



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 22nd February, 2022

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Jim Glen (Chairman)
Guthrie McKie
Selina Short
Antonia Cox



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.

Admission to the public gallery is by a pass, issued from the ground floor reception 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, Georgina Wills, Committee and Governance Officer.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: 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 Antonia Cox had replaced Councillor Eoghain Murphy.

To note any further changes to the membership.

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 as a correct record of proceedings.

(Pages 5 - 10)

4. TREE PRESERVATION ORDER NO. 683 - 17 BLOMFIELD ROAD, LONDON W9 1AD

(Pages 11 - 18)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- | | |
|---|------------------------|
| 1. 47 GREAT MARLBOROUGH STREET LONDON | (Pages 19 - 40) |
| 2. 46A GREAT MARLBOROUGH STREET LONDON W1F 7JW | (Pages 41 - 70) |
| 3. 6 BALFOUR PLACE LONDON W1K 2AX | (Pages 71 - 92) |

PART 2 (IN PRIVATE)

RECOMMENDED: That under Section 100 (a) (3) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following Item of Business because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Items	Grounds	Para. of Part 1 of Schedule 12a of the Act
4	The Reports involve the likely disclosure of exempt information relating to financial or business affairs.	Para. 3

- 4. 63 CARLTON HILL, LONDON, NW8 0EN**

(Pages 93 - 112)

**Stuart Love
Chief Executive
11 February 2022**

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



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 21st December, 2021**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

Also Present: Councillor Jacquie Wilkinson addressed the Sub-Committee on Item 4 in her capacity as Ward Councillor.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor 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 emails 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 would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Jim Glen declared that in respect of Item 4 the application site was not in his Ward but located close to his residence. Councillor Glen declared that he had held no discussions with anyone regarding the application and would approach it with an open mind.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 14 September 2021 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 87 - 125 CLEVELAND STREET LONDON

Variation of condition 1 on planning permission dated 13th May 2021 (RN 19/09996/FULL) which varied condition 1, and removal of conditions 20, 26 and 27 of planning permission dated 10 November 2015 (RN: 14/11837/FULL) for the: Demolition of existing building and redevelopment to provide a building of three blocks (Block A comprising ground and nine upper floors, Block B ground and three upper floors and Block C ground and three upper floors) with basement and smaller sub-basement below and each separated by landscaped areas. For a mix of up to 105 residential units, provision of a mix of retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), office (Class B1), non-residential institution (Class D1) and assembly and leisure (Class D2) floorspace and associated landscaping, and provision of 46 residential parking spaces and associated plant space across sub-basement, basement and ground floor levels (amended description of development pursuant to NMA's 20/2/2020 RN 19/10073/NMA) NAMELY to allow i) the installation of additional plant at roof level on Block B and ii) amalgamation of retail units in connection with the use of ground floor units 3B, 5A, 5B, 6 and basement floor of unit 6 as commercial offices.

Application is made under S73 of the Act.

Daniel Browne addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That subject to the views of the Mayor of London, conditional permission be granted subject to:
 - a) An additional condition requiring all active frontages proposed by the applicant to provide shopfront displays; and
 - b) The completion of a deed of variation to a legal agreement to secure the following:
 - i) The provision of 15 on site affordable housing units;
 - ii) Provision of car club membership for residents of the building for 25 years.

- 2) That if the s106 agreement had not been completed within eight weeks of the Sub-Committee resolution, then:
- a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an undertaking within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 TEMPLAR COURT 43 ST JOHN'S WOOD ROAD LONDON NW8 8QJ

Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace.

The presenting officer tabled the following amendments to the draft decision notice:

1. AMEND condition 6 to the Draft Decision Notice (Page 71) appended to the officer report to state the following:

6 *“You must apply to us for approval of details of secure cycle storage for the flat hereby approved. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the flat. You must not use the cycle storage for any other purpose. (C22HA)”*

REASON:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021).”

REASON FOR AMENDMENT

It is unclear from the submitted drawings whether cycle parking can be provided in the basement where the applicant has shown. However, the applicant should be able to accommodate two cycle parking spaces somewhere within the application site given its size.

2. ADD the following condition 9 to the Draft Decision Notice (Page 72):

9. *“You must apply to us for approval of detailed drawings of a barrier to prevent access to the roof area to the north of the terrace shown on drawing number TCT_PL_201 rev A. 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 detailed drawings. You must not use the roof area to the north of the approved barrier for sitting out or for any other purpose.*

REASON:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021).”

REASON FOR AMENDMENT

Although the proposed floor plan shows this area as not being part of the terrace, it is unclear from the drawings how this will be prevented. The drawings do show that it is unlikely that views from the roof to the terrace of the flat below are possible. However, the roof area may give rise to a perception of overlooking that would be detrimental to the privacy of the occupier below and this would be mitigated through this condition.

Daniel James addressed the Sub-Committee in support of the application.

Gail Collins addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted subject to condition 9 being amended to prohibit the use of the main roof level as a terrace.

3 14 ST PETERSBURGH PLACE LONDON W2 4LB

The application was withdrawn from the agenda to clarify technical points around the daylight/sunlight assessment submitted.

4 PIMLICO CAR PARK CUMBERLAND STREET LONDON SW1V 4NH

Change of use of part of existing car park to an electric vehicle charging hub comprising 16 charging points and the installation of substation within landscaped area adjacent to car park entrance.

An additional representation was received from a local resident (13.12.21).

A late representation was received from Councillor Robert Rigby (18.12.21).

Marlon Deam addressed the Sub-Committee in support of the application.

Councillor Jacqui Wilkinson addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional condition requiring a post-commissioning noise survey to be submitted for approval prior to use of the charging points. If mitigation works were required consequently, they must be implemented prior to the use of the charging points.

5 162-172 WARDOUR STREET LONDON W1F 8ZX

Installation of rear full height extract duct from first floor to roof level.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional condition requiring the submission of details to mitigate odours including a maintenance regime for approval prior to operation of the duct.

The Meeting ended at 8.22 pm

CHAIRMAN: _____

DATE _____

This page is intentionally left blank



City of Westminster

Executive Summary
and Recommendations

Title of Report: Tree Preservation Order No. 683 – 17 Blomfield Road,
London W9 1AD

Date: 22 February 2022



Summary of this Report

On 1 October 2021 the City Council made a provisional Tree Preservation Order (TPO) to protect two Silver Birch trees (labelled T1 and T2 on the TPO plan) located at 17 Blomfield Road, London W9 1AD (the Property). The TPO is provisionally effective for a period of six months from the date it was made (1 October 2021) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 1 April 2022. The TPO was made because the tree makes a valuable contribution to public amenity and to the character and appearance of the conservation area.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove two Silver Birch trees from the front garden of 17 Blomfield Road. The trees are protected by virtue of their location within the Maida Vale conservation area. The reasons given for the proposed removal of the trees are that they are causing severe hayfever to a resident of the property. The City Council considered it expedient and in the interests of amenity that a TPO was made, in order to safeguard the preservation and future management of the trees.

In general terms the confirmation of a provisional TPO does not preclude the appropriate management or removal of the protected trees in the future, subject to the merits of a TPO application.

An objection to the TPO has been received from: -

- **The Owner of the Property** (represented by Sam Robinson QC of Garden Court Chambers, 57-60 Lincoln's Inn Fields, London WC2A 3LJ).

Recommendations

The Sub-Committee should decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 683 (2021) with or without modification with permanent effect; OR

(b) NOT TO CONFIRM Tree Preservation Order No. 683 (2021).



City of Westminster

Committee Report

Item No:

Date:

Classification:

Title of Report:

Report of:

Wards involved:

Policy context:

No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area
Notwithstanding the above – the following planning policies are of relevance: 32, 34, 39 of the City Plan 2019 - 2040 April 2021

Financial summary:

Report Author:

Contact details

1. **Background**

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 683 (2021) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 1 October 2021.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the City Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 683 (2021) was made following the receipt by the City Council of six weeks’ notice of intention to remove two Silver Birch trees from the front garden of 17 Blomfield Road (shown labelled T1 and T2 of the TPO Plan). Under s211 of the 1990 Act it is defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The Silver Birch trees are located in the front garden of 17 Blomfield Road. They are prominent specimens, clearly visible from Blomfield Road and from Maida Avenue, viewed across the canal. The trees are about 20 metres tall with naturally upright and open canopies. The scale and form of the trees are such that they are in proportion with the garden and the property. They are growing on the front boundary, in a row with three limes which are protected by TPO Paddington no 1, and the five trees together form an attractive landscape feature.
- 1.5 The trees are considered by the Council’s Tree Section to have significant amenity value and make a positive contribution to the Maida Vale Conservation Area. The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer’s report.

1.6 The initial reason given by the applicant for the proposed removal of the trees was:

- The trees are causing severe hayfever to a resident of the property.

1.7 The applicant submitted medical records for the affected individual, demonstrating a proven allergy to birch pollen. Further details of the symptoms have been provided, which include coughing and breathing issues, and which cause great discomfort. It was stated that the sufferer takes prescription antihistamines, and that the allergy is ongoing and shows no sign of abating. The hayfever symptoms affect the sufferer during the spring and part of the summer each year. During the spring the residents cannot use the garden and keep the windows shut.

1.8 Hayfever is recognised as an inconvenient health problem, which for some sufferers can be very uncomfortable. However, the inconvenience of hayfever is usually short lived and varies in severity from year to year. It can be managed through practical steps such as keeping windows closed during periods of high pollen count and changing/washing clothes regularly.

1.9 Birch pollen is distributed by wind over very large areas. There are many birch trees in the Little Venice area and so removal of T1 and T2 would be unlikely to eliminate birch pollen or the associated hayfever symptoms. The allergenic nature of silver birch pollen, whilst recognised as inconvenient, is not usually considered to be sufficient reason to remove a protected tree.

1.10 The applicant has offered to plant replacement trees. Although this is appreciated, the removal of the trees on the basis of provision of replacement trees is not considered to be adequate justification for their removal. The loss of character and amenity which results from the removal of mature trees takes a considerable length of time to restore by planting replacement trees. If the City Council were to accept proposals for removal of mature trees on the sole basis of replacement trees being planted, this would quickly result in erosion in public amenity, and would skew the age structure of the tree population.

Subsequent to making the TPO the City Council received one objection

2 Objection

2.1 The Council's Legal Service received a letter dated 29 December, from the Owner of the Property's legal representation objecting to the TPO on the grounds that:

- The removal and replacement of the trees would have a significant impact on the quality of life of a resident (9-year-old) who suffers from severe hay-fever.
- The birch trees T1 and T2 could be replaced with a different species of tree and the replacement trees would protect the visual amenity provided by the existing trees.
- Replacement trees would have a long lifespan and would make a similar contribution to the landscape and to the character and appearance of the conservation area.

2.2 Enclosed Medical report of Professor Gideon Lack, Consultant in Allergy and Immunology:

The letter stated the following points: -

- The resident is poorly responsive to medications.
- There is a significant impact on the resident's quality of life
- The removal of the trees T1 and T2 would be sensible under the circumstances.

3. Response to Objection

3.1 The City Council's Arboricultural Officer responded to the objection by a letter dated 2 February 2022.

- The Officer's response included that Professor Lack has not provided any comment on whether there is likely to be any change in the severity of the symptoms - whether they could be expected to worsen or improve over time. The Officer did however appreciate the further evidence that had been submitted regarding the impact of the birch pollen and that Professor Lack has advised removal of the trees would be sensible.
- The Officer noted the Applicant's offer to plant replacement trees, however, if the TPO is not confirmed then the Council cannot secure replacement trees.
- The Officer also commented that the loss of character and amenity which results from the removal of mature trees takes a considerable length of time to restore by planting replacement trees.
- The Officer agreed that if the medical evidence is sufficient to justify tree removal, then the removal and replacement of the trees would be justified.
- The Officer stated the new information from Professor Lack will be considered by the Planning Application's Committee very carefully, weighing up the time it would

take for new trees to replace the amenity value of T1 and T2, against the evidence you have submitted in support of tree removal.

4. Ward Member Consultation

4.1 The Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

5. Conclusion

5.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 683 (2021) with or without modification with permanent effect.; OR

(b) NOT TO CONFIRM Tree Preservation Order No. 683 (2021).

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDA BOATENG, LEGAL SERVICES (Email lboateng@westminster.gov.uk) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES ON 07790 979410 (Email Georgia.heudebourck@rbkc.gov.uk)

Local Government (Access to Information) Act 1985

Background Papers

1. Copy of Provisional TPO 683 (2021)
2. Photographs of T1 and T2
3. Objection letter from Sam Robinson QC of Garden Court Chambers dated 27 January 2022.
4. Medical report of Professor Gideon Lack, Consultant in Allergy and Immunology dated 26 January 2022.
5. Response letter from the City Council's Arboricultural Officer dated 2 February 2022.
6. Email from Sam Robinson QC confirming the objection remains dated 9 February 2022.
7. Report of Council's Arboricultural Officer dated 29 September 2021 recommending making of the Provisional Order
8. Initial medical evidence submitted by Applicant

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 February 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	47 Great Marlborough Street, London,		
Proposal	Enlargement of 4 th floor residential flat (Class C3), erection of a rooflight over a rear terrace to create a repositioned bathroom for the flat. (Retrospective).		
Agent	Mr Anthony Ferguson		
On behalf of	Satila Studios and Half Moon Investments Limited		
Registered Number	21/07551/FULL	Date amended/ completed	16 November 2021
Date Application Received	3 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Permission was granted on 6 December 2017 for alterations and extensions to this building to provide a retail shop or restaurant on part basement and part ground floors, a residential flat (Class C3) occupying most of the fourth floor front, and offices within the remainder of the building including an individual office (Class E) at the front of the building, linked to the rear offices via a short corridor which also provides access to the flat. The approved development includes a residential terrace on the main roof and a further terraced at rear fourth floor level , separating the rear of the flat from the offices. That development is complete and the building is occupied, with a restaurant on the lower floors.

Following recent site visit in relation to proposals on an adjacent site, it has come to light that the development has not been completed in accordance with the approved plans. The demise of the approved flat has been extended to incorporate the individual office at the front of the building and currently provides a 'home office'. Additionally, the flat has been reconfigured to locate the sole bathroom on the small fourth floor terrace, accessed by glazed doors leading from the bedroom, with a fully openable rooflight creating the bathroom roof. Retrospective permission is sought for these changes.

