flats until we have approved the details. 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, as set out in S29 of Westminster's City Plan (November 2016), ENV 13 of our Unitary Development Plan that we adopted in January 2007 and **Policies 7 and 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R21AC)

**18 The three-bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07EB)**

Reason:

**To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016), H 5 of our Unitary Development Plan that we adopted in January 2007 and Policy 8 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021). (R07DC)**

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 (November 2016), Unitary Development Plan, **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, neighbourhood plan (where relevant), 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.

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted, subject to the changes to reasons for conditions /informatives as set out above.

#### **4 25 IVOR PLACE LONDON NW1 6HR**

Use as a single dwelling house (Class C3), demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement below rear of the existing building to be used as part of single family dwelling and associated alterations, increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation.

Application withdrawn from the agenda by officers prior to the meeting.

#### **5 GROUND FLOOR 31 MOSCOW ROAD LONDON W2 4AH**

Installation of full height extract duct to rear elevation.

The presenting officer tabled the following amendments:

#### Drafting Error:

At the end of the penultimate paragraph of the Townscape & Design section of the report (part8.2) the following sentence was omitted in error:

Whilst the proposal will result in a low level of less than significant harm to building and its immediate setting, in considering the impact on the conservation area as a whole, the character and appearance will be preserved

#### City Plan Update:

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, the Council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 20192040 now carry significant weight

as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

The following policies in the City Plan 2019 - 2040: Intend to Adopt version (March 2021) are relevant to the consideration of this application:

7: Managing development for Westminster's people

32: Air quality

33: Local environmental effects

38: Design principles

39: Westminster's heritage

40: Townscape and architecture

It is not considered that these policies have would have impact upon the acceptability of the application and the recommendation.

Amendments to the reasons for the conditions and the Informative on the draft decision notice in accordance with the new City Plan are shown below:

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32

of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and **Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**.

- 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 (November 2016), 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 and **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**.

- 4 Notwithstanding the details shown on the approved drawings, you must paint the duct to match the colour of the wall it is attached to and it must be maintained and retained as such thereafter.

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 (November 2016), 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 and **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**.

- 5 (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 (November 2016) and **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration as set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007 and to prevent adverse effects as a result of vibration on the noise environment in accordance with **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**.

- 7 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

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 (November 2016) and **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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 Before the plant hereby approved is first used, you must carry out the noise control measures specified in section 6.0 and Appendix C of Planning Compliance Report for 31 Moscow Road London by KP Acoustics Ltd ref: 21026.PCR.01 dated 17th July 2020. The plant shall be maintained and retained as such throughout the lifetime of the development.

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 (November 2016) and **Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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.

#### Reason for Granting Permission

- 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 (November 2016), Unitary Development Plan, **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, neighbourhood plan (where relevant), 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.

Demetrious Tringus and Andy Christou both addressed the Committee in objecting to the application.

## RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to changes to reasons for conditions as tabled . Members imposed

- a) An additional condition requiring the applicant to provide detailed drawings showing the method of the fixing of the duct and how this relates to the existing decorative coving; and
- b) An additional informative to advise the applicant of the need to address the relocation of existing satellite dishes on the rear elevation.

### 6 LILLINGTON GARDENS ESTATE TACHBROOK STREET LONDON SW1V 2QE

Installation of new door entry systems , fob access pedestrian security gates, overhaul of telecoms cabling, and asbestos R and D survey related to Thorndike House and Longleat House

The presenting officer tabled the following amendments:

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, the Council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

The following policies in the City Plan 2019 - 2040: Intend to Adopt version (March 2021) are relevant to the consideration of this application:

7: Managing development for Westminster's people

33: Local environmental effects

38: Design principles

39: Westminster's heritage

40: Townscape and architecture

It is not considered that these policies have would have impact upon the acceptability of the applications and the recommendation.

*Amendments to the reasons for the conditions and the Informative on the draft decision notice of application 20/00359/COFUL in accordance with the new City Plan are shown below, (amendments in **bold text below**):*

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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 **and Policies 7 and 33 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26FD)

4 The security gates and railings hereby approved must be painted black and maintained as such.

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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26FD)

5 The security gates and railings hereby approved must be manufactured and installed so as to avoid crossing, obscuring or otherwise impinging on any original signage.

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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26FD)

6 Where surface-mounting of cabling, conduit and other electrical work (such as junction boxes and transformers) is essential, this must be painted to match the colour(s) of the underlying substrate(s) onto which it is to be attached and then maintained as such in perpetuity until it is removed.

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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)**. (R26FD)

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 (November 2016), Unitary Development Plan, **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, neighbourhood plan (where relevant), 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.

*Amendments to the reasons for the conditions and the Informative on the draft decision notice of application 20/00360/COLBC in accordance with the new City Plan are shown below, (amendments in **bold text below**):*

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 and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** .

3 The security gates and railings hereby approved must be painted black and maintained as such.

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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** .

4 The security gates and railings hereby approved must be manufactured and installed so as to avoid crossing, obscuring or otherwise impinging on any original signage.

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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** . (R26FD)

5 Where surface-mounting of cabling, conduit and other electrical work (such as junction boxes and transformers) is essential, this must be painted to match the colour(s) of the underlying substrate(s) onto which it is to be attached and then maintained as such in perpetuity until it is removed.

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 Lillington and Longmoore Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38, 39 and 40 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021)** . (R26FD)

6 You must apply to us for approval of a method statement for the removal of asbestos in the buildings, including fully annotated plans, elevations, section drawings and photographs detailing the intrusive works to be undertaken. You must not start any 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 these drawings and/or information.

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 (November 2016), DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and **Policies 38 and 39 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**. (R26ED)

Informative(s):

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, the London Plan 2021, Westminster's City Plan (November 2016), the City of Westminster Unitary Development Plan adopted January 2007, and **the City Plan 2019 - 2040: Intend to Adopt version (March 2021)**, 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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, **Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021)** and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Councillor Glen declared that he had a prejudicial interest in these applications and stepped down from the Sub-Committee during the consideration of this item. Councillor Short was elected Chair of the Planning Sub-Committee.

Due to technical difficulties, the legal officer read out a written statement on behalf of Diana Koch-Blackman in support of the application,

**RESOLVED UNANIMOUSLY:**

1. That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 be granted with additional reasons as set out above.
- 1 That conditional listed building consent be granted.
- 3 That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed.

The Meeting ended at 8.57 pm.

The Meeting ended at 8.57 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_