The key issues in this case are:

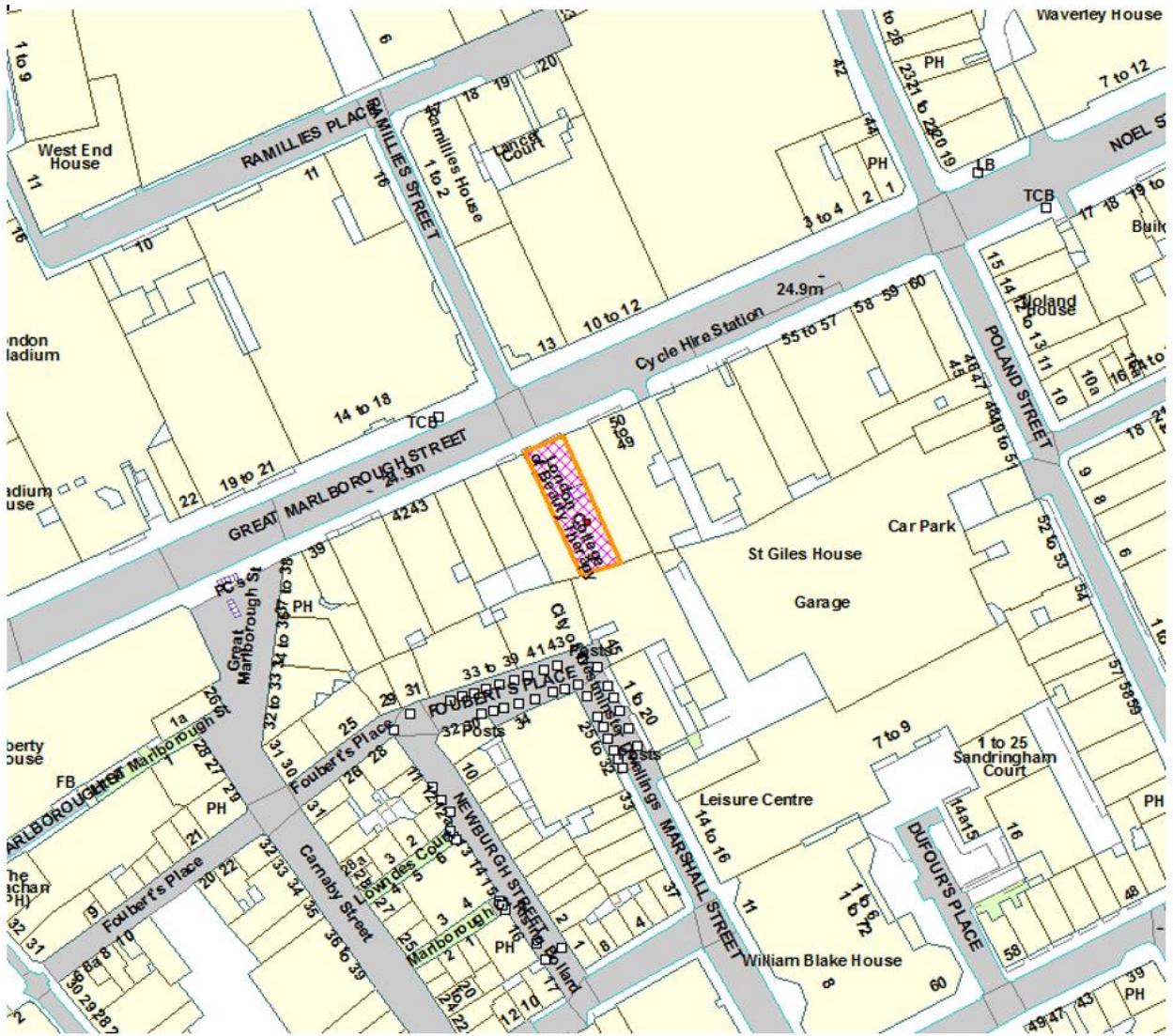
- The acceptability of the loss of offices in land use terms given that City Plan policies prevent the conversion of offices to residential use on sites within the Central Activities Zone
- The standard of accommodation offered by the reconfigured flat, with particular regard to levels of light received and ventilation.

An objection has been received on the grounds that the conversion of the office floorspace (approximately 17 sqm) to residential use is contrary to adopted land use policies. However, the applicant has confirmed that this space was never fitted out as offices (Class E) floorspace and in the particular circumstances of this case, it is considered that the use of this small office area as an extension to the approved flat would be difficult to resist. In this context, the provision of additional residential floorspace is considered acceptable in principle.

An objection has also been received on the grounds that the reconfigured flat provides an unacceptable standard of accommodation due to restricted daylight/sunlight levels and inadequate natural ventilation. The objector is also concerned that the application does not consider the impact of noise and odours on openable windows or the impact of the changes on energy/sustainability.

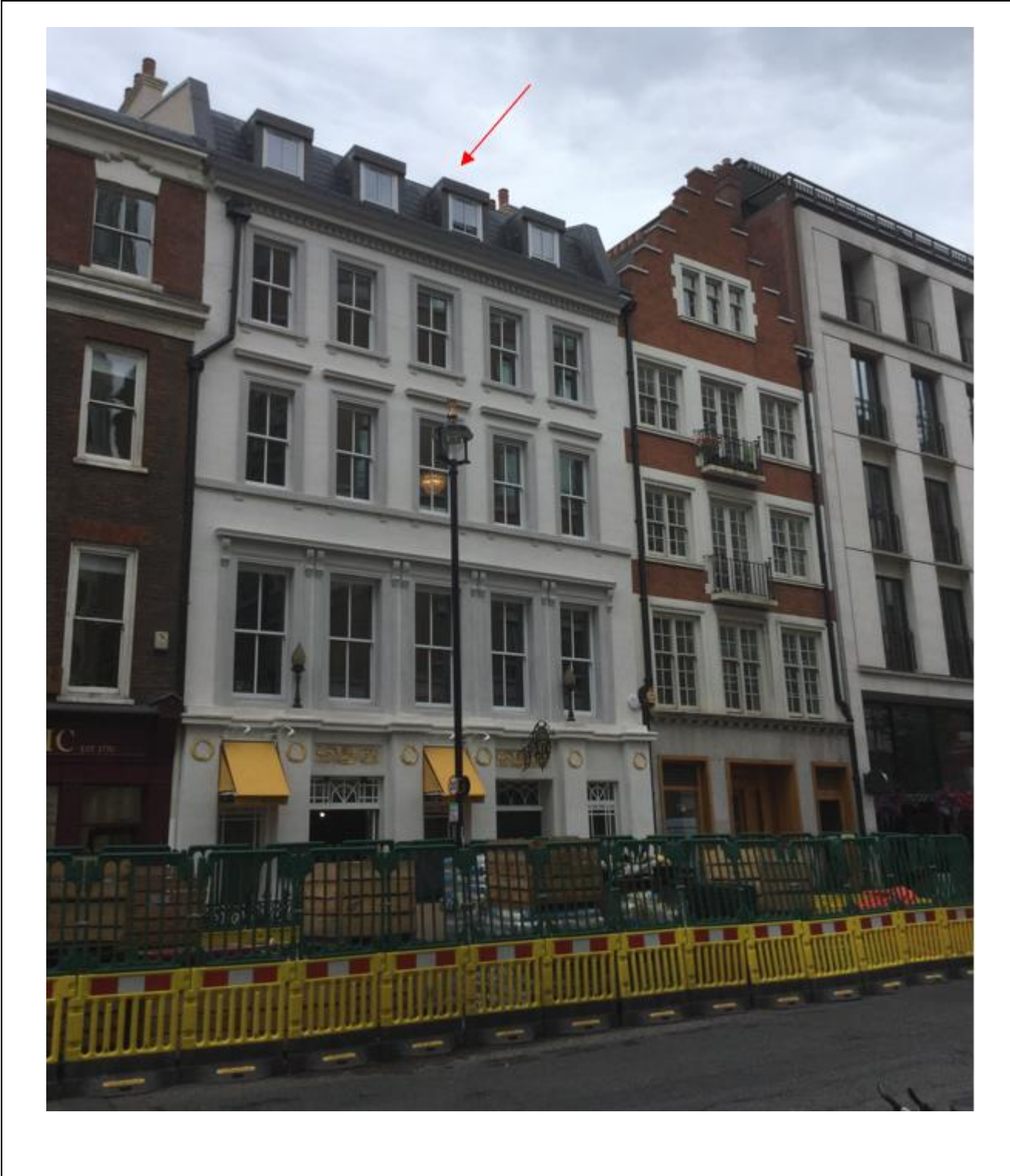
The application has been reviewed by the Council's Environmental Services who has raised no objection to the proposals. The flat is considered to receive adequate daylight/sunlight and natural/mechanical ventilation and provides an unacceptable standard of accommodation. The changes are considered to have negligible impact on site sustainability when compared with the approved development . The application is therefore recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

CROSSRAIL 1

Do not wish to comment

SOHO SOCIETY

Any response to be reported verbally

PLANNING ENFORCEMENT

Confirm current enforcement investigation

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally

WASTE PROJECT OFFICER

Objection – request further details of storage of waste and recyclable materials

ENVIRONMENTAL SERVICES

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32, Total No. of replies: 1, No. of objections: 1, No. in support: 0

Land use

- Loss of offices

Amenity

- Inadequate light and ventilation to residential accommodation; potential loss of amenity to flat from noise and smell nuisance to openable windows

Sustainability

- No assessment of energy/sustainability implications

SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an unlisted building on the south side of Great Marlborough Street between its junctions with Carnaby Street and Poland Street. The premises has been altered and extended pursuant to a planning permission granted on 6 December 2017 and is occupied as a restaurant and offices with a single flat (Class C3) at fourth floor front, with a terrace at roof level.

The site is within the Soho conservation area, the Central Activities Zone and the West End Retail and Leisure Special Policy Area (WERLSPA). The site is also located within the Soho Neighbourhood Area and the Soho Special Policy Area as designated in the Soho Neighbourhood Plan (2021).

The area is primarily commercial in character although there are residential uses on the upper floors of neighbouring buildings including at 16 Great Marlborough Street, opposite, known as 11 Ramifies Place, on the upper floors of 39-40 Great Marlborough Street, and to the rear of the site, in Foubert's Place.

6.2 Relevant planning history

5 August 2000 Permission granted for the use of the building for Class A1 retail purposes on part basement and ground floors (106 sqm) with Class B1 offices (1120 sqm) above (the continuation of the existing uses) or for Class D1 educational purposes (1226 sqm) (00/04484/FULL). The premises were subsequently occupied by the London College of Beauty Therapy. This permission was renewed on 21 December 2009 (09/06573).

6 December 2017 Permission granted for alterations including the erection of a rear and roof extensions, including partial demolition, to provide Class B1 office floorspace and residential apartment (Class C3), and dual/alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3). (RN: 17/05944/FULL).

Condition 16 of this permission requires the submission and approval of details of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 (noise from external sources) and condition 15 (noise from within the development) of the permission.

The details in relation to soundproofing from noise within the development were approved on 1 August 2019 under reference 19/04123/ADFULL. The plans within the approved acoustic report show the current (unauthorised) flat layout.

7. THE PROPOSAL

At a recent site concerning development proposals on a neighbouring site, it became evident that the current flat layout and demise does not accord with that shown on the approved application drawings and the matter has been reported to the Council's Planning Enforcement Team. This application, submitted on behalf of the flat occupier, who is the original site developer, is for retrospective planning permission to regularise these changes which are :

- i) the use of part of the approved commercial office floorspace, (measuring approximately 17 sqm) as an extension to the approved flat (Class C3).
- ii) the reconfiguration of the flat to relocate the bathroom to the site of the approved rear fourth floor residential terraced. The relocated bathroom is accessed from the rear bedroom and the rooms are separated by a glazed screen and door. The bathroom space, which provides an additional 6 sqm of residential floorspace is covered by an

openable rooflight (mechanical) which is operated via a control panel in the bedroom.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office floorspace

The original development provides a total of 933 sqm of modern office floorspace on the upper floors of the building, including a single office (approximately 17 sqm) located towards the front of the building, accessed via a short corridor which also provides access to the flat at the front of the building. This individual office space includes a staff WC and the footprint also includes an area measuring approximately 3m long x 1m wide.

The approved flat at the front of the building has been extended to include this commercial office space Class E), which is now occupied as a home office, accessed from the living room. The applicant advises that the 'implemented position' has been physically and functionally in place for over a year.

The City Plan supports the provision of new and improved office floorspace within those parts of the CAZ with a commercial or mixed-use character, including the WERLSPA.

Policy 1 (4) seeks to balance the competing functions of the CAZ as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods. The supporting text, at paragraph 1.7 states:

‘ to secure the right conditions for continued economic growth, the past trend of losing business space must be halted, and the growth of a range of spaces that meets the needs of modern businesses supported’.

Similarly, Policy 2 states, that the intensification of the WERLSPA over the Plan period will deliver significant job growth through a range commercial-led development including retail, leisure, office and hotel use. To this end, Policy 13 encourages the provision of new and improved office floorspace to provide capacity for at least 63,000 new jobs over the Plan period and only permits the net loss of office floorspace in the CAZ to residential use in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use, neither of which is the case here.

Policy SD5 of the London Plan (offices, other strategic functions and residential development in the CAZ) states that new residential development should not comprise the strategic functions of the CAZ and that offices and strategic CAZ functions are to be given greater weight relative to new residential development in the CAZ in specific locations (outside Westminster) and in wholly residential streets or predominantly residential neighbourhoods.

The Soho Neighbourhood Plan set out various policy objectives including “2: Commercial Activity”, which requires commercial or mixed use development proposals to ensure that the availability of smaller commercial premises, including for office use, is

not diminished. To this end Policy 5 (Premises for small businesses) states that proposals for commercial development will be supported where they demonstrate that they incorporate flexible workspaces for suitable SMEs and other small-scale businesses. The supporting text stresses the importance of making smaller commercial premises available and stresses the importance of such accommodation to the character of the area. Additionally, policy 6 requires new office development to be designed to provide a variety of flexibly-sized workspaces.

The applicant has made the following arguments in support of the loss of office floorspace:

- The principle of a mixed-use development, incorporating a residential use, was established by the original permission.
- The approved scheme provides a significant amount of purpose-built, contemporary, office space. The office area, which is the subject of this application, was a 'by-product' of this office development.
- The office measures only 17 sqm and would only have been occupied by one person and a significant part of this space comprises the WC and the corridor link. In the context of London Plan estimates for the demand for office floorspace in the period until 2041, the proposed reduction is de minimis.
- the building configuration and access arrangements enabled the seamless conversion of the approved office to a home office. As working practices have changed significantly as a result of the pandemic, the proposal allows the flat occupier to work in this additional space which is 'fit for purpose'.

An objection has been received to the loss of the existing office floorspace based on City Plan policy and highlighting the GLA's policy regarding the loss of smaller and more affordable office stock. The objector also refers to a study prepared for the GLA (unnamed) which details the shift towards a more diverse London economy with a vibrant profile of small and micro businesses, where low value space, in particular, is vulnerable to changes of use, particularly from residential development and small businesses are 'squeezed out' by rising rents. (London Office Policy Review: Ramidus Consulting 2017)

In this context, the objector considers that the importance of small office space to the economy cannot be underestimated and that such losses will, to varying degrees, cause harm. They also consider that the importance of office floorspace is further substantiated by the presence of an Article 4 direction (which came into force on 1 May 2019), removing permitted development rights for changes from office to residential use. The objector notes that the Article 4 Direction does not include a minimum size threshold.

The objector also acknowledges the small size of the floorspace lost but considers that this accommodation has an important and established strategic function in providing accommodation for micro and smaller enterprises where they might not otherwise exist. Consequently, the objector considers that arguments based upon the size of the accommodation lost set a dangerous precedent which could ultimately impact on the strategic function of the CAZ and believes that the applicant has not provided any

Item No.
1

'quantifiable justification' for a departure from adopted City Plan policy. While they acknowledge that the need for office floorspace reduced significantly during the pandemic, they consider that no evidence has been submitted to demonstrate that the need will not return. Furthermore that no evidence has been provided to suggest that the approved office space is not suitable for employment use.

The arguments put forward by the objector are acknowledged. However, it is accepted that this space has never been fitted out or occupied as commercial office space. (The first to fourth floor offices have only been registered for Business Rates since 1 December 2020). Had the original planning application included the commercial office space as part of the flat, this would have been considered acceptable in principle in land use terms. The completed development provides a significant amount of new office floorspace within CAZ but there is no evidence to suggest that, had the individual office been created, that it would have been let independently of the remainder of the office floorspace. The remainder of the office floorspace is currently open plan and it appears more likely that the office was designed as a 'private' office/meeting room as part of the open plan office development. Consequently, while the importance of small office accommodation is acknowledged, and the objector's concerns about 'precedent' are noted, each application must be determined on its individual merits. In this case, the loss of this small amount of floorspace is considered to be acceptable in the context of the original development and the associated increase in the size of the original flat. This designates the entire fourth floor front of the building for a separate residential use. This is sufficient to justify a departure from policies protecting the existing office floorspace and the objection is, therefore, not supported.

Increase in residential floorspace and standard of accommodation

Increase in residential floorspace

Policy 8 of the City Plan encourages the provision of new homes and new residential floorspace. No new homes should exceed 200 sqm GIA other than where larger units are necessary to protect a heritage asset.

Objective 4 of the Soho Neighbourhood Plan requires housing provision to focus on smaller units and policy 16B requires all new housing units to conform to space standards set out in the City Plan.

The approved drawing shows a 1 x bed flat at fourth floor front, with external amenity space at rear fourth floor and roof levels. The flat which has been extended through the incorporation of the approved commercial office space and by the creation of a bathroom on the rear fourth floor terrace, now measures approximately 111 sqm (GIA).

In these circumstances, the extension of the approved fourth floor flat is considered acceptable in principle subject to the acceptability of the loss of office floorspace. As detailed above, had the original permission proposed the use the individual office space as part of the flat, this would have been considered acceptable in land use terms.

Standard of accommodation

City Plan policy 12 requires all new homes and residential extensions to provide a high

quality living environment, both internally and externally. It states further that new homes should be designed to a standard that ensures the safety, health and wellbeing of its occupants. All new homes required to meet or exceed Nationally Described Space Standards. The supporting text (paragraph 12.1) acknowledges that 'high quality (housing) can take many forms and can be achieved through design solutions such as ... external amenity space...access to natural light and a dual aspect to the home for ventilation to reduce overheating and provide suitable internal air quality'.

Additionally, Policy 16 of the Soho Neighbourhood Plan requires all new housing to confirm to space standards set out in the City Plan.

The extended flat exceeds minimum space standards set out in the London Plan (70 sqm for a 2b/4p unit). The unit is also served by a large roof level terrace. The rear room, which is subject of the current application for a change of use, measures approximately 3m x 3m This figure excludes an en-suite WC and a 3m x1m area which now provides the access from the study to the living room.

The applicant has made the following points in support of the application:

- Many attics are successfully converted to apartments and/or bedrooms and it is possible for such an arrangement to provide an adequate amount of light and ventilation.
- The 'open plan' format allows the bedroom to be served by a large rooflight positioned above the bathroom, as well as via the four large windows at the front of the building which allows light to infiltrate through the double-door opening between the living space and bedroom, effectively creating a dual aspect bedroom.
- The proposed home office is served by a large, openable, south-facing window.
- The submitted Daylight and Sunlight Assessment concludes that the levels are considered acceptable by reference to BRE requirements.
- The bathroom rooflight, which is operated by a control panel located in the bedroom, can be tilted up to 90 degrees.
- The door in the glass separation screen between the bedroom and bathroom has a sufficient gap at its base to allow the passive flow of air between the bathroom and bedroom. Alternatively, this door can be left open.
- The bedroom is also mechanically ventilated to replenish fresh air.

The bedroom is accessed by double doors leading from the main living space at the front of the building and there is no additional light source to the bedroom, other than via the bathroom rooflight, if the doors between the living space and bedroom are closed. In these circumstances, the bedroom is considered to be single aspect rather than part of an 'open plan' space.

An objection has been received on the basis that the current layout does not provide

adequate light and ventilation to the reconfigured flat, citing the requirements of City Plan policy 12.

Daylight/sunlight

The application is supported by a daylight/sunlight assessment which considers levels of daylight and sunlight received to the rear bedroom and new home office.

Daylight

The report assesses Average Daylight Factor to the home office and bedroom and assesses the bedroom as a single aspect room, rather than as part of a dual aspect space. The ADF calculation measures the distribution and quality of light within a room served by a window. It takes account of the size of the room, the size and number of windows, surface finishes and reflectance, glazing qualities/transmittances and room use. If a room is served by more than one window, the total ADF for that room will be based on the amount of natural light entering the room through all of the windows. Where supplementary lighting is supplied, the following ADF values should be considered the minimum, 2% for rooms containing a kitchen element, 1.5 for living rooms and 1% for bedrooms.

The submitted analysis confirms that the home office would achieve an ADF value of 2.60% and that the bedroom, which is currently painted a dark blue colour, achieves a value of 1.09%, both exceeding BRE targets.

While the objector acknowledges that the reported daylight values do not take account of any contribution to lighting levels that could be derived from the living rooms windows at the front of the building, they consider that deriving light to the bedroom via the bathroom rooflight is unacceptable, highlighting the 'contrived nature of the residential accommodation'. Whilst the layout of the flat is somewhat unusual permission could not reasonably be withheld on the grounds that the flat is deficient in daylight given that BRE daylight targets are exceeded.

Sunlight

The report also assesses the level of sunlight to the home office and accounts for the potential flexible use of this room, which is south-facing. The BRE guidance recommends that the windows tested should receive 25% of the total annual probable sunlight hours and 5% of annual probable sunlight hours during winter (21st September – 21st March).

The analysis conforms that the home office would have good access to natural sunlight, achieving an APSH level of 34% and 13% winter sun.

The bedroom, due to the fact that the original light well was enclosed by 3m high walls, does not receive any annual or winter sun.

In view of the above, it is not considered that the objection relating to inadequate levels of daylight and sunlight can be supported.

Ventilation

The applicants have confirmed that the bathroom rooflight 'can be tilted up to 90 degrees' to allow for a 'passive flow of air' between the bathroom and bedroom. The rooflight can also be opened by a few degrees in inclement weather, as the rooflight frame is 'designed to drain rain water in this scenario'.

The objector considers it to be 'unrealistic that such an arrangement will be utilised and unreasonable to rely on such an extreme arrangement for ventilation, particularly in inclement weather.' They have also questioned whether the rooflight is openable on the basis of applications to discharge conditions attached to the original permission, in which case they consider that the rooflight would be a receptor for noise and odours, and would require further assessment. The applicants have provided a photograph showing the open rooflight.

The application cited by the objector are:

- i) 19/08566/ADFULL: Various details, including details of the restaurant ventilation system. of the restaurant ventilation system.

The objector has referred to an email (dated 7.4.2020), relating the issue of openable windows and odours from the restaurant kitchen extract where the Environmental Services Officer had requested clarification as to whether any properties within 20m (at a taller height than the termination point of the proposed kitchen extract system) contained any air bricks, intake louvres or other passive openings in either the walls facing the termination point or roof. This clarification was requested on the basis that 'the air from the kitchen extract system could travel into any of these openings in the same way as through an open window and cause issues'. A subsequent email from the applicants confirmed that although the flat at 47 Great Marlborough Street was less than 20m from the duct termination point, the only point of potential odour entry into this flat would be lower than the duct discharge point and therefore not included within ESO's consideration. The submitted drawing shows the original terrace and the bedroom window. The ESO subsequently confirmed that the relationship between the duct termination point, at the top of the plant enclosure, and the nearest residential window, was acceptable and that this, coupled with the odour filtration system proposed, would adequately safeguard the amenity of neighbouring residential properties. Although the proposed bathroom rooflight is marginally closer to the duct termination point than the bedroom window, it remains below the duct termination point and, based on previous advice from the ESO, it appears that this would enable any odours to disperse away from any openable windows/glazing within the flat.

The ESO also confirmed that an updated technical note, based on the final plant selection and location within the approved plant area, showed that the plant operation would comply with the noise conditions attached to the original permission. This Technical Note shows the current layout rather than the approved flat layout.

In these circumstances, notwithstanding the fact that the scheme now includes a new openable rooflight in place of the approved lightwell, it appears that the new arrangement would continue to satisfy Council requirements in terms of potential smell and noise nuisance.

ii) 19/07201/ADFULL – Noise assessment

Condition 16 of the original permission required the submission of details sound insulation measures and a Noise Assessment report to demonstrate that the residential unit within the development would achieve acceptable internal noise levels in relation to noise from existing external noise (levels controlled under Condition 14) and noise from the development (levels controlled under Condition 15) .

A partial discharge of condition 16 in relation to noise from the development (Condition 15) was approved (1 August 2019 under reference 19/014123/ADFULL). The plans within the approved report show the current layouts,

However, the details submitted in relation to noise from existing external sources (Condition 14) were refused (1 August 2019 under reference 19/05981/ADFULL). The submitted report includes an assessment of windows to the front and rear of the flat including the window to the 'study'; the rooflight (unauthorised) to the bathroom/bedroom and the sliding roof light over the access stairs to the roof terrace. The application was refused on the basis that the submitted information was inadequate in relation to the acoustic properties of the proposed glazing.

As referred to by the objector, a subsequent application to discharge Condition 16 to demonstrate compliance with Condition 14 (in relation to existing external noise sources) was submitted under reference 19/07201/ADFULL. The original Noise Report was updated by way of a Technical Note and, again, includes drawings showing the current, rather than the approved, layout. This confirms that the sound reduction performance for the bathroom/bedroom rooflight and for the study would comply with the requirements of Condition 14.

The objector notes that the submitted Technical Note Calculations state that 'flat relies on MVHR' (This is a balanced and controlled forced air ventilation system which is a whole house ventilation system which both supplies fresh and extracts stale air throughout a property and recycles the heat generated within it). The reference to MVHR in the Technical Note Calculation is made in relation to 'Svents- Vents Equivalent Open Area' and confirms that there are none within the development.

The objector is concerned that any additional open/openable elements within the development would have an impact on internal noise levels. However, the approved details were assessed in relation to the acoustic properties of building fabric, including glazing, when windows etc are closed. It is clear that, should occupiers choose to open their windows, noise levels would be increased. However, should the occupier choose to keep their windows closed to reduce the impact of external traffic etc, the mechanical ventilation system would ensure that the flat is adequately ventilated.

The application has been reviewed by the Council's Environmental Services Officer in the light of the objection received. They have raised no objection subject to a condition relating to internal noise levels within the extended flat, as imposed on the original permission. They also consider, based on the applicant's advice, that the opening rooflight is likely to provide adequate ventilation, subject to confirmation by the Building Control Officer. The applicant has provided a copy of a Building Works Completion

Notice dated 18 September 2020 from the Council's Building Control Officer. The plans submitted to Building Control show the current layout and bathroom extension.

In view of the above, it is not considered that the changes to the scheme would have a material impact in relation to nuisance from noise and odours and objections on these grounds could not be supported.

Overlooking

The approved development includes a fourth floor terrace on the west side of the building which provides views towards the main rear façade, including the window to the proposed home office. This relationship was considered acceptable on the basis that the rear room was in commercial office use rather than the residential use now proposed. However, although the terrace provides views towards the rear window, given the minimum distance, (approximately 12.5m) between these two points, there are no direct views into the extended flat and there would not be an unacceptable loss of privacy to existing or future occupants.

Loss of private amenity space

The objector is concerned that the replacement of the fourth floor rear terrace with a bathroom would further erode the standard of accommodation to an unacceptable degree.

City Plan policy 12D requires all new-build homes to provide at least 5sqm of private external amenity space for each dwelling designed for one to two people, with a further 1 sqm, for each additional person the dwelling is design to accommodate. Even if the home office came to be used as a bedroom, a maximum of 7 sqm of external amenity space would be required.

The loss of the 4th fourth floor external terrace is regrettable, it is acknowledges that this small area was fully enclosed by 3m high walls and was of limited value in amenity terms. As the flat also benefits from a larger roof level terrace , with panoramic view, measuring approximately 50 sqm (excluding the lift overrun and stair enclosure), it is not considered that the application could justifiably be recommended for refusal on the basis that the loss of this secondary amenity space would have a significant impact upon the standard of accommodation provided.

In these circumstances it is not considered that the loss of the fourth floor terrace would compromise the quality of the residential accommodation to a degree that would justify a recommendation for refusal.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In design terms, the propose changes involve roofing over the fourth floor terrace with an openable rooflight. Given the height of existing walls to the original terrace, the approved external doors/windows would not be visible from neighbouring windows.

The proposed changes are considered acceptable in terms of their impact upon the appearance of the application building and the character and appearance of this part of the Soho conservation area would not result in any harm to designated heritage assets and would comply with relevant design policies in the City Plan.

8.3 Residential Amenity

City Plan Policy 7 states that development should be neighbourly by protecting and, where appropriate, enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

An objection has been received on amenity grounds which relates to the acceptability of the accommodation provided rather than the impact upon the occupants of neighbouring properties. It is noted that the objection was received in response to a neighbour consultation, stemming from the submission of the planning application, which was a response to an enforcement complaint raised by officers rather than to a complaint from neighbouring occupiers.

Given the nature of the development, it is not considered that the proposal would have an adverse impact on the amenity of occupiers of neighbouring properties.

8.4 Transportation/Parking

City Plan policy 25 bases parking standards for residential development on the standards in the London Plan. As the site is within the Central Activities Zone, there is no parking requirement in association with the subject flat.

8.5 Economic Considerations

Any economic benefits generated by the development are welcomed.

8.6 Access

As previously the flat is accessible via the stair core and lift and this arrangement is unaffected by the proposals.

8.7 Other UDP/Westminster Policy Considerations

Plant

The applicant has confirmed that the mechanical ventilation for the approved shower room, which has not been provided, was 'transferred' to the new bathroom. In these circumstances, the proposals have no additional plant requirements when compared to the approved development.

Refuse /Recycling

The Council's Waste Project Officer has requested the submission of further details setting out the arrangements for the storage of waste and recyclable materials for the development. However, refuse storage for the flat was approved as part of the original development. It is not considered that the extension/reconfiguration of the flat would have a material impact upon the amount of waste generated and, in these circumstances, it would be reasonable to require the submission of further details.

Sustainability

An objection has been received on the grounds that the application does not consider City Plan policy 36 which states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

The application is not supported by an energy statement. However, this issue has been raised with the applicants who consider that the extension of the approved flat does not have any material implications for the development in terms of energy consumption/carbon levels and officers concur with this view.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Soho Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 08 October 2021, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning

documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

Strategic issues relating to the protection of office floorpace within the CAZ are discussed elsewhere in this report.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. However, in this case, no pre-commencement conditions are proposed.

8.12 Planning Obligations

The application does not trigger any planning obligations

8.13 Environmental Impact Assessment

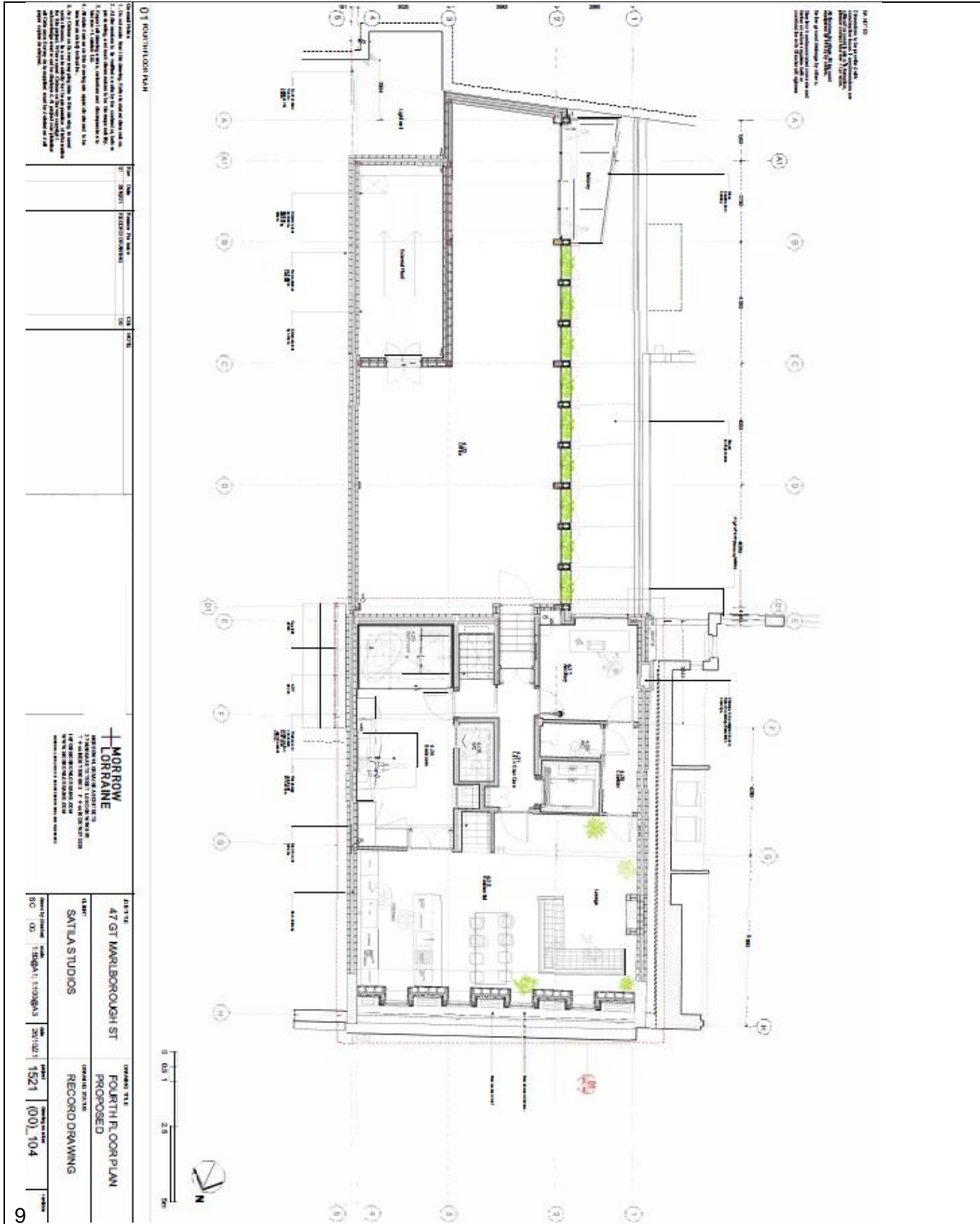
An EIA is not required given the nature of the application.

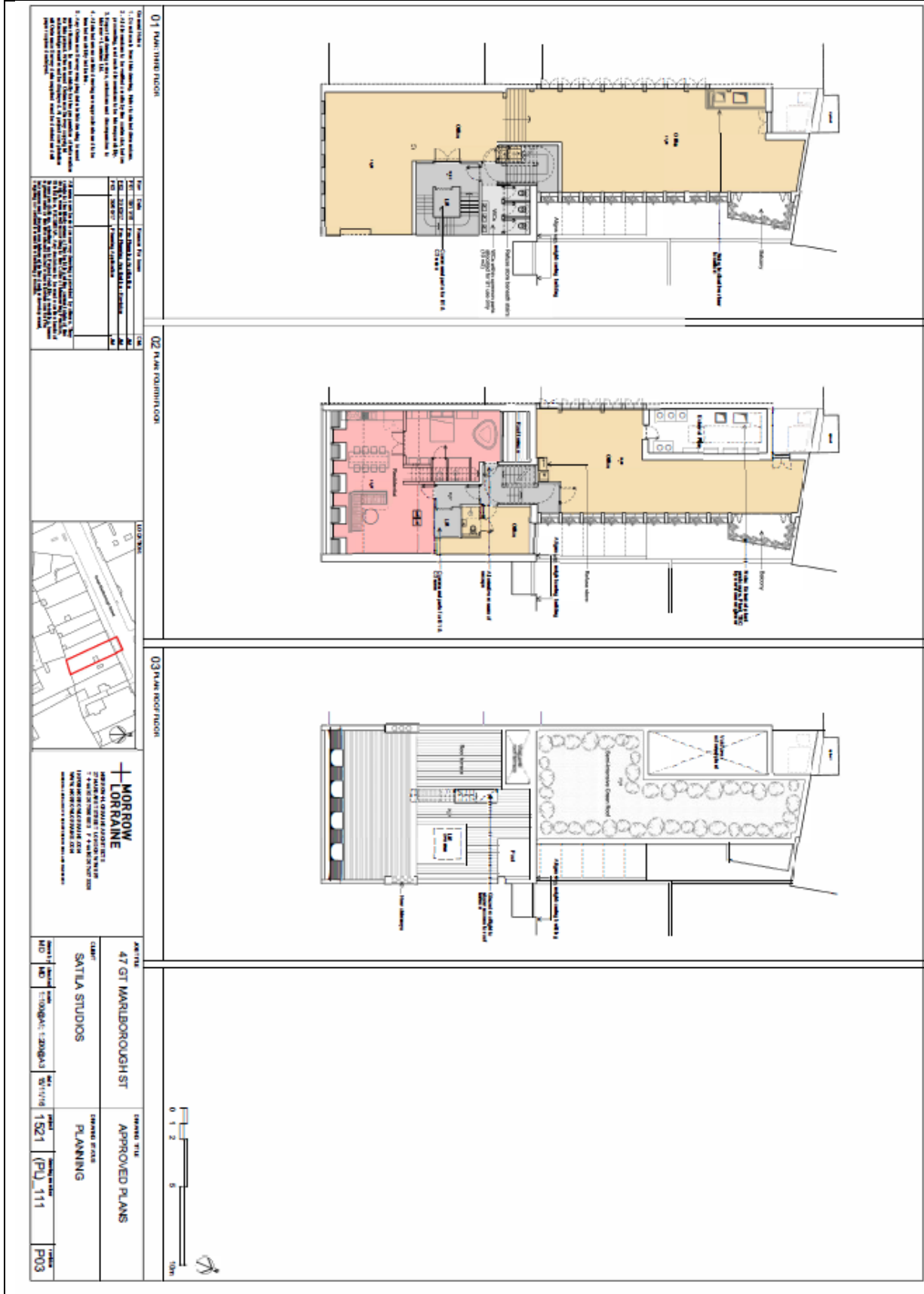
8.14 Other Issues

The applicant has expressed concern that an objection has been received to the application from an objector who is not directly affected by the proposals. The objection is however made on planning grounds and is a material consideration which has been properly taken into account in consideration of the application.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON EMAIL AT mwalton@westminster.gov.uk
--





DRAFT DECISION LETTER

Address: 47 Great Marlborough Street, London,

Proposal: Enlargement of existing 4th floor residential flat including erection of a rooflight over a rear terrace to create a repositioned bathroom (Class C3) (Retrospective)

Reference: 21/07551/FULL

Plan Nos: 1521 (00) 104

Case Officer: Sara Spurrier

Direct Tel. No. 07866039795

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 The design and structure of the building 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. (C49AA)

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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

Item No.
1

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
1

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 22 February 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	46A Great Marlborough Street, London, W1F 7JW		
Proposal	Erection of rear extensions at third and fourth floor use as offices (Class E) and installation of an air conditioning unit within an existing enclosure at rear 1 st floor level.		
Agent	Contemporary Design Solutions		
On behalf of	Hallmark Property Group		
Registered Number	21/03566/FULL	Date amended/ completed	28 May 2021
Date Application Received	28 May 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

The application premises comprises basement, ground and four upper floors in use as offices (Class E). Permission is sought for a rear extension at 3rd and 4th floor levels to provide additional office floorspace.

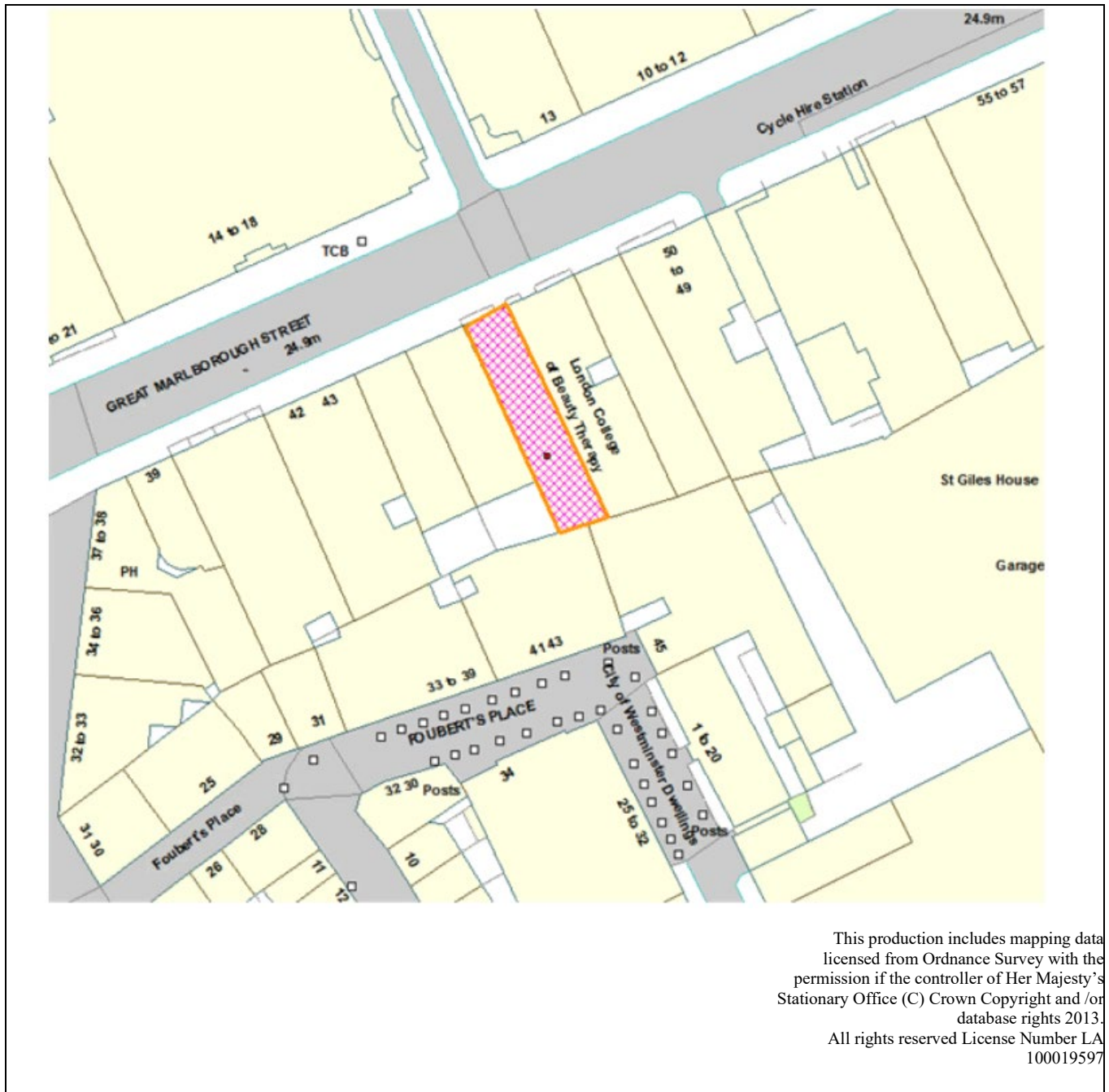
The key issues for consideration are:

- The impact on the amenity of the occupants neighbouring properties and
- The impact on the appearance of the building and the Soho Conservation Area.

The bulk and mass of the proposed extension is considered acceptable and would not result in a material and harmful loss of amenity to the occupants of any of the surrounding properties. Subject to appropriate conditions the proposed extensions are also considered to be acceptable in townscape and design terms.

The application accords with development plan policies and accordingly is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front Elevation



Rear Elevation



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 13

No. responded: 2

Two objections have been received from a single respondent on the following grounds:

Amenity:

Loss of daylight and sunlight,
Increased sense of enclosure/ overshadowing,

Design

Overdevelopment of the site,
The extensions would not be subordinate to the host building,
Velux type rooflights are at odds with the character of the building,

Other Issues

Lack of urban greening,
The planning history sets a clear precedent that permission should be refused.

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises comprises of basement, ground and four upper floors in use as offices (Class E) throughout. The sole access to the property is from Great Marlborough Street, the rear is enclosed by buildings fronting onto Foubert's Place.

The building is not listed but lies within the Soho Conservation Area. It is also within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the Soho Special Policy Area (Soho SPA). Soho is very diverse in character with an eclectic mix of uses.

6.2 Recent Relevant History

Planning permission was refused on 14 October 2004 (RN: 04/02469/FULL) for "Demolition of rear wall and roof. Erection of roof extension (fifth floor), rear extensions at basement, first, second, third and fourth floors and new shopfront in connection with office use (Class B1) and Class A2 (financial and professional services) use." The

application was refused for design and amenity reasons.

In design terms the height and bulk of the extension was considered to be harmful to the appearance of the building and the Soho Conservation Area. In amenity terms the extension was considered to result in a material loss of daylight and sunlight to No 47 Great Marlborough Street which was in educational use.

An appeal against this refusal was dismissed (RN: 04/00289/TPREF) for design reasons only. The Planning Inspectorate did not uphold the amenity reason for refusal.

Planning permission was granted on 25 October 2005 (RN: 05/02310/FULL) for "Alterations to roof to incorporate lift overrun and mechanical plant enclosure (including 4 air conditioning units); rear extension at first and second floor level; installation of 3 air conditioning units at rear first floor level and other associated alterations in connection with use of basement, ground and mezzanine floors for financial and professional service purposes (Class A2) and use of first to fourth floors as offices (Class B1)."

Planning permission was refused on 07 July 2006 (RN: 06/00498/FULL) for "Alterations during the course of construction to permission granted 25 October 2005 for alterations to roof to incorporate lift overrun and mechanical plant enclosure (including 4 air conditioning units); rear extension at first and second floor level; installation of 3 air conditioning units at rear first floor level; installation of new shopfront and other associated alterations in connection with use of basement, ground and mezzanine floors for financial and professional service purposes (Class A2) and use of first to fourth floors as offices (Class B1); namely an additional two storeys to rear extension at third and fourth floor level for office use."

The application was refused for design reasons. The bulk scale and detailed design of the scheme was considered to be harmful to the appearance of the building and the Soho Conservation Area.

An appeal against this decision was dismissed (RN: 06/00147/TPREF). The Planning Inspectorate upheld the design reason for refusal.

7. THE PROPOSAL

Planning permission is sought for the erection of a rear extension at third and fourth levels to provide additional office floorspace (Class E) accommodation.

The proposed two storey extension will extend full depth to follow the building line of the 2nd floor below and almost full width, being set adjacent too but behind the party wall with No 47 Great Marlborough Street. The scheme has been revised since the initial submission reducing the height of the extension at 4th floor level.

As revised the 4th floor extension now follows the sloping roof profile of existing 4th floor on the eastern side of the site (on the boundary with No 47). The proposed extension is a brick construction with sash windows in the rear elevation, and blind windows at 3rd floor level adjacent to the boundary with No 47 and Velux windows in the 4th floor roof. An additional air conditioning unit is proposed to be located within an existing acoustic enclosure at rear 1st floor level.

The floorspace figures for the proposed development are shown below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	859.1	968.6	+109.5
Total	859.1	968.6	+109.5

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in offices (Class E)

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040 (adopted April 2021). Policy 1 and 13 of the adopted City Plan (April 2021) are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. Additional office floorspace is supported in principle in parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character.

The provision of an additional 109.5 m² of commercial office floorspace accords with the City Council's strategic objectives and policies and is acceptable in land use terms.

8.2 Townscape and Design

Legislation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Existing building

46 Great Marlborough Street is an unlisted building in the Soho Conservation Area. It makes a positive contribution to the character and appearance of the area, particularly by virtue of its front elevation. The building dates from 1902 and is by architects W. Dunn and R. Watson. It is a handsome red brick and stone, building with comparatively narrow frontage, crow-stepped gable and stone framed windows. There is a good axial view of the front of the building from Ramillies Street. The presence of clear sky behind the crow stepped gable provides the best possible setting for this architectural detail.

The rear elevation is more modest in terms of its contribution to the appearance of the area. Nonetheless the materials, form and window openings are consistent with the other buildings locally. The rear the building is less prominent in the streetscape, as it is set well back from Foubert's Place / Marshall Street and is partially concealed by the former school at 41-42 Fouberts Place.

Planning History

As set out in section 6.2 of this report (Recent Relevant History) permission was refused in 2004 and in 2006 for 3rd and 4th floor rear extensions and appeals subsequently dismissed on design grounds. Objections have been received on behalf of the freeholder of the adjacent property (No 47 Great Marlborough Street) on the grounds that schemes previously refused by the City Council and the Planning Inspectorate set a precedent which should be followed.

Whilst the current application seeks permission for a 3rd and 4th extension both the form and detailed design of the extensions now proposed is significantly different from the earlier refused schemes.

One of the primary concerns in design terms with regards to the refused schemes was that although permission was sought for rear extensions the height bulk and massing of the 4th floor would lead to the extension being visible from the front on Great Marlborough Street behind the stepped gable. This is not now the position with this application. The proposed 4th floor will follow the existing sloping roof profile and will not be seen from street level views on Great Marlborough Street or longer views from Ramillies Street and will have no impact on the setting of the front gable.

The previously refused schemes were also considered to be unacceptable and harmful to views of the building from the rear on Foubert's Pace and longer views from Marshall Street. The height of the extension is significantly reduced in comparison with the previously refused schemes. The use of traditional materials and window openings will lead to a development that sits comfortably in its context.

Height/Bulk/Mass/Detailed design

The objection received is also on the following design grounds:

- The extension would be an overdevelopment of the site which would not be subordinate to the host building;
- It would infill the gap and result in the loss of meaningful separation with No 47 Great Marlborough Street;
- The domestic appearance of the roof lights is at odds with the character of the existing fenestration in the host building and elsewhere in the Conservation Area;
- There is an absence of urban greening.

In Officer's opinion the proposed extension would not result in an overdevelopment of the site and the bulk mass and scale of the extension would be an appropriate addition at the rear of the site. There no great uniformity to the rear aspect of buildings on Great Marlborough Street. The application premises is sits between larger buildings and in this context the additional bulk and mass is considered to be acceptable. From a townscape

perspective given the tight urban grain of this part of Soho it is not considered necessary to maintain a gap between with the adjacent buildings on the upper floors.

With regards to the detailed design, as stated the extension is to be built using traditional materials. The use of rooflights in a pitched roof is not exclusive to domestic buildings, and examples can be found elsewhere in Soho. At 3rd floor level the flank elevation adjacent to No 47 will contain blind window openings in the brickwork, to enliven an otherwise blank façade.

The objection to the lack of greening on the site is noted and greening would be welcomed. However, City Plan Policy 34 which requires green infrastructure “*wherever possible*”, recognising that it is not always practical. In this case it is accepted that the form of the development offers little scope to provide greening.

The proposal is considered acceptable in design and townscape terms in accordance with policies 38, 39 and 40 of Westminster’s City Plan (2019-2040); and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster’s People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 41-43 Fouberts Place, and 45 and 47 Great Marlborough Street.

An objection has been received on behalf of the freeholder at 47 Great Marlborough Street that the proposal would result in an unacceptable degree of overshadowing and

severely reduce the levels of natural light the to office accommodation in the west facing façade and residential at 4th floor level. The objection is made on the grounds that the scheme would have a significant detrimental impact on the living and working conditions of the occupants in 47 Great Marlborough Street as well as their health and well- being.

Daylight

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable

The report shows that there would be no breach in BRE guidelines to windows at 41-43 Fouberts Place and 45 Great Marlborough Street.

The table below shows the impact on the daylight levels to 47 Great Marlborough Street (the objector's property).

			Daylight (VSC)*			Daylight distribution (NSL)		
Floor	Room usage	Window ref	Existing VSC	Proposed VSC	Change	Existing lit area (sq.m)	Proposed lit area (sq.m)	Change
First Floor	Office (open plan)	W1	9.2%	9.0%	-2%	32%	30%	-6%
		W2	36.2%	24.7%	-32%			
		W3	7.7%	7.7%	0			
Second Floor	Office (open plan)	W4	11.1%	8.7%	-22%	57%	56%	-2%
		W5	16.1%	14.3%	-11%			
		W6	15.9%	14.4%	-9%			
		W7	13.6%	12.5%	-8%			
		W8	2.8%	2.8%	0			
		W9	1.2%	1.2%	0			
Third Floor	Staircase	W10	10.7%	8.9%	-17%	93%	75%	-19%
	Office (open plan)	W11	13.4%	11.2%	-16%			
		W12	15.3%	12.6%	-18%			
		W13	16.9%	13.6%	-20%			
		W14	18.3%	14.5%	-21%			
		W15	19.9%	16.6%	-17%			
		W16	21.0%	20.6%	-2%			
		W17	20.6%	20.3%	-1%			
		W18	18.2%	18.0	-1%			
		W19	3.8%	3.8%	0			

*Windows which experience losses above BRE guidelines are highlighted in grey.

Vertical Sky Component (VSC)

The table shows of 19 windows assessed at 47 Great Marlborough Street 3 windows (W2, W4, and W14) would experience losses in VSC levels in excess of the 20% which the BRE guidelines state would be noticeable. Window 2 is a large first floor skylight, the retained VSC levels are 24.7% which are good for a central London location. Window 4 is a single window to a large open plan office at 2nd floor level served by multiple windows. Window 14 is also a single window to an open plan office at 3rd floor level served by other windows.

Daylight Distribution No skyline (NSL)

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all rooms assessed comply with BRE guidelines for NSL, including the objector's property.

It is considered that the results of the study show that the development would have a minimal impact of the daylight levels to the commercial office floorspace at No 47 Great Marlborough Street. It is considered that the impact on daylight would be not detrimental to the working conditions, and would not be harmful to the functionality of the offices.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment has identified that 34 windows require assessment. Of the 34 windows tested across the properties assessed, 33 of these either experience no effect or a minimal reduction in light within the BRE guidelines. At No 47 Great Marlborough Street a single first floor skylight window (W2) to an open plan office would experience Annual Probable Sunlight Hour (APSH) losses in excess of the guidelines.

Total Sunlight Hours*				Winter Sunlight Hours*			
Before 28%	After13%	Loss15%	Ratio 0.46	Before 9%	After3%	Loss 6%	Ratio0.33

Again it is considered that the study shows that the impact will be minimal and would not adversely impact on the functionality of the office accommodation in any way.

Residential flat at No 47 Great Marlborough Street

The main aspect of the residential flat at No 47 GMS is at the front northern elevation which does not look onto the proposed development. There is a single window at rear 4th floor level facing in a southerly direction. This room is lawfully part of the commercial office space occupying most of the building. However, following the initial objection and an Officer site visit, it is apparent that the room is part of the residential flat. A

retrospective application for the use of this room as residential has been sought, and this application is considered as item 1 on this Planning Applications Sub-Committee agenda. Should permission have been granted for this room to permit the enlargement of the 4th floor flat, the window 4th floor rear window will be the closest residential window to the site. However the daylight and sunlight report submitted indicates that there would be no breaches of the BRE guidelines in terms of both daylight and sunlight levels to this window.

Sense of Enclosure and Outlook

The objection on behalf of 47 GMS is made on the basis that the development on the site boundary would have an overbearing scale and massing, which would create an unacceptable increase in the sense of enclosure and loss of outlook at 47 GMS.

There will be an impact to both 3rd and 4th floor office windows in the western flank elevation and the 4th floor window rear window in the south elevation (discussed above). The impact is lessened by the fact that the 4th floor slopes away from the boundary. It is not considered that the impact would be so great that permission could reasonably be withheld due to enclosure to office and potentially a single residential window.

Privacy

The 3rd floor extension has blind close to the boundary with No 47 GMS, the 4th floor Velux windows. Windows in the southern elevation of the extension will not result in any significant overlooking. The development will not therefore result in a loss of privacy to the occupants of any neighbouring buildings.

8.4 Transportation/Parking

The scheme raises no transport or parking issues.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed and would be in compliance with City Plan Policy 2, which seeks intensification of the WERLSPA through a range of commercial-led developments including offices.

8.6 Access

Access to the property will be unchanged by the proposals, and remains from Great Marlborough Street. The building has level access and the upper floors are served by a lift.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant and Equipment

There is an existing acoustic enclosure at rear first floor of the site. The application includes the installation of a single additional condenser unit within the existing enclosure which will remain unchanged. An acoustic report has been submitted as part

of the application. This has been assessed by Environmental Sciences who advise that the plant is likely to comply with Council noise requirements. Conditions are recommended to ensure compliance with these requirements.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Soho Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 08 October 2021, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. The application is considered to be in accordance with the neighbourhood plan.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.13 Environmental Impact Assessment

Environmental Impact issues have been covered above.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

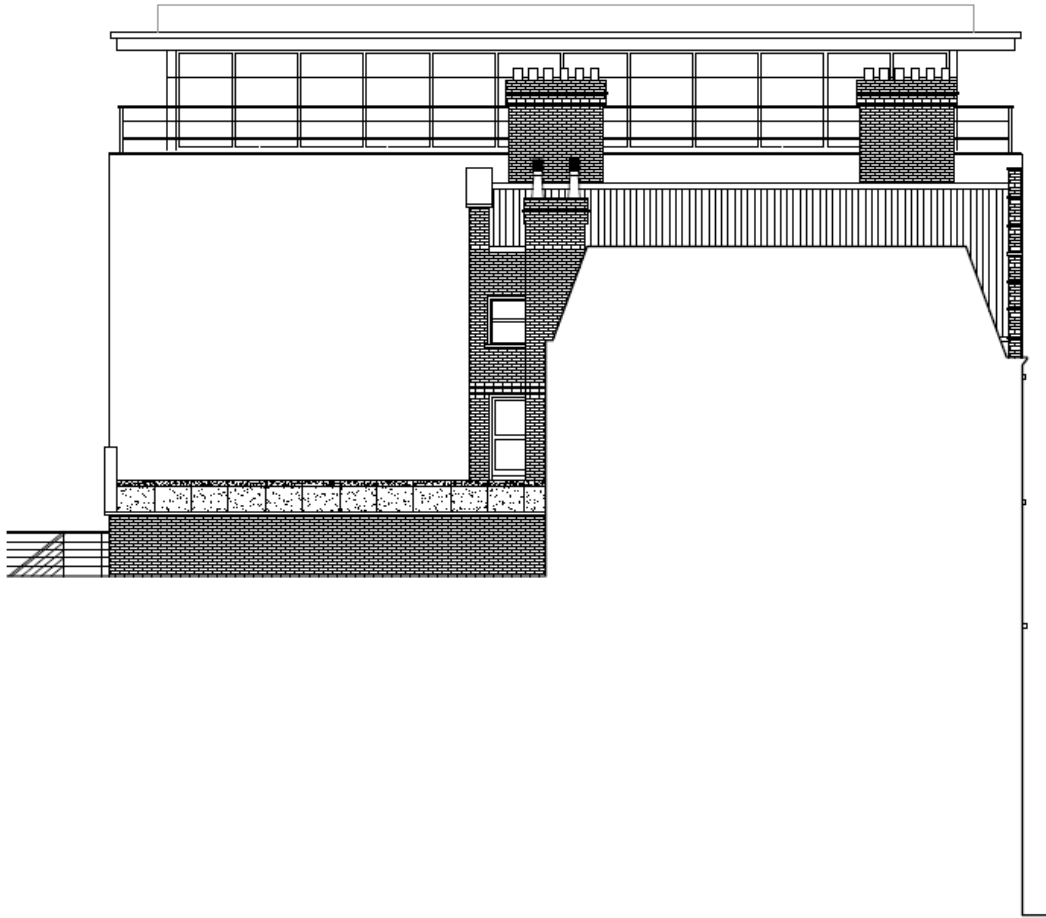
Existing Front Elevation



Proposed Front Elevation



Existing Side Elevation



Proposed Side



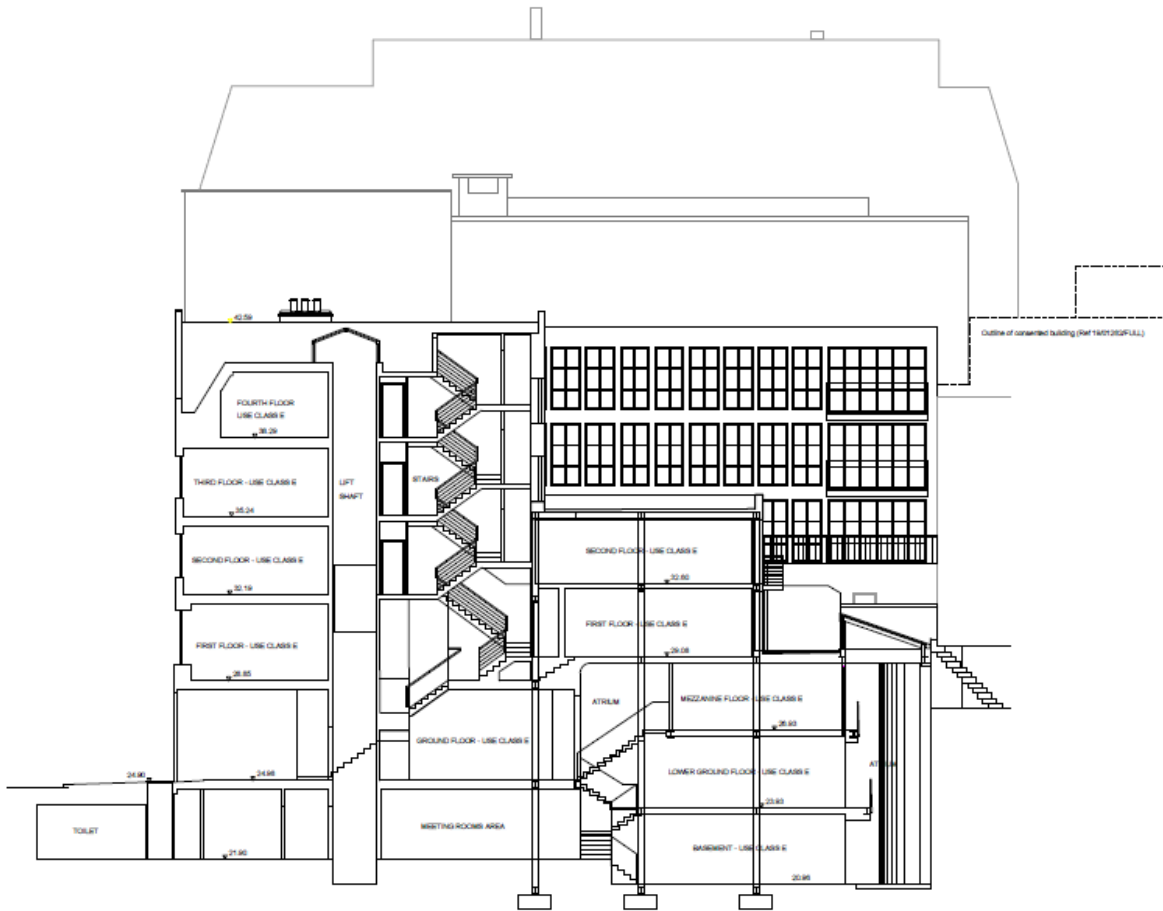
Existing Rear Elevation



Proposed rear Elevation

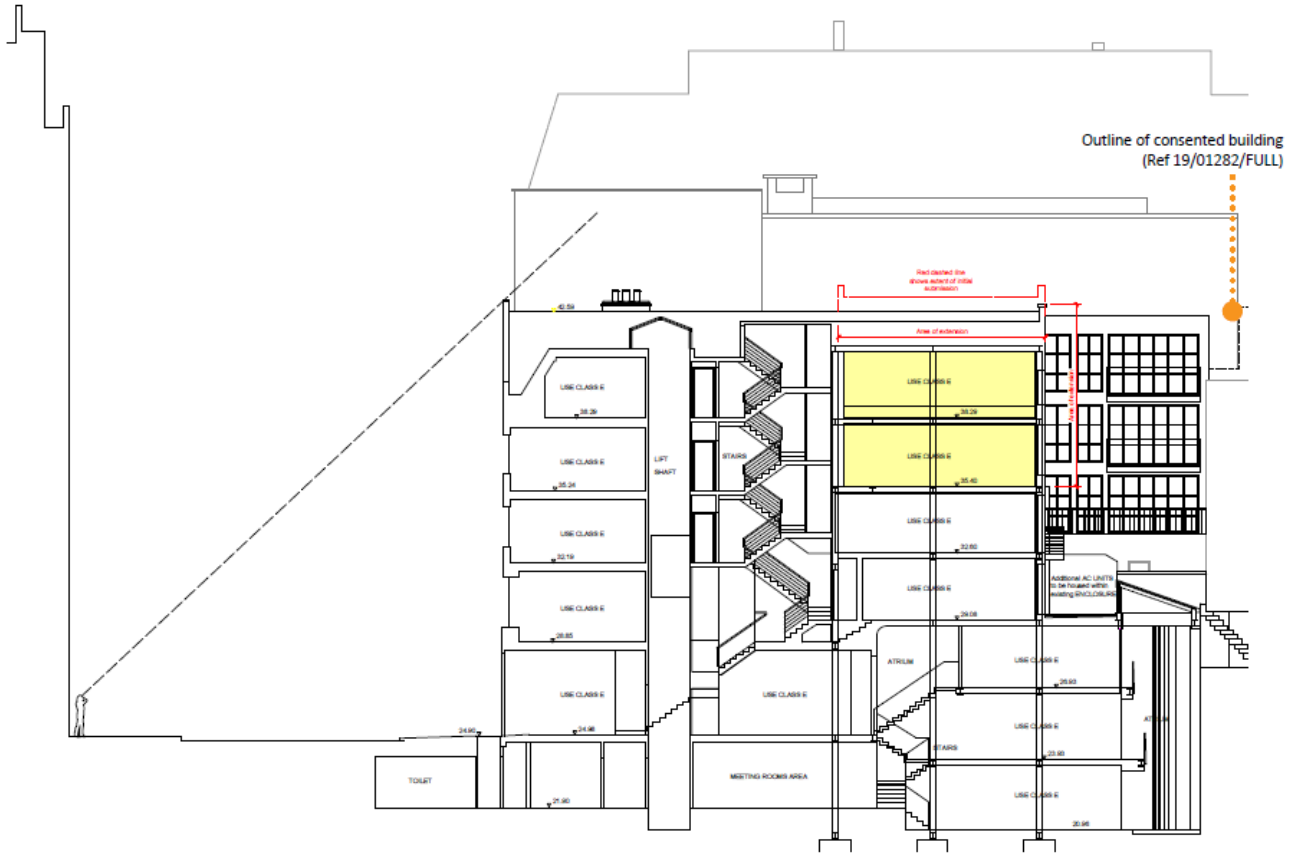


Existing Section A



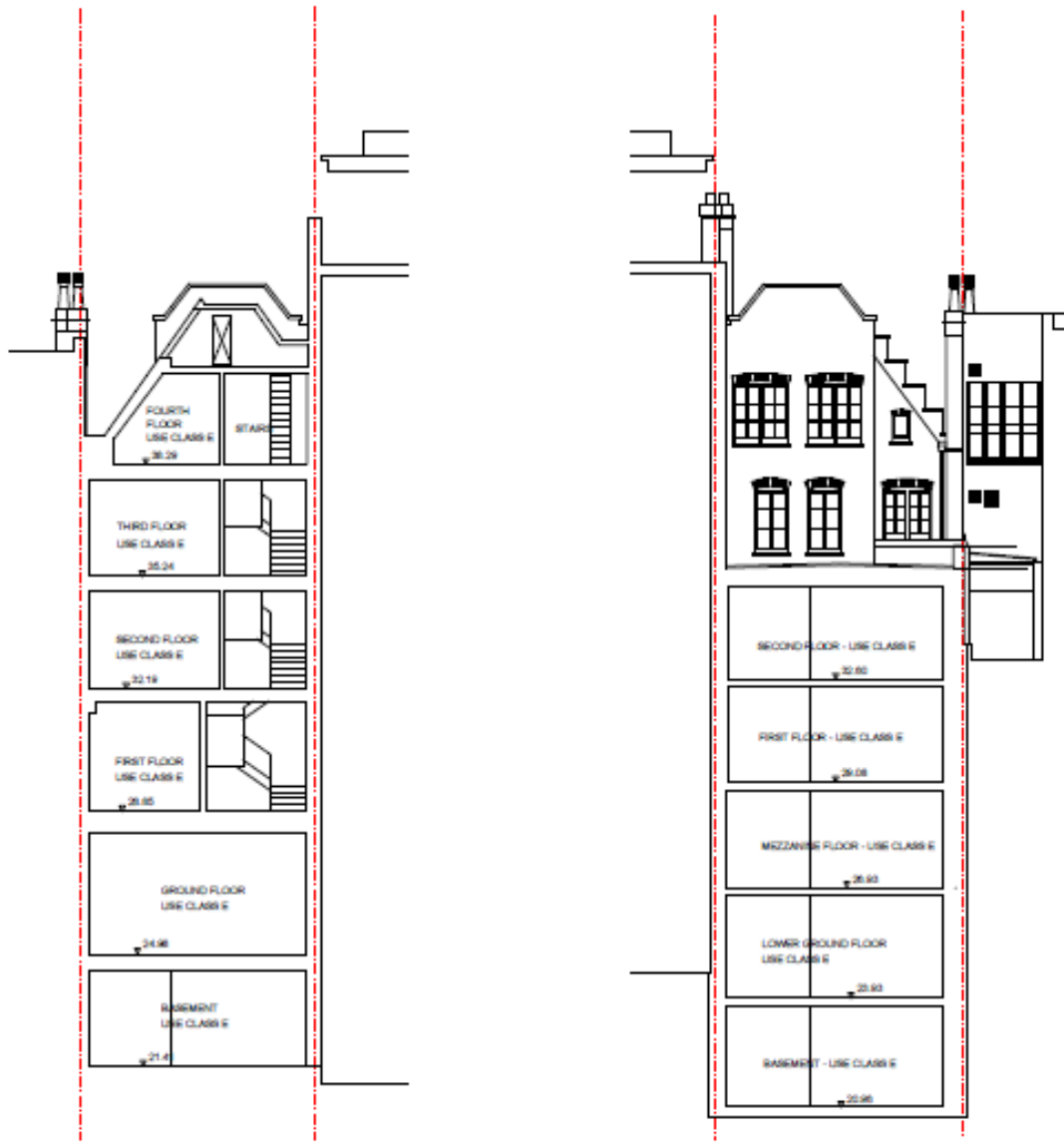
Existing Section A

Proposed Sections



Proposed Section A

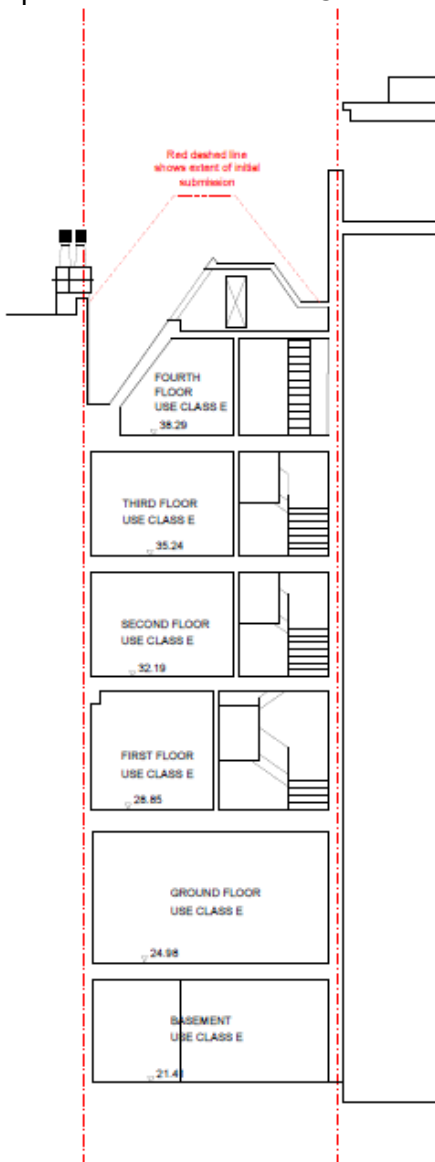
Existing Sections B and C



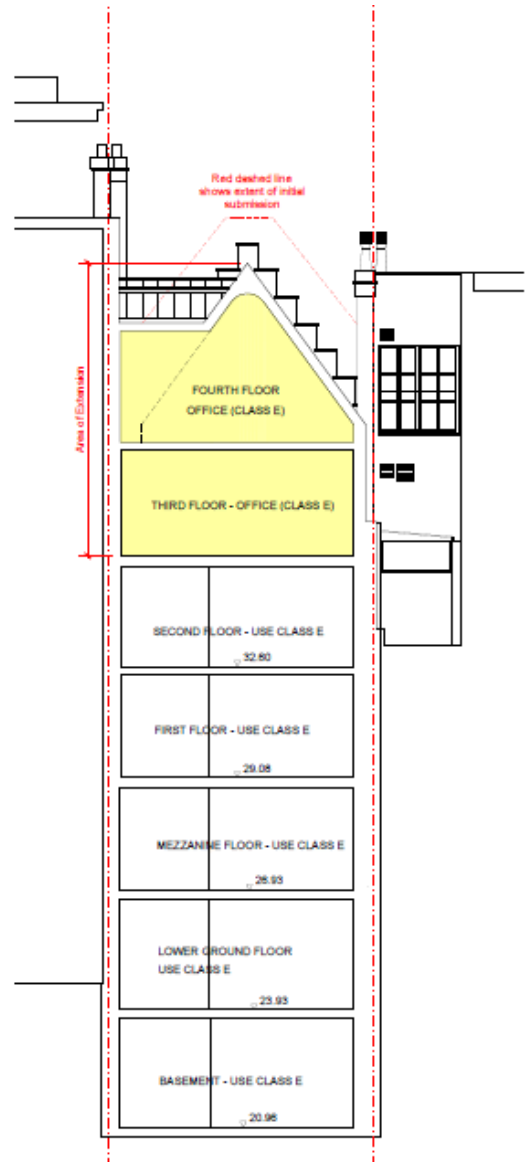
Existing Section B

Existing Section C

Proposed Sections B and C

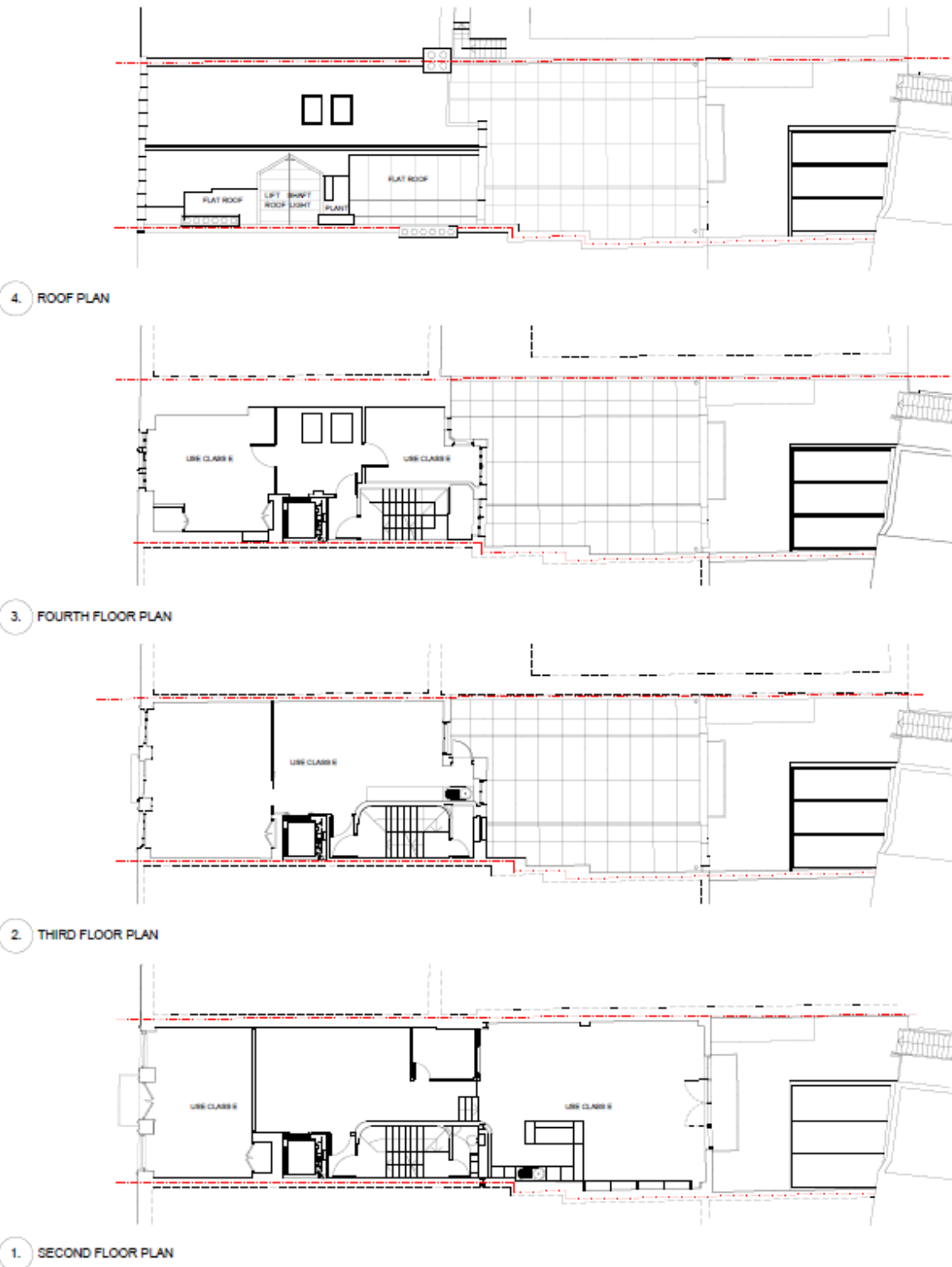


1. SECTION A



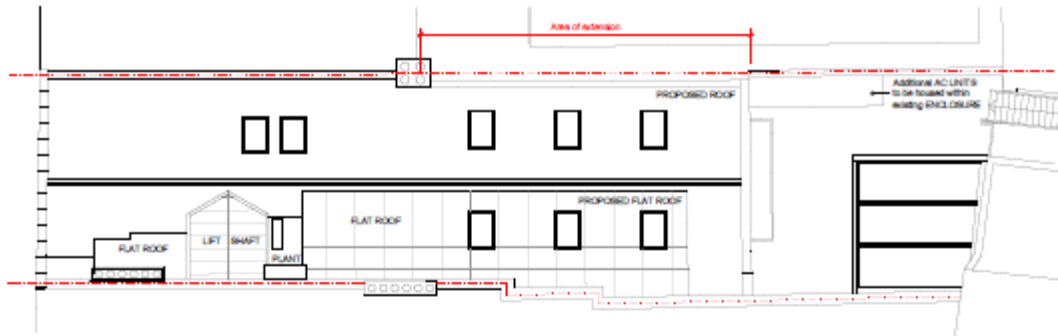
2. SECTION B

Existing Floors Plans (second, third, fourth and roof level)

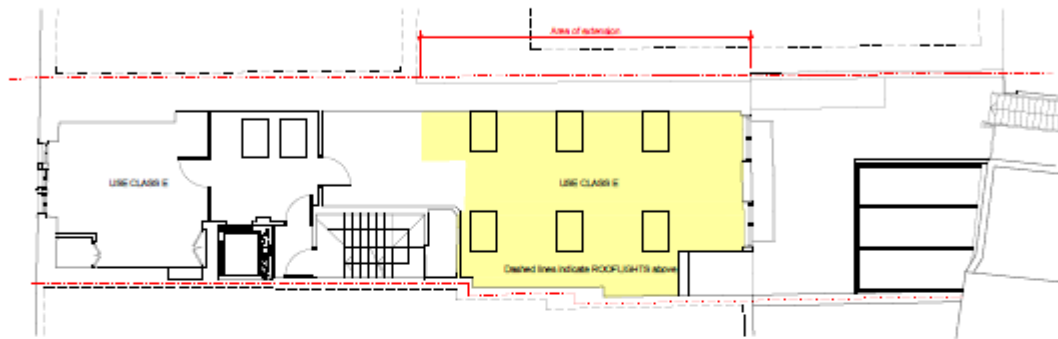


Proposed Floors Plans (second, third, fourth and roof level)

4. ROOF PLAN



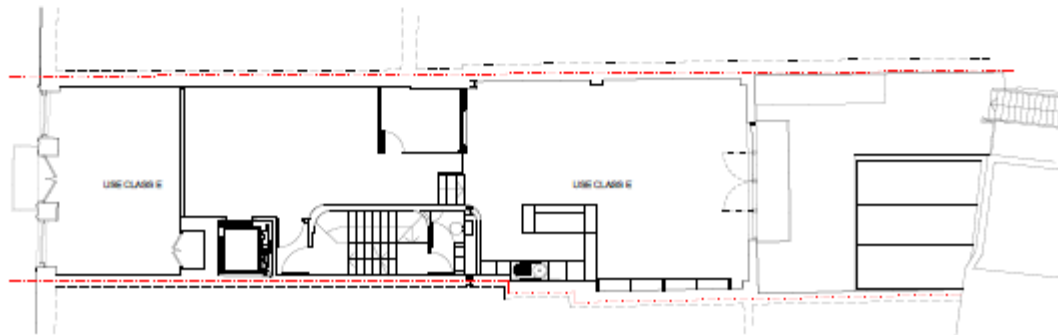
3. FOURTH FLOOR PLAN



2. THIRD FLOOR PLAN



1. SECOND FLOOR PLAN (NO PROPOSED ALTERATIONS)



DRAFT DECISION LETTER

Address: 46A Great Marlborough Street, London, W1F 7JW

Proposal: Erection of rear extensions at third and fourth floor use as offices (Class E) and installation of an air conditioning unit within an existing enclosure at rear 1st floor level.

Reference: 21/03566/FULL

Plan Nos: 130715-A(GA)310 Rev. A ; 130715-A(GA)110 Rev. B ; 130715-A(GA)400 Rev. A ; 130715-A(GA)300 Rev. B

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings (Scale 1:5 and 1:20) of the following parts of the development - all new doors, windows and rooflights. 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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 7 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 Conditions 6 and 7 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. (182AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

This page is intentionally left blank

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 February 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	6 Balfour Place, London, W1K 2AX		
Proposal	Variation of Condition 1 of planning permission dated 29 July 2020 (RN: 20/04800/FULL) for, 'Erection of infill extension at basement level in order to enlarge existing office (Class B1), use of part ground floor on Mount Street elevation as a shop (Class A1) accessed from existing bay, erection of roof extension to enlarge existing flat (Class C3), insertion of new windows and doors on the north and east elevations, creation of a residential terraces at third floor level and provision of plant within existing vaults'; NAMELY, to insert a door in place of a window at basement floor level and alter the design of a dormer window at 5th floor level. (Application under Section 73 of the Act).		
Agent	Ascot Design		
On behalf of	Hughes Group		
Registered Number	21/07541/FULL	Date amended/ completed	3 November 2021
Date Application Received	3 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Works are currently ongoing on site implementing a permission granted in July 2020 for an infill side extension in a courtyard at basement level to provide additional office floorspace and a roof extension to enlarge a residential flat.

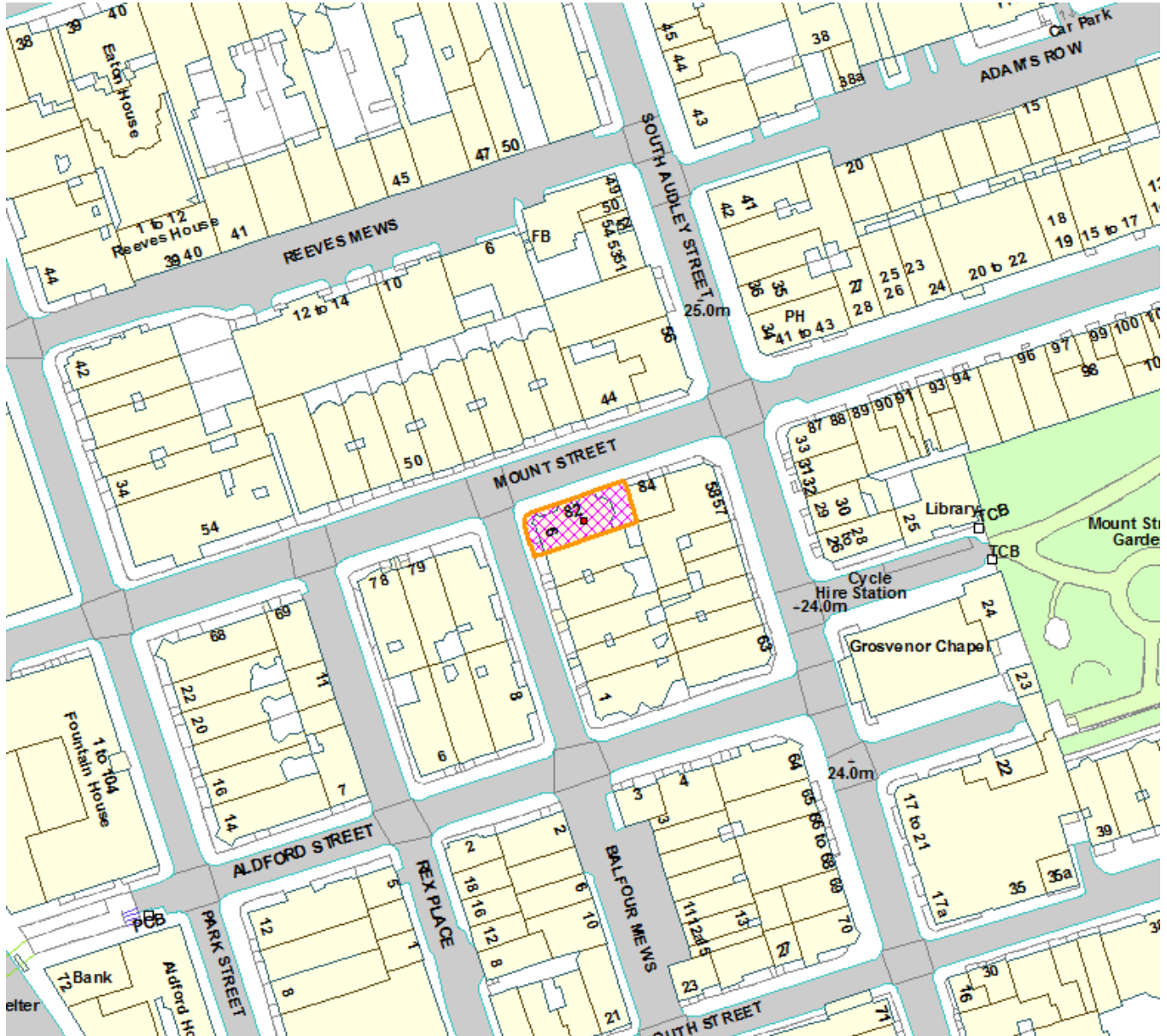
This application seeks to vary condition 1 on the permission granted on the 29 July 2020 (RN 20/04800/FULL) to vary the approved drawings to permit the replacement of a window with a door in the basement and alter the design of a dormer window in a 5th floor roof extension (under construction).

The key issues for consideration are:

- the impact on residential amenity;
- the acceptability of the proposed alterations in design terms on the appearance of the building and the character and appearance of the Mayfair Conservation Area.

As is detailed in the main section of this report, although there has been significant opposition to the application with 16 objections received, the proposed amendments to the permitted scheme are very minor. Both the proposed door at basement level and the redesigned dormer window in the roof extension would have no material impact on residential amenity and are acceptable in design terms, accordingly the application is recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the

4. PHOTOGRAPHS



View from the corner to Mount Street and South Audley Street looking towards the

- No.6 Balfour Place and 82 Mount Street
- No.84 Mount Street (Purdy)
- Courtyard entrance



View from Mount Street looking towards the east elevation of No.82 and 6 Balfour Place



North elevation of No.82 Mount Street and 6 Balfour Place

- No.82 Mount Street and 6 Balfour Place
- Balfour Place
- No.84 Mount Street (Purdy)
- Courtyard



View from the corner of Mount Street and Balfour

5. CONSULTATIONS

MAYFAIR RESIDENTS GROUP:

Objection on the following grounds:

Support objections made by local residents

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S)

No response received

ADJOINING OWNERS / OCCUPIERS

No consulted 49

Total No of replies 16

-

16 objections received on some or all of the following grounds:

Amenity

Overlooking/ loss of privacy

Nuisance from increased activity from the commercial units

Adverse impact from the cumulative impact of construction in the area

Design

Impact of the extensions on the building's historic features

Harmful change to the roof line

Additional windows unacceptable

Other

Nuisance from construction

Too many applications have been submitted, piecemeal alterations are harmful.

SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

6 Balfour Place and 82 Mount Street are two unlisted building located in the Mayfair Conservation Area. The buildings comprise basement, ground and four upper levels. The building was last occupied as four 2-bed residential units (Class C3) from first to fourth floor level. At part basement level there is a caretakers room; however, it is unclear whether the caretaker's room is ancillary to the residential accommodation, the office accommodation or both. The remainder of the basement and the ground floor were last in use as offices.

The existing building makes a positive contribution to the conservation area, as do the high quality of surrounding properties, which include significant numbers of listed buildings, notably those to the north and west of the site. Much of the area of Balfour Place was set out and developed at the same time in the 1892-94 by Balfour and Turner with distinctive large town houses in red brick and Portland stone dressings with slate roofs. The buildings are typically four storeys with basements and gabled attics. 6 Balfour Place, its block and relationship with neighbouring streets and buildings remains intact from this time.

6.2 Recent Relevant History

Planning permission was granted on 15 May 2020 (RN: 19/09635) for the 'Erection of infill extension at basement level in order to enlarge existing office (Class B1), use of part ground floor on Mount Street elevation as a shop (Class A1) accessed from existing bay, erection of roof extension to enlarge existing flat (Class C3), insertion of new windows and doors on the north and east elevations, creation of a residential terraces at third floor level and provision of plant within existing vaults. This permission has been implemented.

Planning permission was granted on 25 September 2020 (RN: 20/04800) to vary condition 1 (approved drawings) of the above permission to allow changes at fifth/roof level to create a roof level terrace and associated internal re-configuration at fourth and fifth floor level; alterations to roof pitch and roof valley guttering. This permission has been implemented.

A minor material amendment to the above permission was agreed on 28 September 2021 (RN: 21/04699) to planning permission dated 25th November 2020 (RN 20/04800/FULL) to allow the addition of roof windows to southern elevation and to enclose fifth floor lightwell.

Planning permission was refused on 22 December 2020 (RN: 20/06389) for the 'erection of extension to create a duplex residential unit (Class C3) at roof level, erection of extension within the existing courtyard at lower ground and ground floor level to create a new retail unit (Class E), installation of new windows and doors on the north and east elevations, creation of terraces at roof and third floor level and the installation of seven condenser units within existing vaults.' Permission was refused on design grounds, infilling the townscape gap was considered unacceptable. An appeal against this decision is currently pending

determination.

Planning permission was refused on 27 September 2021 (RN:21/05016) for the 'erection of extension to create a duplex residential unit (Class C3) at roof level, erection of extension within the existing courtyard at lower ground and ground floor level to create a new retail unit (Class E), installation of new windows and doors on the north and east elevations, creation of terraces at roof and third floor level and the installation of seven condenser units within existing vaults.' This application was also refused on design grounds, infilling the townscape gap was again considered unacceptable.

7. THE PROPOSAL

This application is made under Section 73 Act, seeking to vary condition 1 on planning permission dated 25 September 2020 (RN 20/04800/FULL). Permission is sought for the following alterations:

- i) changing a window to a door at basement level on the front western side of the building, allowing access into a lightwell on the Mount Street frontage and
- ii) amending the design of a dormer window permitted on the side eastern frontage in the approved roof extension.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The proposed amendments to the scheme approved on 25 September 2020 as outlined above raise no land use issues.

Objections have been received that increased commercial activity could result nuisance. The approved uses are however unaltered by this application.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposed door to lower ground floor would be in the place of an existing window and the detailed door design reflects the prevailing design of the doors and windows to the host building and is considered acceptable in design terms, subject to condition requiring further detailed construction drawings.

The proposed alteration to the consented dormer creates a slightly smaller dormer however the window would be elongated behind the parapet. The applicant is proposing six over six sliding sash windows, however the window is too small for this to be appropriate in design terms and an amending condition is recommended that the window is two over two to better reflect the adjacent dormer windows at 5th floor level and the prevailing detailing at roof level.

There have been a substantial number of objections from residents and the Mayfair Residence Group on the impact of extension on historical features, bulk, height and insertion of additional windows and the changing the roof line.

As detailed above, subject to conditions the Council's specialist design and conservation team considers that the proposal is acceptable and would not negatively impact any of the building's historic features. The principle of a dormer window has already been agreed in this location, and arguably the current configuration is visually an improvement subject to an amending condition requiring the window to be two over two.

The application does not seek permission for any addition height, bulk or additional windows beyond what has previously been consented nor is there a

change to the permitted roofline.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan and MD2 and MD3 of the Mayfair Neighbourhood Plan 2018 - 2038; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

The site is a residential part of Mayfair. Objections have been received on the grounds that additional windows would result in a loss of privacy. The application does not introduce any new windows. The design of a permitted dormer window is to be altered by elongating the window behind a parapet as such this will not result in any additional overlooking or loss of privacy.

The application does not alter the permitted bulk or massing of the permitted schemes and would not have any impact on daylight, sunlight or sense of enclosure to any of the surrounding properties. .

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

An additional door is proposed at basement level to improve the fire strategy for the future occupants.

8.7 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering

specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.8 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. The application is in accordance with policies in the Mayfair Neighbourhood Plan.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

No pre-commencement conditions are proposed.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.12 Other Issues

Construction impact

Objections have been received to noise nuisance from construction works including the cumulative impact of construction in the vicinity of the site. The

basement and roof extensions are permitted, this application involves very minor works altering the approved development. Whilst concerns relating to potential disturbance from construction works are understood permission could not reasonably be withheld on this basis.

It is recommended that an informative is included on the decision notice encouraging the applicant to join the nationally recognised 'Considerate Constructors Scheme'. This commits those sites registered with the scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable.

Procedural issues

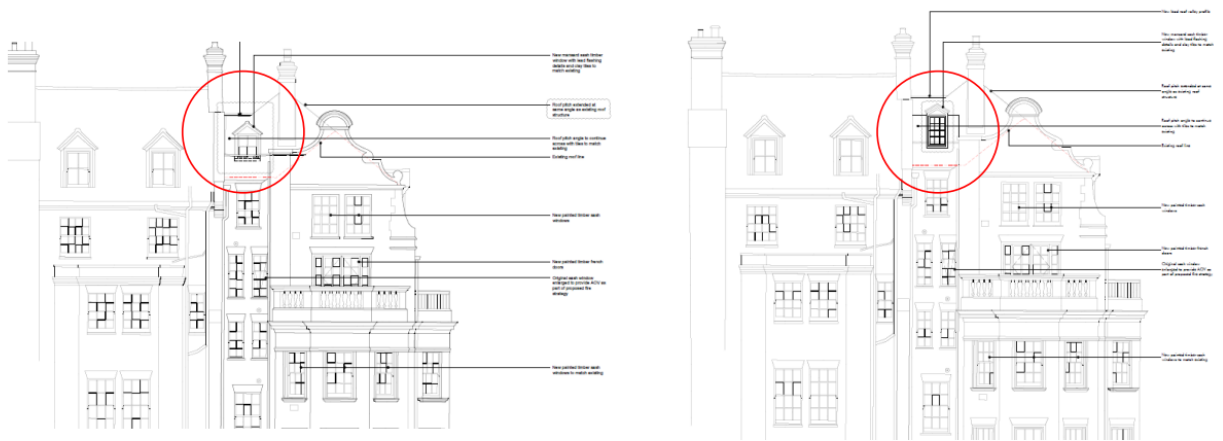
A number of the objectors refer to the involved planning history and express concerns at piecemeal changes proposed and the number of applications made on this site. Whilst these concerns are duly noted it is not uncommon for certain aspects of schemes to be refined after initially obtaining permission and amendments to be made by applications made under Section 73 of the Act.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

9 KEY DRAWINGS

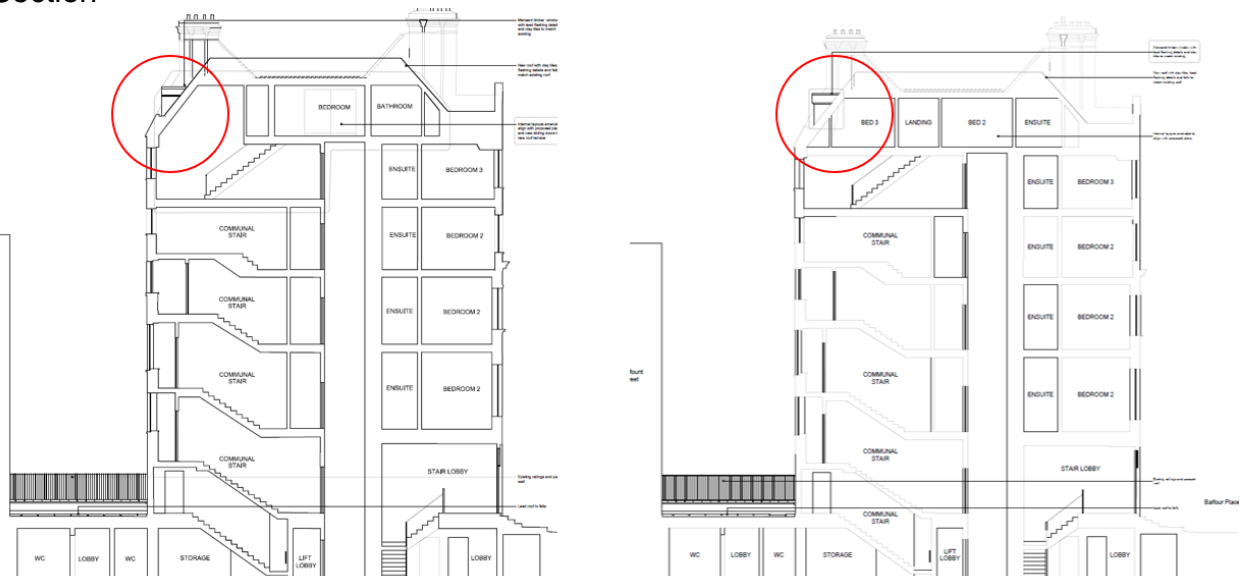
Eastern Elevation



Consented

Proposed

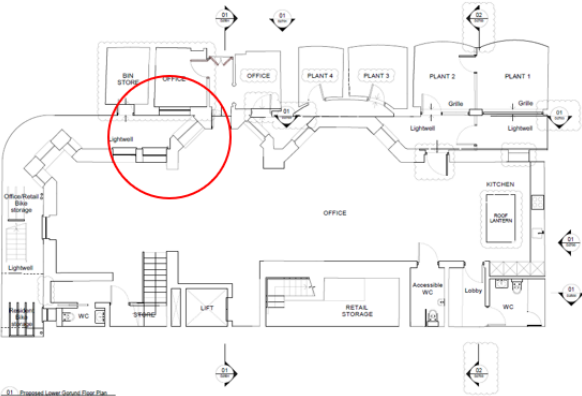
Section



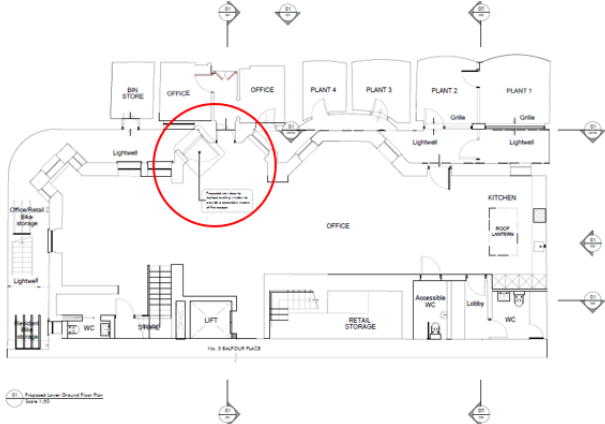
Consented

Proposed

Lower ground floor plan



Consented



Proposed

DRAFT DECISION LETTER

Address: 6 Balfour Place, London, W1K 2AX,

Proposal: Variation of Condition 1 of planning permission dated 29 July 2020 (RN: 20/04800/FULL) for, 'Erection of infill extension at basement level in order to enlarge existing office (Class B1), use of part ground floor on Mount Street elevation as a shop (Class A1) accessed from existing bay, erection of roof extension to enlarge existing flat (Class C3), insertion of new windows and doors on the north and east elevations, creation of a residential terraces at third floor level and provision of plant within existing vaults'; NAMELY, to insert a door in place of a window at basement level and alter the design of a dormer window at 5th floor level. (Application under Section 73 of the Act).

Plan Nos: 19/09635/FULL
D1299 00, D1200 00, D1201 00, D1202 00, D1203 00, D1204 00, D1205 00, D1206 00, D1600 00, D1601 00, D1700 01, D1800 00, D1801 00, D1802 00, D2100 01, D2101 00, D2102 00, D2103 00, D2104 00 D2105 01, , D2106 01, D2100 01, D2500 01, D2501 01, D2700 01, D2701 02, D2702 02, D2703 00.

20/04800/FULL
D2703 01, D2104 01, D2105 02, D2106 02, D2500 02, D2501 02, D2700 02, D2701 03, D2702 03.

21/04699/NMA
21-J3552-001-B, 21-J3552-015-A, 21-J3552-016-B, 21-J3552-017-B, 21-J3552-032-B

21/05722/ADFULL
LW-BS-001; LW-026 REVISION A; 21 - J3552 - 040 Rev A; 21 - J3552 - 041 Rev A; An Illustrated Guide to Sash Windows 2018; Rosemary Clay Classic Product Data Sheet Edition 08.2019/v1.

As amended by:
21 - J3552 - 010 B, 21 - J3552 - 016 C, 21 - J3552 - 017 C, 21 - J3552 - 020 B, 21 - J3552 - 021 B, 21 - J3552 - 030 B.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 (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:

(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 in writing 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 in writing 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 written 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.

(C46AC)

- 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021).
(R48AB)

- 5 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.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 8 of the City Plan.

- 6 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 using the building. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 You must not use the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 8 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the building, except those shown on the approved drawings. (C26PA)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must carry out the development in accordance with the samples(photographs) and specification details of the facing materials approved on 01 September 2021 (RN: 21/05722) or alternatively you must apply to us for approval of samples(photographs) and specification details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. In the event that you do not use the facing materials approved on 01 September 2021 (RN: 21/05722), you must not start work on the relevant part of the development until we have approved in writing what alternate material details. You must then carry out the work using the approved materials. (C26BD)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 You must paint all new outside rainwater and soil pipes 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development -
- 1, New windows, including key details with adjacent fabric
 - 2, new external doors including key details with adjacent fabric
 - 3, extended chimney
 - 4, new dormer
 - 5, new roof lights and roof construction
 - 6, new lantern light, including key details with adjacent fabric
 - 7, new stone panel
 - 8, section through lead roof and north wall at lower ground floor, including light well

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 documents. (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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 15 You must apply to us for approval of detailed drawings showing the following alteration to the scheme proposed dormer sash to be '2 over 2' as those adjacent. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank