



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (2)**

Meeting Date: **Tuesday 16th May, 2023**

Time: **6.30 pm**

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

Members: **Councillors:**  
Paul Fisher (Chair)  
Barbara Arzymanow  
Md Shamsed Chowdhury  
Ryan Jude



**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.**

**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](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. 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

(Pages 5 - 10)

Media link

- |    |                                                                                           |                              |
|----|-------------------------------------------------------------------------------------------|------------------------------|
| 1. | <b>1-15 PORTSEA MEWS, 8 PORCHESTER PLACE,<br/>LONDON, W2 2BN</b>                          | <b>(Pages 13 - 74)</b>       |
| 2. | <b>29 MARYLEBONE ROAD, LONDON, NW1 5JX</b>                                                | <b>(Pages 75 -<br/>146)</b>  |
| 3. | <b>71 CARLTON HILL, LONDON, NW8 0EN</b>                                                   | <b>(Pages 147 -<br/>164)</b> |
| 4. | <b>34 OLD QUEEN STREET, LONDON, SW1H 9HP</b>                                              | <b>(Pages 165 -<br/>202)</b> |
| 5. | <b>FIRST AND SECOND FLOOR MAISONETTE, 22 UPPER<br/>TACHBROOK STREET, LONDON, SW1V 1SH</b> | <b>(Pages 203 -<br/>220)</b> |
| 6. | <b>THE NOMAD HOTEL, 28 BOW STREET, LONDON,<br/>WC2E 7AW</b>                               | <b>(Pages 221 -<br/>242)</b> |

**Stuart Love  
Chief Executive  
5 May 2023**

## Order of Business

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

<b>Order of Business</b>
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 (2)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 7th March, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Paul Fisher (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Ryan Jude

**Also Present:** Councillor Tim Mitchell

#### Apologies for Absence:

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Paul Fisher 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. The Sub-Committee would be adjourned to allow Members to read late representations that had been submitted prior to the meeting.

2.2 Councillors Fisher, Jude and Chowdhury advised that they are Group colleagues of Councillor Lilley who had made representations on behalf of a

resident. Councillor Fisher separately declared that he knew of this resident in his own capacity as a Ward Councillor.

2.3 Councillor Fisher declared that Items 4 and 5 are within his Ward.

2.4 Councillor Chowdhury declared that for Item 1 and Item 2, he was represented by Councillor Toale at a previous Sub-Committee.

2.5 Councillor Jude declared that for Item 3, he sat on the previous Sub-Committee for this item.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 24 January 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 6 BEDFORD STREET, LONDON, WC2E 9HZ**

External and internal alterations, including new entrance doors and modifications to windows/ shopfronts; installation of awnings and replacement ventilation system and plant.

**Speakers:**

**Support:** Carl Stott

**Support:** Cllr Tim Mitchell

#### **RESOLVED UNANIMOUSLY**

1. That conditional permission be granted.
2. Reasons agreed for granting listed building consent as set out in Informative 1 of the draft decision letter.

#### **2 29 GREAT PETER STREET, LONDON, SW1P 2LW**

Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part Retrospective).

Additional representations were received from Gerald Eve.  
Late representations were received from Joe Ibitson.

**Speakers**

**Support:** Joe Ibitson.

**Support:** Cllr Tim Mitchell.

### **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

### **3 HARLEY STREET UNDERGROUND CAR PARK, QUEEN ANNE MEWS, LONDON, W1G 9HF**

Use of part of basement level 1 for storage or distribution uses (Class B8).

Additional representations were received from Hrachya Muradyan.

### **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

### **4 GARAGES AT DEVONSHIRE ROW MEWS, LONDON**

Use of lower ground and ground floor level as Class E (e) medical space and/or Class E (g) (ii) research and development facility. External alterations including alterations to the fenestration and access arrangement at ground floor level along the Devonshire Row Mews frontage, installation of plant and associated enclosures, grilles and access, installation of roof lights and associated works.

### **RESOLVED UNANIMOUSLY**

1. That conditional permission be granted.
2. That amendments to decision letter as tabled and to include within Condition 11 a requirement to submit details on staff conduct.
3. That an informative be added to request the applicant to provide surrounding neighbours with a contact number in the event issues with the operation arise.

### **5 DEVELOPMENT SITE AT 47-50 POLAND STREET AND 54-57 GREAT MARLBOROUGH STREET, LONDON**

Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through

the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act).

Late representations were received from Will Orlik (Transport For London)

## **RESOLVED UNANIMOUSLY**

1. That conditional permission be granted, subject to deed of variation to the original S106 legal agreement to secure the following:
  - i. Dedication of land as public highway.
  - ii. A walkways agreement
  - iii. S106 monitoring costs.
  
2. That if the deed of variation has not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
  
3. A condition will be added to secure provision and access of public convenience offered by the applicant. To add a condition requiring detail and maintenance plan for green wall.

## **6 BASEMENT AND GROUND FLOOR, 79 WILTON ROAD, LONDON, SW1V 1DL - WITHDRAWN**

WITHDRAWN FROM THE AGENDA

## **7 DORSET HOUSE, GLOUCESTER PLACE, LONDON, NW1 5AH**

Installation of replacement double-glazed windows and doors (Proposal A)  
(Linked to 19/05969/LBC)



Additional representations were received from Anthony Ferguson and Clive Norman.

Late representations were received from Gaby Higgs on behalf of the St Marylebone Society and Mohammed Ali Qayyum.

**Speakers:**

**Objectors:** Mr Mohamed Abdul Khadeer Habib

**RESOLVED UNANIMOUSLY**

1. That conditional permission be granted.
2. That conditional listed building consent be granted.
3. Reasons agreed for granting listed building consent as set out in Informative 1 of the draft decision letter.

The Meeting ended at 9.40 pm

**CHAIR:** \_\_\_\_\_

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

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# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 16th May 2023  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s) :</b> 22/06901/FULL 22/06902/LBC  Hyde Park	1-15 Portsea Mews And 8 Porchester Place London W2 2BN	1. Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works. 2. Internal alterations to 8 Porchester Place including opening up works and new connection through to Portsea Mews at ground floor and opening works and damp proofing at basement floor; external alteration including installation of new shopfront; and other associated works.	The Church Commissioners
	<b>Recommendation</b> 1. Refuse planning permission – design and heritage and land use. 2. Refuse listed building consent – design and heritage.			
	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
2.	<b>RN(s):</b> 22/04635/FULL  Marylebone	29 Marylebone Road London NW1 5JX	Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1 ).	University Of Westminster
	<b>Recommendation</b> 1) Grant conditional permission. That the City Council authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
3.	<b>RN(s) :</b> 22/07159/FULL  Abbey Road	71 Carlton Hill London NW8 0EN	Installation of air conditioning units and enclosure in the rear garden.	Mr & Mrs Lakhani
	<b>Recommendation</b> Grant conditional permission.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
4.	<b>RN(s) :</b> 22/08502/FULL 22/08503/LBC	34 Old Queen Street London SW1H 9HP	Excavation of a basement with swimming pool, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace, installation of air conditioning unit at sixth floor level	Prestige Exclusive Lifestyle Limited

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 16th May 2023  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	St James's		and associated external alterations.	
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
5.	<b>RN(s) :</b> 22/07489/FULL  Pimlico North	First Floor and Second Floor Maisonette 22 Upper Tachbrook Street London SW1V 1SH	Erection of full width extension at rear first floor level, with terrace above including installation of new access door and railings. Removal of chimney stack to rear.	Mr Hon See Tsang
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
6.	<b>RN(s) :</b> 22/06929/FULL  St James's	The Nomad Hotel London 28 Bow Street London WC2E 7AW	Variation of condition 14 of planning permission dated 20 March 2019 (RN:18/05723/FULL) (which varied permissions dated 4 February 2014 RN:12/12735/FULL, 30 December 2014 RN:14/06785/FULL and 28 March 2018 RN:17/08881/FULL) for 'Refurbishment, extension and conversion of Bow Street Magistrates Court and Police Station including part three part six storey extension with plant enclosure over in rear courtyard, two-storey extension above Martlett Court Wing, mansard roof extension to Broad Court and part of Bow Street ranges, excavation to create new second basement level and internal alterations to provide a 91 bedroom hotel with restaurants, bar and associated facilities (class C1) and police museum (Class D1), to allow design changes to the proposed new build additions: the upper floors of the Marlett Court facade, rear Crown Court facade and facades surrounding the internal glazed atrium; creation of new basement area and reconfiguration at roof level to accommodate plant; relocation of photovoltaics; reconfiguration of museum layout; and removal of the requirement for a themed element to the hotel'.  Namely, to amend condition 14 to allow the Atrium Restaurant at basement level 1 to be used by non-residents of the hotel until 2am on Fridays and Saturdays (one additional hour).	Gerald Eve
<b>Recommendation</b> Grant conditional permission subject to a Deed of variation to the S.106 legal agreement dated 4 February 2014 (RN: 12/12735) which was subsequently varied on 30 December 2014 (14/06785/FULL), 28 March 2018 (RN: 17/08881/FULL) and 20 March 2019.				

# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>1-15 Portsea Mews And 8 Porchester Place, London, W2 2BN</b>		
<b>Proposal</b>	<p><b>22/06901/FULL</b> Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works.</p> <p><b>22/06902/LBC</b> Internal alterations to 8 Porchester Place including opening up works and new connection through to Portsea Mews at ground floor and opening works and damp proofing at basement floor; external alteration including installation of new shopfront; and other associated works.</p>		
<b>Agent</b>	Bethan Warwick		
<b>On behalf of</b>	The Church Commissioners		
<b>Registered Number</b>	22/06901/FULL & 22/6902/LBC	<b>Date amended/ completed</b>	12 October 2022; 11 April 2023
<b>Date Application Received</b>	12 October 2022		
<b>Historic Building Grade</b>	Adjoining buildings of Porchester Place, Kendal Street, Portsea Place and Connaught Street are Grade II		
<b>Conservation Area</b>	Bayswater		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Refuse planning permission – design and heritage and land use.</li> <li>2. Refuse listed building consent – design and heritage.</li> </ol>
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## 2. SUMMARY & KEY CONSIDERATIONS

The application site is a cobbled mews with two to three storey buildings arranged largely around its perimeter. It is accessed through a narrow archway from Portsea Place and is located within the Bayswater Conservation Area. It is also surrounded larger Grade II Listed buildings on Portsea Place, Kendal Street, Porchester Place, Connaught Street and Connaught Square. 8 Porchester Place, is a Grade II listed mid-terraced building forming part of the Grade II listed terrace of 4-16 Porchester Place. Until recently, the mews was used as a car maintenance garage (Use Class B2) with residential flats above (Use Class C3). 8 Porchester Place is a retail unit at ground and lower ground floor with residential units above.

The applications propose the demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works.

The key considerations in this case are:

- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the energy performance of the proposed building.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Bayswater Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

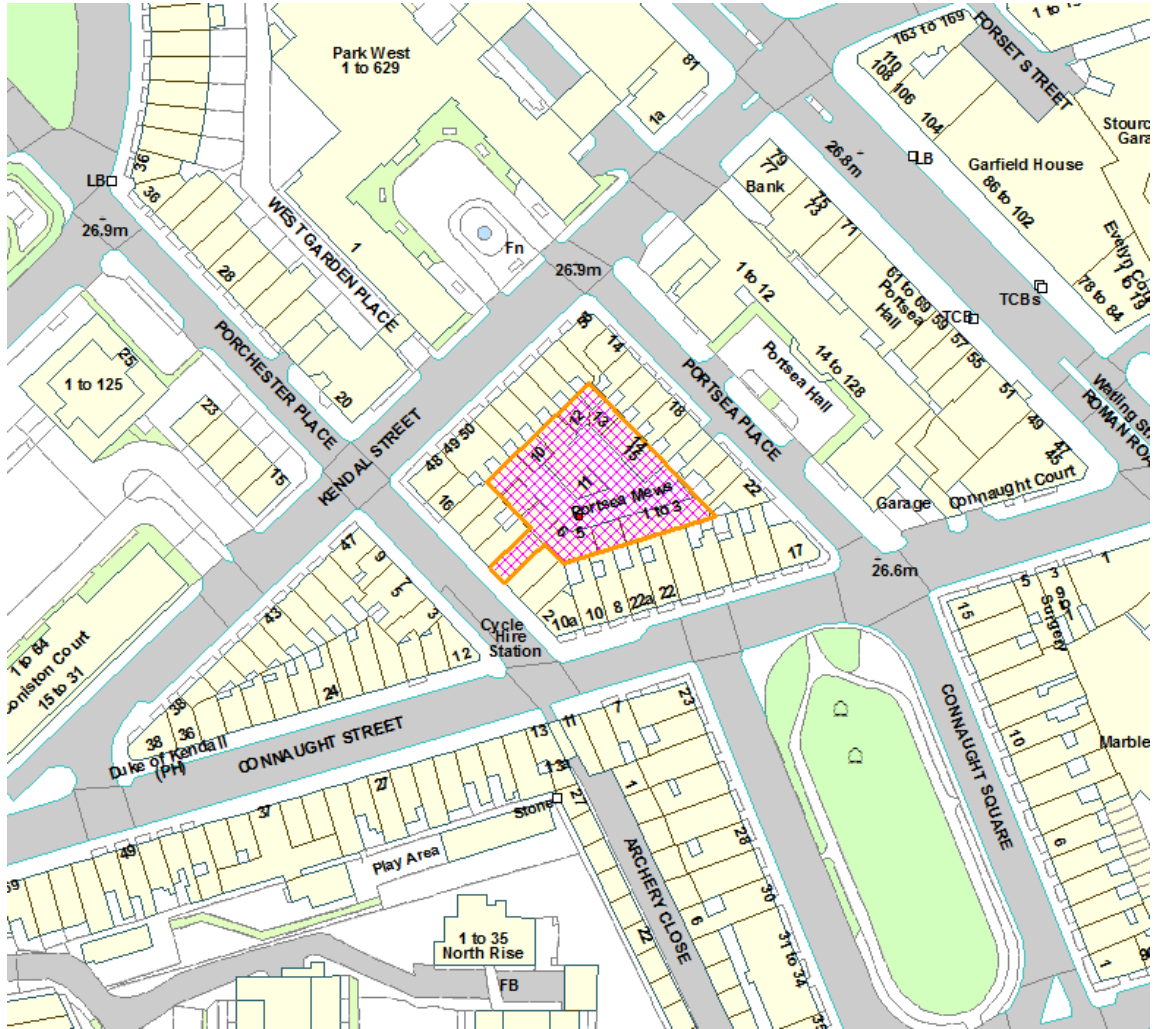
Substantial support has been given to the proposals from the local amenity society, neighbours and Ward Councillors. An objection have been received from Historic England on the grounds of the harm caused .

The proposals are unacceptable in land use terms as the proposals result in the loss of two residential units (50m<sup>2</sup> of residential floorspace) and do not meet the exceptions set out in Policy 8 of the City Plan. In addition, the glazed infills and associated demolition, and the alterations to 8 Connaught Place would result in less than substantial harm, on the moderate to high end to the Bayswater Conservation Area and upon the special architectural and historic significance of this grade II listed building. By reason of this harm, the proposed development does not meet policies 38, 39 and 40 of the City Plan (April 2021).

Whilst it is recognised that there are public benefits to the proposals in bringing the mews back to life, with the creation of office accommodation; the reprovision of good quality residential accommodation and wider economic benefits; this regrettably does not overcome the loss of the two residential units and the harm caused to the conservation area from the proposed extensions and extent of demolition.

It is therefore recommended that the applications for planning permission and listed building consent be refused.

**3. LOCATION PLAN**



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**4. PHOTOGRAPHS**

**Aerial View**





Photo of the mews



8 Porchester Place



**5. CONSULTATIONS**

**5.1 Application Consultations**

**COUNCILLOR DIMOLDENBERG**

Support given to the revised proposals at Portsea Mews. Concern raised however to the linked application to provide 2 residential units at Devonport, Southwick Street.

**COUNCILLOR CHOWDHURY**

Councillor Chowdhury copied the case officer in on an email to a local resident who is concerned about the anti-social behaviour in the mews

Request made to speak in support of the proposals should the application be recommended for refusal.

**HISTORIC ENGLAND**

Authorisation to determine the proposals in accordance with City Council policies.

**HISTORIC ENGLAND – ARCHAEOLOGY**

No objection subject to conditions.

**LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY (LAMAS) – HISTORIC BUILDINGS**

Whilst in support of the general principles of the proposals, objection is raised to the large glass infill extensions which will dominate the mews and significantly change the appearance of the mews. The committee conclude the proposals failed to appreciate the significance of Portsea Mews and its contribution to the Bayswater Conservation Area.

**HYDE PARK ESTATE ASSOCIATION:**

The Hyde Park Estate Association fully supports this redevelopment of Portsea Mews into office and improved residential accommodation, including the new access to the Mews via Porchester Place. They state that the current state and condition of the Mews is woeful and encourages drug dealing and prostitution.

Reservations and objections raised previously regarding the coupling of this redevelopment with the provision of two new residential units by redeveloping two garages situated in the shared gardens at the back of the houses at Devonport, Southwick Street are no longer relevant since the application has been split from these proposals.

**WASTE PROJECTS OFFICER**

No objection subject to a revised plan.

**ENVIRONMENTAL SCIENCES**

No objection.

**BUILDING CONTROL**

No objection.

**DESIGNING OUT CRIME OFFICER**

Comments for application 21/08899/FULL submitted in respect of this revised scheme.

Portsea Mews suffers from a high level of crime, anti-social behaviour and drug use. The site is not suitable for residential dwellings given that there is very little natural surveillance onto the proposed dwellings and when the office accommodation is closed, this will be reduced even further. In addition the design will not only enable but, encourage residential and commercial burglary because it is a dead end, dog leg design; there is no line of sight from the street to front doors and there are concealed recessed either side of the undercroft from Portsea Mews where criminal can hide and wait for victims or where groups can congregate. If permission were to be granted, it is recommended that a planning condition, requiring the development to achieve a Secured by Design accreditation prior to occupation is attached.

**HIGHWAYS PLANNING MANAGER**

No objections are raised to scheme in terms of car parking, cycle parking. The Highways Planning Manager does however go on to state the following:

**“Stopping-Up**

I think the most controversial issue from a highways point of view is that the applicant wants to stop-up part of the highway within the Mews.

As a Highway Authority we should not give up highway easily and to do so is also against Policy 28 A of the City Plan which states “Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways.”

Having said that I think the main issue is whether vehicles that can fit through the entrance arch should still be able to turn around within the Mews and to get in and out of the Mews in a forward gear. I would not want all the servicing of the development to have to happen outside of the Mews and think that if it is to happen within the Mews it should remain public highway.

There is a bit of a balancing act here. Our policy is that servicing should take place off-street but to insist on that in this case would be difficult I think and would lead to all servicing movements having to pass through the arch, together with any cars, pedestrians and cyclists. I think it is sensible in this case to allow larger vehicles to service from outside the Mews and smaller vehicles to be able to service from inside.

So, beyond that it is against policy, I don't have a problem with the bits they physically propose to build upon being stopped-up, as vehicle tracking has demonstrated that the vehicles that can currently get in and out will still be able to do so without having to reverse into or out of the Mews.”

**LONDON FIRE SERVICES**

No response received.

**LONDON FIRE AND CIVIL DEFENCE AUTHORITY**

No response received.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 220

Total No. of replies: 18

No. of objections: 1

No. in support: 18 (one letter of support contained 14 signatures of support)

One objection received on the grounds of noise and disruption during the course of works. In addition the development will lead to further antisocial behaviour taking place whilst the works are being carried out. The objector notes that a longer consultation period should take place for all local residents opinions to be taking into consideration.

18 letters of support (including from The Portman Estate, Marble Arch BID and HyPER) citing the following:

- Sensitive and sustainable investment
- Creation of commercial space which will support local employment and bring footfall to the area including Connaught Village
- Bringing back underused and vacant properties
- Proposals respect, with the sensitive restoration, the character and appearance of the area and the historic fabric of the existing buildings
- The applicant consultation will local residents, business's and stakeholders has been comprehensive and shows a dedication to the scheme
- A gate to the mews would be supported to stop antisocial behaviour.

PRESS NOTICE/ SITE NOTICE:  
Yes

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area during the course of the previously withdrawn applications (21/08899/FULL & 21/08901/LBC) with the local community and key stakeholders in the area and prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Newsletter	12/21	Sent to 85 residents	Set out proposals. Gave direct email address and telephone number.
Meeting	2/8/22	Residents of Connaught Square	Members of the project team met with a representatives of residents on Connaught Square to discuss the revised proposals for the site.
Meeting	20/9/22	Residents of 19 and 20 Portsea Place	Members of the project team met with the occupiers of the neighbouring 19 and 20 Portsea Place to discuss the revised proposals for the site.
Meeting	21/9/22	Residents of 21 Connaught Square	Members of the project team met with the occupier of 21 Connaught Square to discuss the revised proposals for the site.

Meeting	22/9/22	Hyde Park Ward Councillors	Members of the project team met with Hyde Park ward councillors to discuss the revised proposals for the site.
Email dialogue	No date given	54 Kendal Street	Set out of revised proposals.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the welcoming removal of the originally proposed mansard roof, construction concerns of the newly proposed; noise and disruption during works and anti-social behaviour within the mews.

The applicant’s Statement of Community Involvement and other application documents identify that whilst the scheme has not been revised following discussions with local residents; local residents were made aware of the requirements of the application in terms of the basement excavation and construction of the whole development should permission be granted and the need for a structural methodology statement and the City Council policies regarding basements including the standard condition requirements of the Council’s Code of Construction Practice.

**6. WESTMINSTER’S DEVELOPMENT PLAN**

**6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

**6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Portsea Mews comprises a group of fifteen mainly two-storey, early 19th century Mews. The mews buildings are not listed but are surrounded by predominately ground plus two storey Grade II Listed Georgian Terrace Buildings. The surrounding buildings on Kendal Street, Porchester Place, Portsea Place, Connaught Street and Connaught Square generally feature first floor rear extensions that abut the party wall boundary of Portsea Mews, with the upper floors set back. The Mews is a cobbled cul-de-sac that is accessed through a narrow access way from Portsea Place.

The Mews is located outside of the Central Activities Zone (CAZ) between the Connaught Village Local Centre in the Hyde Park Estate, and the commercial uses found in the Edgware Road Town Centre.

Until recently, it was used as a car maintenance garage (Use Class B2) with 7 residential flats above (Use Class C3).

8 Porchester Place is a Grade II Listed Georgian terraced building on Porchester Place which abuts the boundary of Portsea Mews and comprises commercial floorspace at ground and basement level and residential floorspace at upper floors. Porchester Place is located within the secondary frontage of Connaught Village Local Centre and is currently occupied by Connaught Cellars a fine wine shop (Class E) at ground and basement. The upper floors are not included within the application proposals.

### **7.2 Recent Relevant History**

#### **Portsea Mews**

Applications 21/08899/FULL and 21/08901/LBC for “Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace incorporating ground floor level glazed infills, extensions at roof levels incorporating terraces and roof plant to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works” were withdrawn on 13 July 2022.

The applications were recommended for refusal of the grounds of the design and heritage impacts from the proposed glazed infill extensions and associated internal alterations, and on amenity grounds as the proposed mansard roof extensions were considered to result in loss of daylight and a sense of enclosure to the majority of the surrounding properties on Porchester Square, Kendal Street, Portsea Place and Connaught Street. Therefore the applicant withdrew the applications whilst further consideration was given to the proposals.

#### 02/04424/FULL

Alterations and conversion to provide 11 self-contained residential units with integral garages.

Application refused on 13 March 2003 on the grounds that the loss of the garage and commercial floorspace as it provided a community service; and that the alterations

associated with the change of use were unacceptable on design and heritage grounds.

#### 02/03565/CLOPUD

A certificate confirming that the change of use from a car garage to offices was permitted development and therefore lawful, was issued on 18 July 2002

### **8 Porchester Place**

At 8 Porchester Place there is planning history relating to shopfront and internal alterations.

## **8. THE PROPOSAL**

Planning permission and listed building are sought for the demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and 5 residential units improved residential accommodation (Class C3) within Portsea Mews. It is proposed to create a new internal link at ground floor to 8 Porchester Place, with a new shopfront to 8 Porchester Place, repair of facades and other associated works.

**Table: Existing and proposed land uses.**

<b>Land Use</b>	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
Residential (Class C3)	459	409	-50
Car Garage (Light Industrial Class B2)	787	0	-787
Office (Class E)	87	1498	+1411
<b>Total</b>	<b>1333</b>	<b>1750</b>	<b>+417</b>

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The application site lies outside of the CAZ between the CAZ retail cluster of Edgware Road and Connaught Village. The commercial units of Porchester Place lie within the Connaught Street local centre.

The key considerations in land use terms are:

- The acceptability of office accommodation in the mews;
- The loss of retail floorspace to create an entrance to the office accommodation
- The provision of reconfigured residential accommodation resulting in the loss of 2 residential units (50m<sup>2</sup> floorspace).

#### **Loss of Garage Use**

There are no policies which seek to protect the (unoccupied) garage use, class B2 floorspace and therefore the proposed office accommodation use is to be assessed on its own merits.

It is noted that under application 02/04424/FULL, the change of use of the garage to a xx

was refused on the grounds that the existing garage provided a community facility. As the site is vacant, the City Council no longer takes this view and the principle of its loss is acceptable.

### **Commercial Uses**

Policy 13 A states “New and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. Additional floorspace that meets the needs of modern working practices, including through the provision of co-working space and a range of Class E (commercial, business and service) uses on site, is supported in principle in the: 1. Parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character, including the West End Retail and Leisure Special Policy Area (WERLSPA) and Opportunity Areas; 2. North West Economic Development Area (NWEDA) and Church Street / Edgware Road Housing Renewal Area; and 3. Town centre hierarchy”

Policy 14A states ‘The intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses is supported in principle, subject to impact on townscape and heritage. Proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time. Part B states ‘Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy. Uses serving visiting members of the public will also be supported at first floor level within centres characterised by large format, multi-level stores. The use of upper floors for residential use is supported in principle across all parts of the town centre hierarchy except the International Centres. And Part C (3 & 4) goes onto states ‘All development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. ....In CAZ Retail Clusters will provide further large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors and in Major, District and Local Centres will provide a mix of commercial and community uses to meet residents’ day to day shopping needs, provide local employment opportunities, and support opportunities for community interaction’.

### **New Office Accommodation**

Whilst City Council policy seeks to direct office accommodation to the CAZ and within town centres, given the existing use of the site as a car repair garage and the location of the application site, sandwiched between the Edgware Road town centre and directly adjacent to the Connaught Street Local Centre it is considered that in this instance the proposals are acceptable in land use terms.

The applicant has submitted an in principle operational statement which sets out how the Church Commissioners wish to let the office accommodation and on what basis, including the following:

- Access to the office accommodation will be via 8 Porchester Place, with no formal access via Portsea Place (used only for cycle storage);
- Hours of operation 7am-7pm Monday to Friday
- Building manager on site 7am-7pm Monday to Friday and then managed remotely on weekends and bank holidays
- Capacity of offices is 100 workers



Item No.
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The proposed office accommodation in this location, operating in accordance with a plan as set out above, is considered to be far less noisy and intrusive compared to a car garage or other industrial uses and is very much supported by residents and local businesses. Matters arising from the proposed office use will be addressed in the amenity section of the report.

The use of 8 Porchester Place from traditional retail floorspace (Class E) to office accommodation (Class E), providing the new entrance to the office is acceptable in land use given the office use now falls within Class E, and the changes are permitted development under the Use Classes Order and planning permission is no longer required.

Had the application been considered acceptable in other regards, see below, agreement from the applicant on the restriction of the commercial floorspace to office use only would have been sought and a condition securing a revised operational management plan, likely once a tenant had been secured, would have been recommended.

**Residential Use**

Policy 8c of the City Plan states that all existing residential units, uses, floorspace and land will be protected, except where: 1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or 2. non-family sized housing is being reconfigured to create family sized housing.

The proposals results in the loss of 2 residential units, equating overall to 50m2 of residential floorspace are lost (7units to 5, a 11% reduction) as a result of the reconfiguration of the residential floor area.

It was originally proposed that these 2 units would be provided off-site in a scheme at Somers Crescent Garages, 23 Southwick Street (22/07052/FULL), where permission is being sought for the 'demolition of the existing standalone garages and erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works'. The proposals are no longer to be linked and each application is being assessed on its own merits, however this does mean that there is a shortfall in residential accommodation in the current proposals for the Portsea Mews.

The following table sets out the proposed residential offer, versus the existing proposed residential accommodation (as set out by the applicant).

Existing residential units at Portsea Mews			Does it meet London Plan Space Standards?	Is it accessible?
Unit	Unit mix	GIA Size (sqm)		
4	1B / 2P	49	No (50sqm)	No
5	1B / 2P	41.7	No (50sqm)	No
6	Studio (but with bedroom on first floor)	21.6	No (39sqm)	Yes (Ground floor access but no step free access into first floor)
8	1B / 2P	55.9	Yes (50sqm)	No
9	3B / 5P duplex	110.9 (family sized accommodation)	Yes (86sqm)	Yes (Ground floor access but no step free access into first floor)
13	2B / 2P	67.2	Yes (although there is no standard for 2B2P – minimum standards are 61 sqm for 2B3P).	No
14/15	3B / 5P	95.5 (family sized accommodation)	Yes (86sqm)	No
Common area	N/A	16.9	N/A	N/A
<b>Existing Residential Total</b>	<b>7 units total</b>	<b>459</b>	N/A	N/A
Proposed residential units at Portsea Mews			Does it meet London Plan Space Standards?	Is it accessible?
Unit	Unit mix	GIA Size (sqm)		
1	1B / 2P	55.8	Yes (50sqm)	Yes (Ground floor access)
2	2B / 3P	61.1	Yes (61sqm)	Yes (Ground floor access)
3	2B / 4P duplex	103.5 (family sized accommodation)	Yes (84sqm for duplex units)	Yes (Ground floor access but no step free access into first floor)
4	1B / 2P	55.8	Yes (50sqm)	No
5	2B / 3P	61.1	Yes (61sqm)	No
Common area	N/A	71.9	N/A	N/A
<b>Proposed Residential Total</b>	<b>5 units total</b>	<b>409</b>	N/A	N/A

The applicant acknowledges that the proposals as submitted do not technically comply with Policy 8, in part because the earlier, withdrawn application which contained additional residential accommodation in the mansard roofs was unacceptable in amenity terms and the scheme had to be revised. Further to this the applicant argues that the proposed 5 residential units are far better in terms of their size and quality than the existing units to justify an exception to the policy in this instance.

#### Mix of Units

The proposed scheme includes 1 x 1bed and 4 x 2 bed (although one of these units is large at over 100m<sup>2</sup>).

Policy 10 B of the City Plan states that new build homes will be designed with growing

families in mind and 25% of all new homes across Westminster will be family sized units. The development is not considered new build and therefore this part of the policy is not relevant, however, part B goes onto say 'where two-bedroom units are provided, the majority should be large enough to accommodate two double bedrooms within a single development'.

Whilst, as existing, there are two family sized accommodation and only one family sized unit is being re-provided (although this will be configured as a 2 bed unit); this is primarily because there are existing spine walls which the design team has sought to retain, and which dictate the extent of the proposed duplex units. In addition, the only 2-bedroom unit in the existing Mews, is a 2 Bed 2 Person unit, which falls short of the London Plan Standards, which requires 2-bedroom units to at least accommodate 3 people.

In this instance therefore, the proposed mix, of primarily two bed units is considered to comply with Policy 10, Part B.

**Quality of Accommodation**

The site is a challenging one with respect to providing a good quality residential environment given the existing dilapidated state of the buildings and due to the orientation of the buildings, only providing single aspect units and its ability to receive light and air. As such, the flats have been designed as far as possible to provide the best possible environment in the circumstances and having regard to the existing units.

Three of the existing units fall below the Nationally Prescribed Technical Standards, with the studio unit falling greatest at 17sqm short of current space standards and one of the one bed units falling 8sqm below current standards; and all the existing bedrooms falling short of internal room standards. 4 of the existing bedrooms within the units have no windows and rely on skylights only for natural light. In comparison, the proposed flats and all the habitable rooms meet the required space standards and all bedrooms in the proposed scheme have a window facing into the mews and offer a higher quality and a more energy efficient design. None of the units have any outside amenity space. As a point to note, in the earlier withdrawn application the mansard roof allowed a number of concealed terraces within the mansard roofs. Given the existing units have no amenity space, on balance, the reconfigured units with no amenity space is acceptable in this location.

**Daylight**

The British Research Establishment (BRE) Site layout planning for daylight and sunlight A guide to good practice (2022- Third edition) provides advice on checking that adequate daylight is provided in new rooms by calculating daylight factor or interior illuminance Target illuminance (ET) for bedrooms is 100 lx, for living rooms, 150 lx and kitchens, 200 lx. These levels should be achieved across at least 50% of the working plane in a daylit space for at least half of the possible daylight hours (4,380 hours).

A daylight illuminance assessment has been submitted with the application and indicate that 10 (77%) of the 13 habitable proposed rooms assessed meet or exceed the BRE target for Daylight Illuminance. Of the three rooms that do not meet the criteria, two of these are living room/ kitchens and one is a bedroom, and all are located at the ground floor level. The layout of these rooms are somewhat restricted by the arrangement of the existing building but will provide generous living accommodation for future residents. The

two living room/ kitchen which fall below the target are deep plan spaces with generous dining and kitchen areas that have been included within our assessment. Whilst the depth of the spaces reduces the level of light achieved, the rear portions of the room(s) will serve as the kitchen area and will benefit from additional task lighting such that the use of the spaces will not be adversely affected.

### Sunlight

In general, a dwelling, or non-domestic building that has a particular requirement for sunlight, will appear reasonably sunlit provided: - at least one main window wall faces within 90° of due south and - a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. This is assessed at the inside centre of the window(s); sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted.

Two of the five units meet the sunlight targets, with both of these units meeting the targets in main living room. Whilst the BRE guide suggests that all units are tested, sunlight availability is orientation specific such that those units with a more northerly orientation will receive less sunlight particularly early in the year. The site layout means that all three of the units that do not comply with the BRE targets cannot be within 90 degrees of due south.

Overall, the site layout inevitably results in lower levels of direct sunlight to some units however the design seeks to maximise overall amenity. This is reflected in the good level of internal daylight compliance as well as the provision of rooflights to the living room/ kitchens at the first-floor level assisting in these spaces meeting the sunlight targets.

The Designing Out Crime Officer (DOCO) has commented on the proposals and state that Portsea Mews suffers from a high level of crime, anti-social behaviour and drug use and that the site is not suitable for residential dwellings given that there is very little natural surveillance onto the proposed dwellings and when the office accommodation is closed, this will be reduced even further. In addition the design will not only enable but, encourage residential and commercial burglary because it is a dead end, dog-leg design; there is no line of sight from the street to front doors and there are concealed recessed either side of the undercroft from Portsea Mews where criminal can hide and wait for victims or where groups can congregate. If permission were to be granted, it is recommended that a planning condition, requiring the development to achieve a Secured by Design accreditation prior to occupation is attached.

Whilst the DOCO comments are noted officers are aware that a large proportion of the anti social behaviour has occurred since the site was vacated a few years ago which allowed opportunity for rough sleeping, congregation and drug dealing. It is envisaged that with the redevelopment of this site that these problems would be overcome.

Given the existing use of the site as residential accommodation it is not considered reasonable that the reconfigured residential accommodation could be refused on its principle. It is also argued that commercial units directly opposite do allow for a level of surveillance

### **Loss of Residential Accommodation Conclusion**

Whilst considering the benefits of the re-use of the building, and despite the standard of

accommodation proposed being better than the existing residential accommodation acknowledging the site constraints; the loss of 2 units on site; 50 m<sup>2</sup> of residential floorspace, in a time where there is an acute shortage of housing (para 8.8 of the City Plan) is considered contrary to Policy 8 of the City Plan and the arguments put forward by the applicant are not considered to pose exceptional circumstances to deviate from this policy. In addition, it must be acknowledged that the shortfall of residential accommodation could be re-provided in the office proposed albeit resulting in a reduction in the proposed office floor area.

Councillor Dimoldenberg supports the current proposals in principle and has commented with the de-coupling of the application from the Somers Crescent proposals whether a payment in lieu to offset the loss of the 2 units could be provided.

Under normal circumstances, a payment in lieu may be sought as a last resort when an application triggers the City Council's affordable housing policy. The scheme does not trigger on affordable housing payment as it's does not meet the threshold under policy 9.

It is therefore recommended that the application is recommended for refusal on the loss of residential units, contrary to Policy 8 of the City Plan

## **9.2 Environment & Sustainability**

### **Sustainable Design**

Policy 38 D of the City Plan seek to ensure a sustainably designed development and that measures have been incorporated into design in the following applications and as follows:

1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard.
2. Residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve "Excellent" in BREEAM domestic refurbishment or equivalent standard.

A sustainability report has been submitted with the application and the key sustainability features of this development which include the refurbishment of the building primarily, will be designed to achieve a BREEAM 'Excellent'. As noted below the proposals are set to achieve carbon savings beyond minimum UK Building Regulation requirements and London Plan targets reaching a 47% reduction in carbon emissions.

It is understood that the existing loadbearing structures vary in quality and the structural report shows the extent of demolition, retention and remedial works. Considering the state of the existing timber and steel structure, the proposed improvements are welcomed. The proposals seek to retain 90% of the existing external fabric and where new development is proposed, the structure is CLT/steel hybrid, and also welcomed. There are repairs and redecoration proposed to the existing external walls. All the windows and doors that can be retained, will be. The building materials are selected based on their embodied impact and from responsible suppliers. Where possible local suppliers are favoured. The insulation to have a low or zero Global Warming Potential and external materials to have low albedo and high conductivity. Good thermal comfort conditions shall be maintained thorough out the year. Passive design measures such as solar coated glazing with low g value and recessed windows prevent overheating risk in the glazed extensions notably.

A large proportion of the office windows are openable for natural ventilation. All residential windows will be openable for natural ventilation. Potable water use is minimised by installing low control devices and water efficient fixtures. Residential properties are designed to target a maximum internal daily water consumption of 105 litres/person/day. Despite objections from the waste planning manager (discussed below), the waste and recycling facilities provided are designed inline BREEAM requirements.

Pollution is to be minimised in use as well as construction stages to the air and land to provide quality environment to live and work. The site is located on Flood Zone 1 and there will be no change on impermeable areas. Sustainable Drainage System (SuDS) is not required as there will be no increase in impermeable surface areas because of the refurbishment, alteration and extension works. The site already benefits from good public transport network. Other sustainable modes of transport are encouraged through provision of cycle storage spaces and direct pedestrian routes to the transport nodes and town centre.

The proposals are considered to comply with Policy 38D of the City Plan.

**Energy Performance**

Policy 36 of the City Plan relates to energy and promotes zero carbon; developments to reduce on-site energy demand and to maximise low carbon energy sources. Whilst the general aims of the policy are relevant here, as the application proposals are not considered ‘major development’ not all is applicable. The applicant has however provided an energy statement setting out their commitment to reducing energy demand CO2 emissions.

**Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.**

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	13.4	38
<b>Be Clean:</b> Savings from heat network	0	0
<b>Be Green:</b> Savings from renewable energy	3.1	9
Cumulative on-site savings	16.5	47

The following measures are proposed to reach the above reductions:

Be Lean – Reduce Energy Demand

Good building design, notably to the glazed extensions and fabric performance, improving upon the GLA notional specification for existing buildings; mechanical ventilation with high efficiency heat recovery; low energy LED lighting throughout; lighting controls to offices and communal areas to include occupancy sensing and daylight dimming.

Be Clean – Supply Energy Efficiency

A building wide heat network is proposed to serve all dwellings. The offices will be served by dedicated VRF systems. There is an existing heat network within 1km of the site, however due to the challenging logistics of connecting to the it (crossing the A40 (Westway) and coming down the A5 (Edgware Road)) connection to the existing network is not proposed.

Be Green – Use Renewable Energy

An appraisal of available renewable energy solutions has been carried out, which has identified that PV panels and solar hot water for example are not suitable due to the roof being shaded by surrounding buildings, therefore only air source heat pumps are proposed.

Given the proposals are not ‘major development’ and therefore monitoring of the development to ensure that the commitments are being delivered is not formally required by the City Council, the applicant is still required under later RIBA stages of development.

The proposals comply with policy 36 of the City Plan.

**Circular Economy**

Policy 37(C) relates to waste management and circular economy and seeks the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council’s Code of Construction Practice (CoCP).

As the proposals are not major proposals the applicant will have to comply with this requirement as part of the COCP which they agree to in principle, through the submission of the required Draft Appendix A. In order to reduce the amount of demolition waste being exported and the need of new materials used and transported to the site, the potential to reuse on site demolition and excavation materials as secondary aggregates will sought. In addition as noted above the building materials are selected based on their embodied impact and from responsible suppliers and where possible local suppliers are favoured.

The proposals comply with policy 37 of the City Plan.

**Air Quality**

Policy 32 of the City Plan seeks to improve air quality throughout the borough.

The eastern part of the site falls within an Air Quality Focus Area as designated by the Council. The application includes an Air Quality Statement by Wardell Armstrong. The report details the results of long term air quality monitoring carried out at the development site. The results show that NO2, PM10 and PM2.5 levels are all well within air quality target values and comply with air quality objectives. Mechanical ventilation (MVHR) is proposed for the office and commercial areas. The residential units will have dedicated extract fans per apartment to provide mechanical ventilation.

The proposals are considered to comply with policy 32 of the City Plan

**Flood Risk & Sustainable Drainage**

The site is located within the Environmental Agency's Flood Zone 1, but not within a Surface Water Flood Risk Hotspot and therefore the overall risk of flooding including surface water to the site is considered to be very low. Measures to reduce the risk of surface water flooding include green roofs in accordance with policy 35 (Flood risk). Below ground drainage strategies are proposed and this too would aid in water run off.

### **Light Pollution**

It is not considered that the proposed use of the site as office accommodation with the two glazed infill extensions would result in substantial light pollution. The majority of light generate would face out in the courtyard. To protect the amenity of the residential units directly opposite, had the application been considered acceptable agreement to hours of lighting to the office accommodation would have been sought. At roof level of the infill there are glazed elements. Given their siting away from neighbouring properties the level of light pollution is considered to be minimal.

The proposals are considered to comply with policy 33 (environmental impacts) of the City Plan.

### **Land Contamination**

The applicant provided a Site Investigation Report from RSK Ground Engineering which indicates despite the historic car garage use, that there is no contaminated land. The City Council's Environmental Sciences officer has confirmed that this is satisfactory.

The proposals meet policy 33 (environmental impacts) of the City Plan.

## **9.3 Biodiversity & Greening**

The existing site has no urban greening and a low ecology value. Given the site constraints and the nature of the proposals there are limited opportunities to improve this. Two green roofs are proposed to the glazed infills extensions and construction details of these provided. The green roofs would contribute to the greening of Westminster and improve biodiversity of the site in accordance with policy 34 (Green infrastructure).

Had the application been considered acceptable, a condition securing the green roofs would have been secured.

## **9.4 Townscape, Design & Heritage Impact**

### **The Site and Its Significance**

Whilst not listed, and not considered to be curtilage listed, the mews has a close visual, historical and partially physical relationship with the Grade II listed former townhouses which the mews formerly served and which surround the site on all sides. Having remained in largely commercial use until very recently, the mews has been spared the impacts that are seen in most London mews resulting from the near-ubiquitous residential conversions of the early to mid 20th centuries; they are in many respects a quite remarkable survival for Westminster and would certainly qualify them to be considered as 'non-designated heritage assets' in their own rights. Whilst there have been inevitable operational alterations carried out by the previous commercial tenants, the essential characteristics of a mews, of ranges of low-rise brick-built buildings set around a cobbled yard, remains intact and should remain the focus of our assessment of



these redevelopment proposals.

Within this top-level characteristic lies components such as the architectural ‘vernacular roughness’ of the buildings and yard surfacing, the E-shaped plan layout of the site, which is partly the result of the later addition of the central wing, the outward division of the site into bays with carriage doors predominating to the ground floor and traditional ‘taking-in’ doors and casement windows set functionally into the building’s robust brickwork elevations. The roofs of the mews are largely not visible, with a tall parapet concealing in places a partial attic storey.

8 Porchester Place forms part of a terrace of early 19<sup>th</sup> century former houses with shops to the ground floor (and basement). The row features mostly traditional shopfronts, some of which are of historic interest including no.8, with brick-built upper floors to a flat parapet. The shopfront to no.8 includes elements of historic interest. Internally the ground floor is an altered single room occupying the bulk of the floor area, with a smaller room to the rear. The two affected floors (ground and basement) are not notable internally for their intactness.

**Legislative & Policy Context**

The key legislative, policy and guidance relevant to the designated and non-designated heritage assets affected by these applications are as follows.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 66 of the same Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act 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.”

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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. This applies whether or not a site is formally designated.

Chapter 16 of the NPPF clarifies that harmful proposals affecting listed buildings and conservation areas (and other designated heritage assets) 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.

Where non-designated heritage assets are concerned, the NPPF clarifies that, where harm would be caused, a balanced judgement is required taking into account the level of harm caused and the relative significance of the asset.

### **The Proposals and their Impacts**

It is proposed to redevelop the mews, converting them into a mixed-use office and residential uses. This would include the following principal interventions:

- The demolition of internal walls and partitions to enable a new layout of units and rooms;
- The erection of two large glazed walled and part-solid roof single-storey extensions, partially infilling the courtyards each side of the central wing;
- The partial demolition of external walls at ground and first floor levels to open out the interior to the proposed courtyard infills;
- The formation of an internal link through from the western wing of the mews through to the existing shop unit of 8 Porchester Place (Grade II listed);
- Internal and shopfront alterations to 8 Porchester Place (Grade II listed) to enable its use as an entrance to the new offices within the converted mews;
- Replacement of windows and doors throughout, including double-glazing;
- Replacement and slight raised height of the roof to the central projecting wing;
- Installation of conservation rooflights to all roof slopes, and replacement of two existing roof lanterns;
- Alteration of one roof (to western wing) to create new concealed plant area behind false pitched roofs, plus adjacent lift overrun;
- General refurbishment of the building envelopes, including re-roofing of the existing roofs and refurbishment of the cobbled yard surfaces.

The proposals have been revised during the course of the application to partly respond to objections received, and concerns raised by officers. In design terms, these revisions include a reduction in the amount of demolition proposed to the original courtyard walls; this demolition is now proposed at ground floor level, whereas previously it was also proposed to first floor level.

The conversions on the whole, including the internal demolitions and new layouts, replacement windows, new rooflights and roof lanterns and new rooftop plant, would have a neutral to only slightly harmful impact on the significance of the mews. The redevelopment will have a slight sterilising effect on the rough character of the mews, including a unified set of windows and doors (in place of what is currently quite a characterful variable set of elevations) and this will lose something of what makes the site a rare survivor. However, this is arguably what would be necessary for the building's conservation in any case (some of this roughness is due to a need for repairs), and it can be substantially mitigated by a conservation-led approach of avoiding over-restoration; this can be secured through conditions.

The proposal to connect the mews to the current shop unit in 8 Porchester Place, which would become the main reception entrance to the new office units, would include some minor removals of both modern and older fabric, principally from the original back wall of no.8 which divides it from the mews. This is however minimal, and in the scope of the listed terrace would cause no harm to the listed building's significance.

The proposed alterations to 8 Porchester Place, the listed building, would include some

minor alterations to what is likely to include some historic fabric. The proposed alterations to the shopfront would lead to some loss of fabric from the existing shopfront in order to replace the existing shop door with a new accessible (wider) entrance door which would also include a slight change in the proportions of the shopfront, such that the new wider door would be a little unbalanced with the retained righthand entrance to the upstairs residential units. To the rear of the shop unit there would be some alterations to the rear wall to form the link into the mews, and to the floor structure and to remove a modern staircase down to the basement, so that a new transition of levels between the shop and mews can be formed, including a half-level platform lift. The spatial connection between the listed building and the mews behind could also be described as causing some loss of planform definition. It is considered that these works would cause a low level of less than substantial harm to the listed building, including its shopfront, but that this has been significantly mitigated by the quality of the design work to alter the shopfront. Nevertheless, the interventions proposed are only justifiable on the basis of the wider scheme and as such a decision on the listed building consent should follow that on the planning permission.

The proposed new lift for the new office units would sit directly behind no.8, so with the new accessible entrance providing full level access to all floors of the development. The main impact of this lift would be a low over-run to the roof of the western wing of the mews. This would be slightly visible from the mews street level, and would be widely visible from the upper floor windows of the surrounding taller buildings. However, its design and size have significantly mitigated this impact, such that it would not look unduly prominent nor out of place. It would still be described as harmful, but at the very lowest end of 'less than substantial'.

The main area of concern regarding the application proposals relates to the proposed two-storey courtyard infills. The open character of these yards is a fundamental component of the mews' character, and how it informs the historic function and activities of the area. Whilst the yards are large, and the main length from the entrance/exit to Portsea Place would remain open and preserved, the two arms which help define the form of the yards and the mews would be almost entirely internalised to the full height of the two-storey mews. Whilst the visuals submitted with the application show the glazing as apparently invisible, in reality glazing of this nature would be highly reflective rather than entirely transparent as shown, and would in fact be visually quite 'hard' when compared to the soft textures of the mews brickwork. The sort of visual continuity implied by the visuals would not be generally the case. This would divorce the relationship between those elevations and the open courtyards of the mews, and would of course fundamentally delete the character of the open yard areas in those two arms of the mews, including the loss of the cobbled surface.

Also of concern, although reduced during the course of this application, is the substantive removal of the external walls at the back of the two side-yards at ground floor level in order to open up the main office floor areas in the mews buildings to the courtyard infills. This would result in not only a significant loss of historic fabric / character, but also of the architectural definition of the buildings which form the back wall of the yards spaces in front. The large voids which would be created would fundamentally blur the definition between the original mews and the courtyard infills, so notably exacerbating the visual impacts of those infills.

## **Design & Heritage Conclusion**

Despite the design measures shown to minimise the physical abutments of the roof and glazed walls with the mew elevations, and to include light slots around the edges of the infill roofs, these impacts are significant and dominant and would harm the appearance of the buildings, and the character and appearance of the conservation area. Whilst this harm would remain within the realm of less than substantial', it is considered that this would be at the moderate to high end, and is adequate to lead to a recommendation to refuse permission.

### **Landscaping**

Given the site constraints and that it is not proposed to alter the cobbled mews for heritage reasons, there are limited opportunities to improve the landscaping of the mews.

### **Archaeology**

The application site is located in an area of archaeological interest, Watling Street. Policy 39 (O) is concerned with archaeology in the borough. An archaeological desk based assessment has been submitted and concludes that the site exhibited a moderate potential for Roman agricultural remain being on site and high potential for late post-medieval development. Historic England were consulted on the proposals and have no objections to the proposals. The proposals comply with policy 39 of the City Plan. Had the application been considered acceptable archaeology conditions would have been recommended.

## **9.5 Residential Amenity**

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

### **Roof works**

The existing roof is structurally unsound, with according to the application water damage, sinking, and general aging, most of the existing roofs therefore sagging and bowing. The existing roof also does not meet current insulation, airtightness, resistance to fire spread expectations. Ans, therefore the applicant proposed to remove the existing roof and replace it, in such a way that maintains the varied character of the existing roof. Heights for the ridges, eaves, and angles of the pitches have been closely matched to the survey, although the proposed profile will not match exactly that of the existing, as attention has been paid to buildability and reducing material usage.

Works include:

- To the west corner of the mews (No's 1-5 Portsea Mews) has been simplified, and the parapets and chimney have been aligned to the straightened structure below. There is no real increase in height.
- The roof to No. 6 Portsea Mews is to be rebuilt but with less bulk as the roof doesn't rise to a central pitch, in order to allow a recessed area for plant. This is to the rear of 8 Porchester Place.
- The roof to the central section of the mews is to be rebuilt and includes a minor increase in height and bulk but follows the same form as existing.

- A build up of the party wall between 12 Portsea Mews and 54/55 Kendal Street of 0.9m in order to create suitable head height to the offices below. This build up is required given the existing shallow head height and roof slope of this part of the existing property.

The only element of roof works to potentially impact upon the amenity of neighbouring properties is the building up of the boundary wall between 12 Portsea Mews and 54/55 Kendall Street. It is proposed to increase the height of the party wall by 0.9m and this is to overcome an anomaly of the mews where the height of this mews and party wall is much lower than the rest of the northern mews buildings. The increase in boundary wall is some 3.4m away from the rear windows in 54/55 Kendal Street and although close, is not considered to result in any detrimental or harmful amenity implications in terms of sense of enclosure. A sunlight and daylight assessment has been submitted with the application and demonstrates that this change results in little or no change to the properties to the rear.

A sunlight and daylight assessment demonstrates that all other roof works result in no losses of daylight or sunlight. Again, the works proposed also raise no concerns regarding sense of enclosure.

#### **Glazed Infills**

The glazed infills are sited between the middle section of the northern part of the mews and only impacts the development itself in terms of daylight/ sunlight and given that they are glazed raise no concerns of enclosure.

#### **Light spill from Glazed Infills**

The two storey infills to the mews building will have a fully glazed front elevation and a partly glazed roof, the remainder being a green roof. The roof heights are set slightly lower than the parapets of the existing facades. Given the siting of the extensions, directly opposite the newly reconfigured residential accommodation, whilst the principle is acceptable, agreement to the hours of lighting within the office accommodation would have been sought. In relation to the surrounding residential units, as the extensions are set well within the existing mews fabric and substantially far away it is not considered that these extensions would result in unacceptable levels of light spill.

#### **Privacy**

The outlook from the proposed office accommodation and the reconfigured residential accommodation is solely to within the mews and is not considered to result in any worse a situation from the existing garage use and existing residential units.

#### **Noise & Vibration**

Plant is proposed at roof level adjacent 8 Porchester Place set within a cut out of the new mews roof; and within the newly excavated basement adjacent properties in Portsea Place. At this time the applicant advises that the plant is likely to include four heat pumps for the residential proposals at roof level and four heat pumps and a air handling unit at basement level to serve the office. Ventilation systems and extract grilles are all to terminate at roof level.

Environmental Health officers have assessed the acoustic report submitted with the proposals and subject to conditions regarding the submission of a finalised plant selection and hours of operation for the commercial plant proposed, had the application

been considered acceptable, raise no objections.

**Amenity Implications from Proposed Office Accommodation**

The primary entrance for pedestrians to the office accommodation is to be via 8 Porchester Place, however there are two entrances in the mews itself should you be using a bicycle or approaching from the west. In comparison to the existing garage, the proposed comings and goings to the office accommodation is considered to be far less intrusive to the surrounding neighbouring properties in terms of noise and activity and therefore raises no significant amenity concerns.

**Amenity Conclusions**

The proposals raise very few amenity concerns given the proposals are in general utilising the existing bulk and make up of the buildings and does not seek to alter any of the party/ boundary walls in terms of height and bulk with the adjoining properties of Porchester Place, Kendal Street, Portsea Place and Connaught Street. The proposals are considered to comply with policies 7 and 33 of the City Plan.

**9.6 Transportation, Accessibility & Servicing**

**Stopping-Up of the Highway**

The most controversial issue from a highways point of view is that by virtue of building the glazed infills, the applicants would be stopping-up part of the highway within the Mews.

Policy 28 A of the City plan says “Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways”.

Whilst technically the proposals are contrary to this policy, it is important to consider the particular circumstances around the proposals and the harm that the stopping up of this ‘dead-end’ mews would have upon the mews, its occupiers and the surrounding highway network. This is therefore a two-fold issue when considering the servicing arrangements proposed.

The applicant advises that deliveries in small vans and cars can take place on Portsea Mews as these would be able to fit through the arch from Portsea Place, in a forward gear and manoeuvre within the mews to also exit in a forward gear (as demonstrated by vehicle tracking). There are single yellow line restrictions in the mews to prevent parking, however loading is permitted to take place. Larger vehicles, not able to enter the Mews will stop on Porchester Place, when delivering to the offices or Portsea Place when delivering to the residential units. There are sections of single and double yellow lines where servicing is permitted. Deliveries would then be transferred on foot, either carried or using trolleys.

The highways planning manager confirms that there whilst council policy is that servicing should take place off-street, to insist on that in this case would be difficult as the proposals could be considered similar to the historic garage use in terms of the numbers of vehicles coming and going; it would lead to all servicing movements having to pass through the arch, together with any cars, pedestrians and cyclists potentially causing a hazard; and that technically this would all still be servicing from the highway, the mews itself. In this exceptional circumstance therefore, it is sensible to allow larger vehicles to service from outside the Mews and smaller vehicles to be able to service from inside.

The proposals are, on balance considered acceptable in highways terms.

### **Servicing**

In terms of the extent of servicing, not the logistics of servicing as discussed above, given the scale of development, the number of deliveries vehicles is expected to be low and a TRICS assessment set out in the following section predicts only two servicing trips per day.

The proposals are considered acceptable and comply with Policy 29 of the City Plan and had the application been considered acceptable in other regards, a servicing management plan would have been secured via condition.

### **Cycling & Cycle Storage**

The London Plan 2021 requires 13 long stay spaces and 4 short stay spaces for the office accommodation and 9 long stay spaces and 2 visitor spaces for the residential proposals.

The 6 short stay spaces are proposed within the mews itself adjacent the undercroft entrance. Whilst these are on the highway, the Highways Planning Manager raises no objection to their siting.

The required 18 office long stay spaces will be provided at basement level in a dedicated cycle store. There is level access from the street with dedicated stairs leading to a cycle store with changing facilities. The required 11 residential long stay spaces will be provided at ground floor in a separate cycle store to the offices. There is level access from the street.

The cycle parking complies with policy 25 of the City Plan and had the application been considered acceptable in other regards, the provision of these spaces would have been secured via condition.

### **Parking**

There are currently seven residential units in the mews, with no car parking. Five units are proposed as a result of the reconfiguration, with no car parking.

The reduced demand in parking from the reduced residential units site is welcomed. The newly reconfigured units are in a very accessible location, within a controlled parking zone where future residents can apply for a parking permit as previous existing residents would have been eligible for to apply for a permit and in close proximity to numerous car parks and car club provision. The proposals therefore comply with policy 27 of the City Plan. Despite the reduction in units, the applicant offered car club membership to the 5 units and this would have been welcomed had the application been considered acceptable.

### **Waste & Recycling Storage**

Waste provision for both the office accommodation and the residential flats are proposed in one location at ground floor of the commercial area of the mews and accessed from the mews, adjacent the undercroft entrance. Whilst the capacity provision of the waste storage is acceptable, the waste projects officer objects to the proposals on the grounds

that the residential and commercial units are sharing the space and this is contrary to policy 37 of the City Plan. Had the application been considered acceptable, a condition securing a revised plan would have been recommended.

## **9.7 Economy including Employment & Skills**

Policy 18 (Education and Skills) of the City Plan sets the policy framework for ensuring new developments help facilitate improved employment prospects for local residents.

The development is of insufficient scale to require an employment and skills plan, but it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

The new office floorspace proposed is expected to generate numerous jobs, likely to be far more than compared to the existing industrial uses. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

Under Policy 18, as has been the case since the introduction of the council's Inclusive Economy and Employment guidance note in May 2019, recently updated in November 2021, financial contributions towards initiatives that provide employment, training and skills development for local residents will be sought from development proposals where there is a net uplift of over 1,000sqm of commercial floorspace.

Had the application been considered acceptable the applicant had agreed to the financial contribution and this is calculated at £42,471.

## **9.8 Other Considerations**

### **Basement Excavation**

Given this revised scheme no longer proposes a second-floor extension, a basement measuring 130 sqm<sup>2</sup> is proposed to the north-east wing of the mews, to the rear of the Portsea Mews properties and houses services such as cycle storage and showers for the office users. There is also space for plant equipment allowing the removal of this from roof level.

Policy 45 of the City Plan refers to basement development. Part A states that basement developments should 1) incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding; 2) be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; 3) protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and 4) conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The site is not within a surface water flooding hotspot and is therefore at low risk of



flooding. An objection has been received on the grounds of concern from the basement excavation works to neighbouring building. A structural methodology statement has been submitted and this has been assessed and is considered acceptable by the Council's Building Control Officer. As the structural method is approved for information only in this instance, the details submitted for the assessment of the application are applicable. There are no external manifestation of this basement, sited all underneath the existing ground floor fabric and therefore the proposals do not harm the heritage asset and the works are considered to be acceptable in conservation and design terms. The proposals comply with part A of the policy.

Part B of the policy states that basement developments will be supported where they: 1) do not extend beneath more than 50% of the garden land - on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building in that direction; 2) leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary; 3) not comprise more than one storey beneath the lowest original floor level - exceptions may be made on large sites with high levels of accessibility for construction; 4) provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and 5). not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The basement is solely under the footprint of the existing building and single storey and therefore complies wholly with Part B of the policy.

**Noise and Disruption During Works**

An objection has been received to unnecessary construction and disruption to amenity, presumably from noise and disturbance.

The applicant has submitted a draft Appendix A indicating that they are to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

**9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

**9.10 Planning Obligations & Pre-Commencement Conditions**

Had the application been considered acceptable, in accordance with the Planning Obligations and Affordable Housing SPD, Draft March 2022, the following would have been sought:

- Economy and Skills contribution of £42, 471
- Car club membership for the 5 residential units, as offered by the applicant.

Given the application is not considered a major proposal; and the nature of the proposals for office accommodation and where existing residential accommodation is being replaced, planning obligations such as carbon-off set contribution are not relevant in the determination of this application.

A CIL contribution would have also been sought.

## **10. Conclusion**

The proposals are unacceptable in land use terms and do not meet the exceptions set out in Policy 8 of the City Plan. In addition, the glazed infills and associated demolition, and the alterations to 8 Connaught Place would result in less than substantial harm, on the moderate to high end to the Bayswater Conservation Area and upon the special architectural and historic significance of this grade II listed building.

Whilst it is recognised that there are public benefits to the proposals in bringing the mews back to life, with the creation of office accommodation; the reprovision of good quality residential accommodation and wider economic benefits; these would not outweigh the less than substantial harm that would be caused to the designated heritage asset of the Bayswater Conservation Area.

Therefore, the recommendation to refuse permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

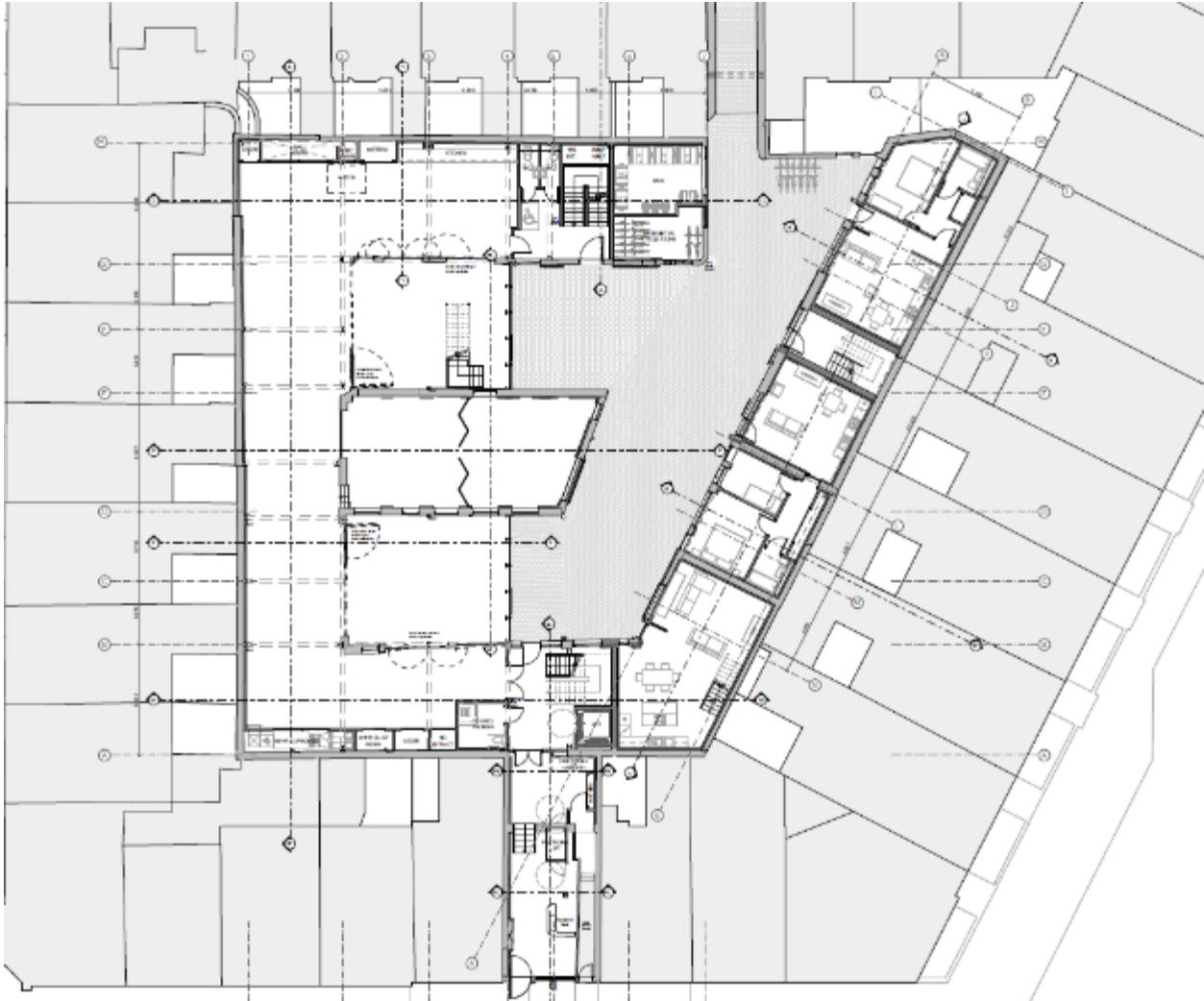
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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**11. KEY DRAWINGS**

**Existing/ Demolition Ground Floor Plan**



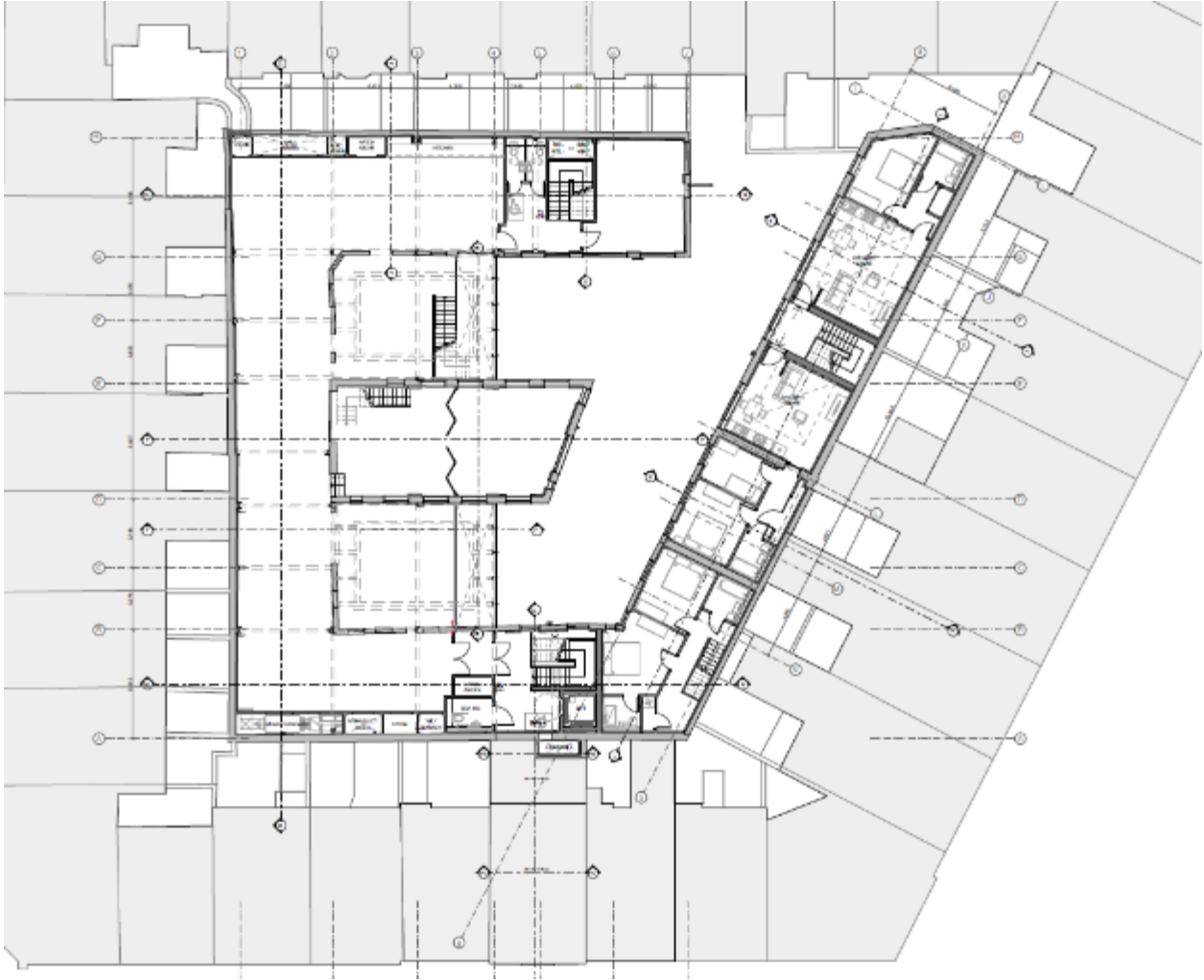
**Proposed Ground Floor Plan**



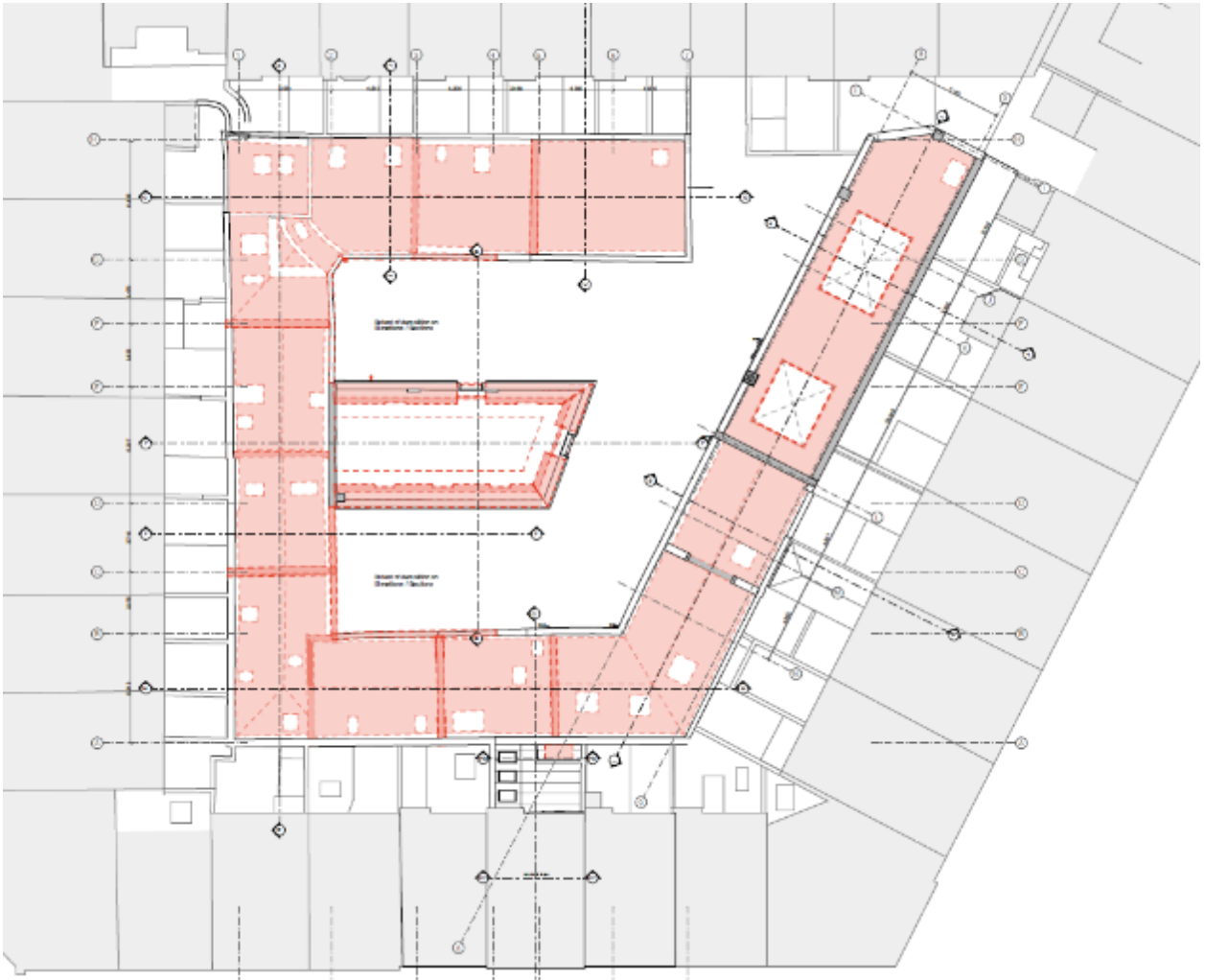
**Existing/Demolition First Floor Plan**



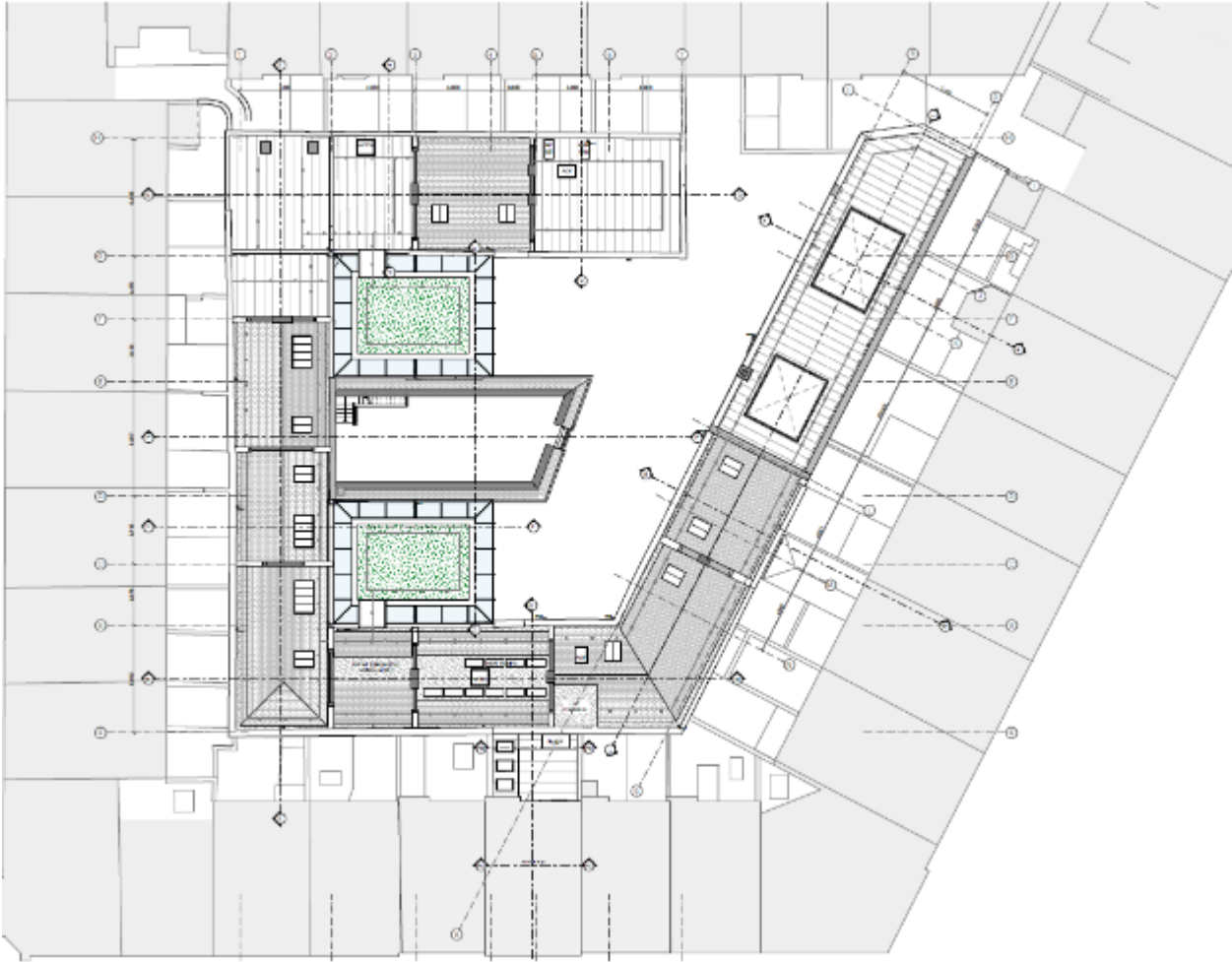
**Proposed First Floor Plan**



**Existing/Demolition Second Floor Plan**

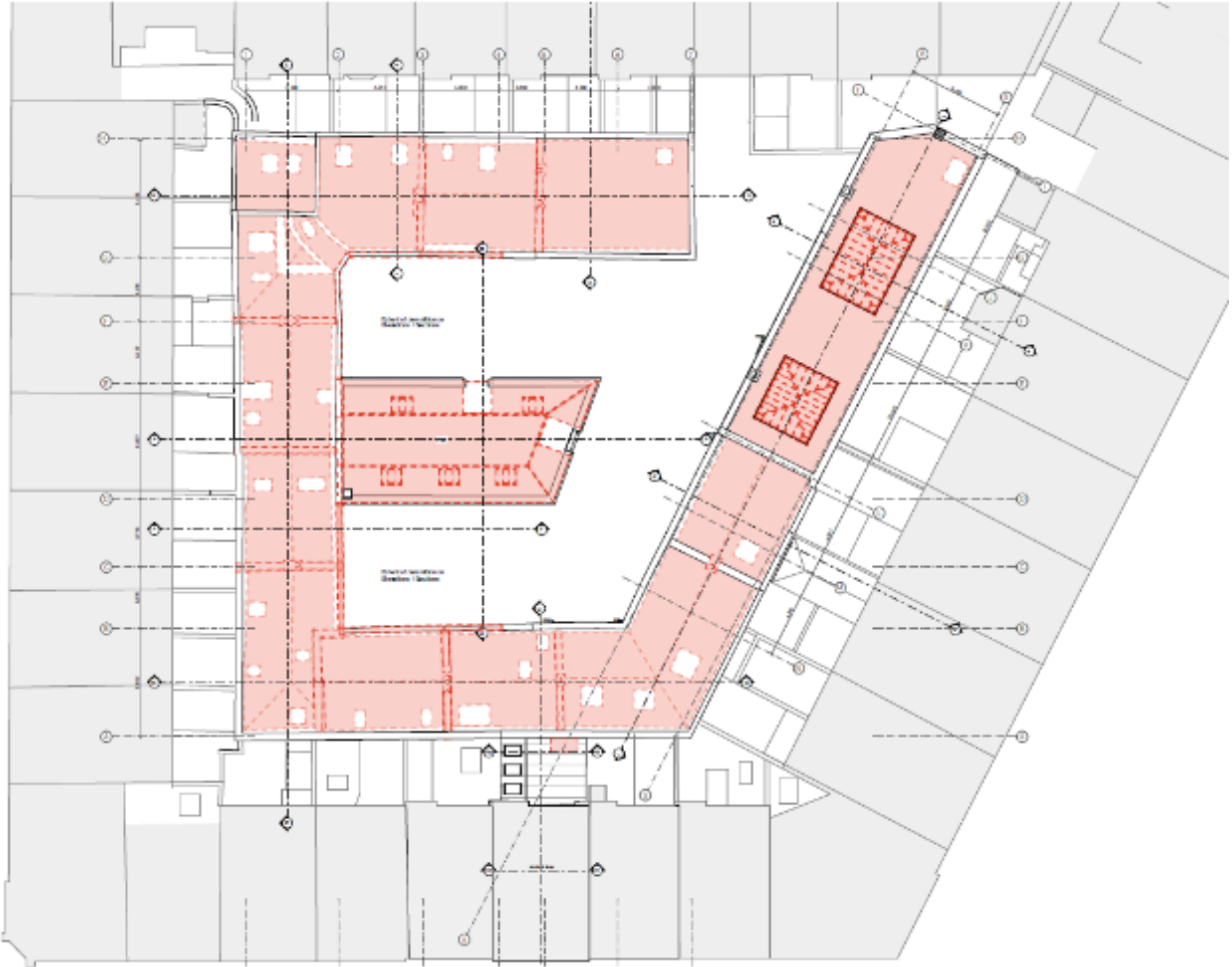


**Proposed Second Floor Plan**

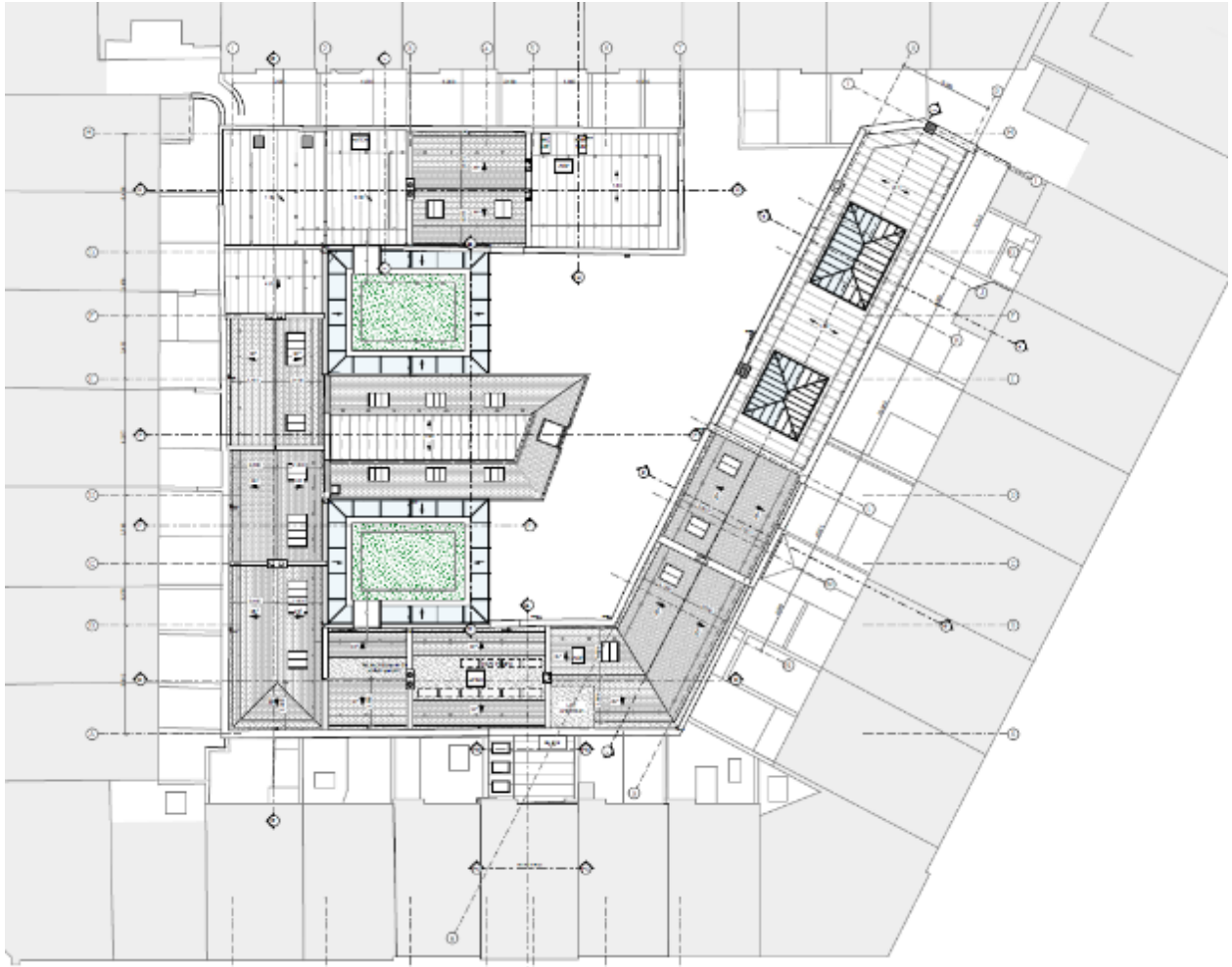




**Existing/Demolition Roof Plan**



**Proposed Roof Plan**





**Existing/Demolition Office Elevations in the 'E' of the mews, Kendal Street properties to rear**



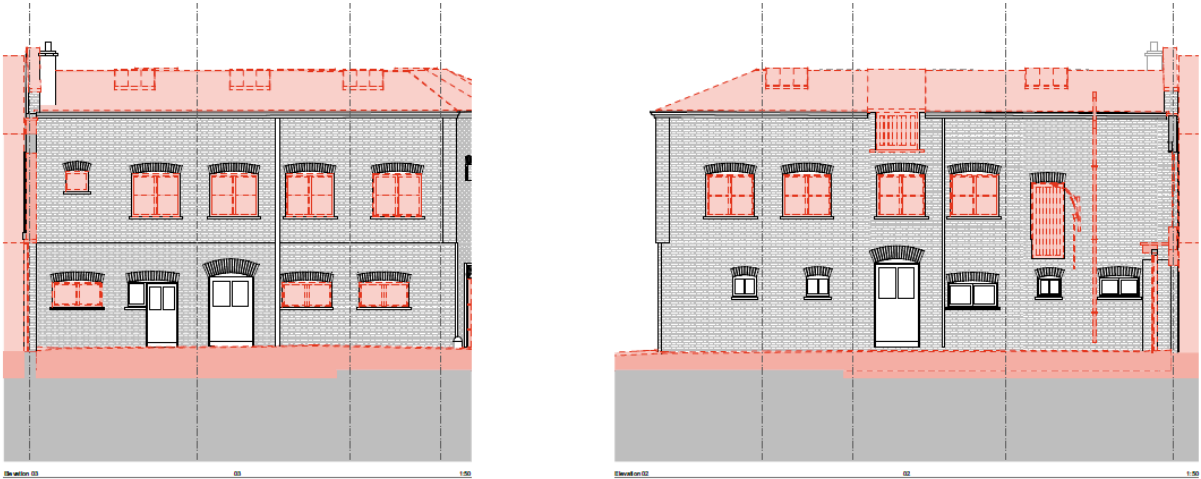
**Proposed Office Elevations in the 'E' of the mews, Kendal Street properties to rear**



**Existing/ Demolition drawings showing north eastern part of the mews, Portsea Place properties to rear**



**Existing/demolition drawings showing middle section of the 'E' of the mews**



**Proposed drawings showing middle section of the 'E' of the mews, showing glazed infills**



**Existing/ demolition drawings showing western side of mews, Porchester Place properties to rear**





Proposed drawings of western side of mews, Porchester Place properties to rear



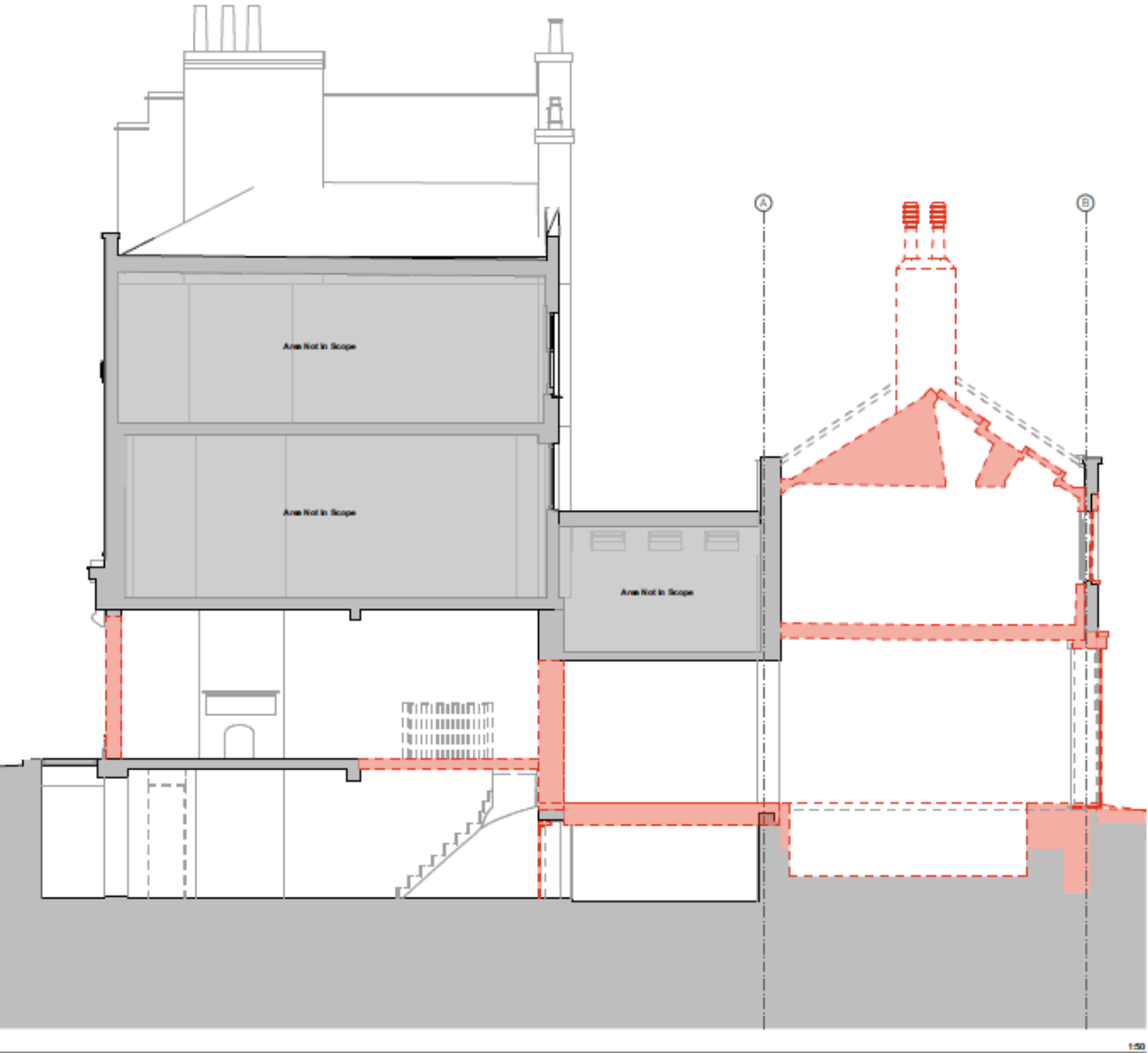
**Existing/ Demolition drawings of the southern side of the mews, Connaught Street properties to the rear**



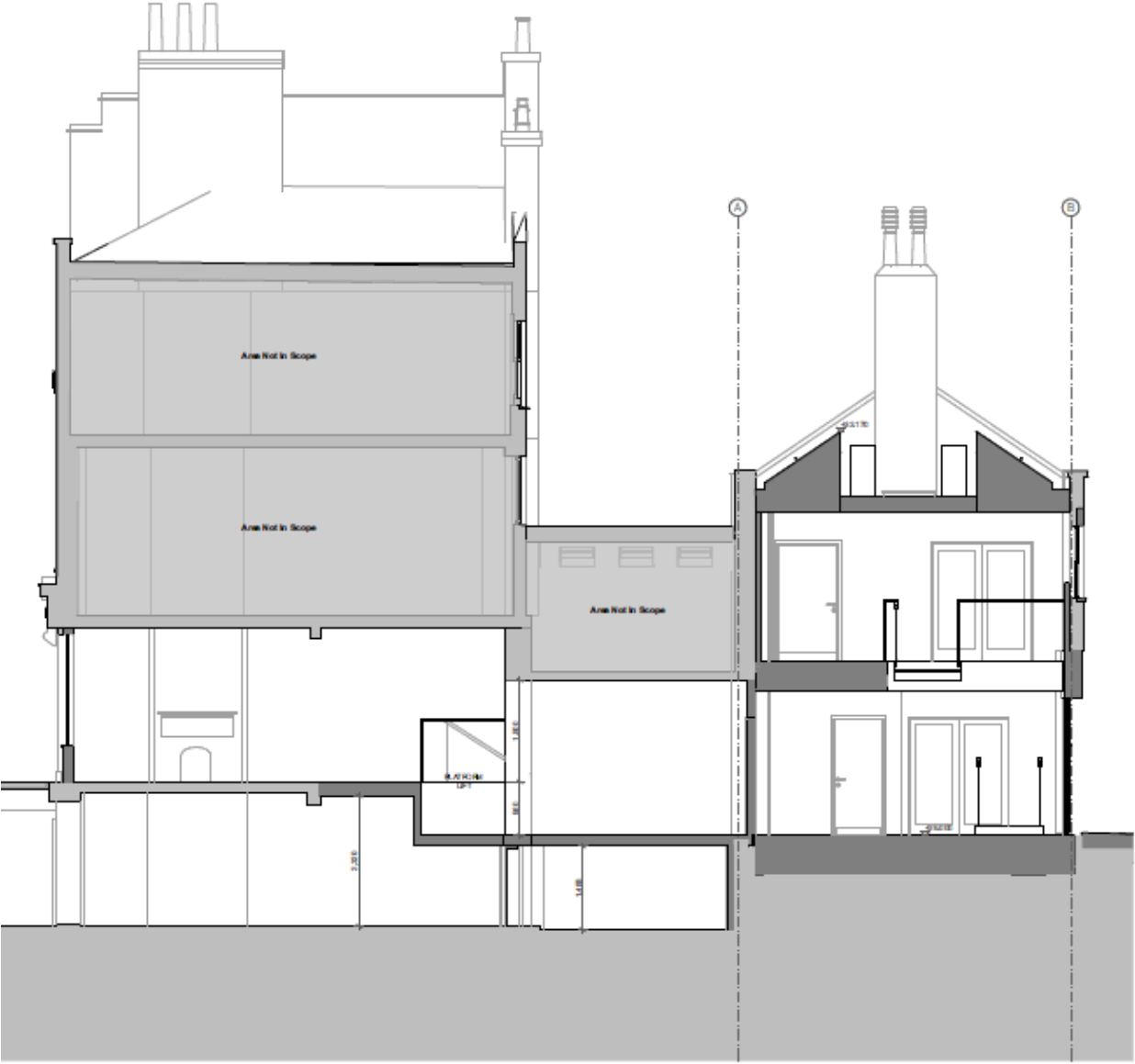
**Proposed drawings of the southern side of the mews (residential element), Connaught Street properties to the rear**



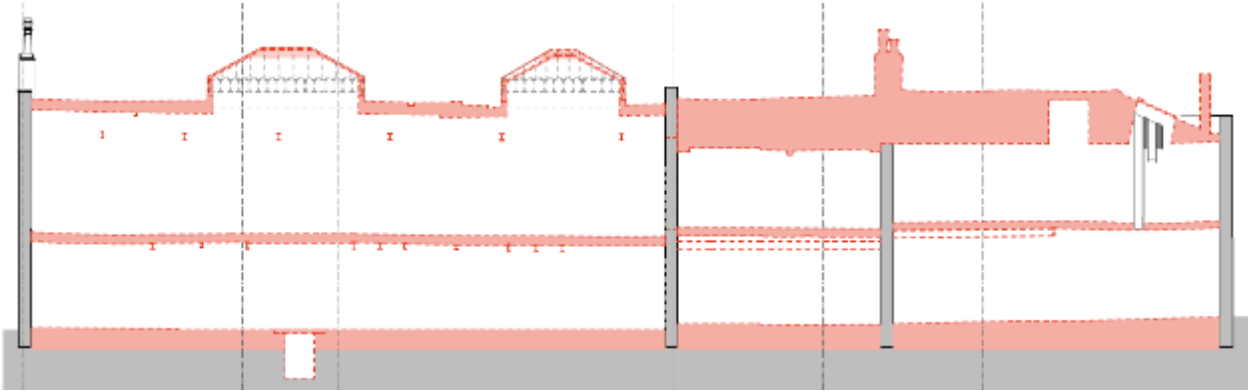
**Existing/ Demolition section drawings to show roof changes (for plant) adjacent 8 Porchester Place**



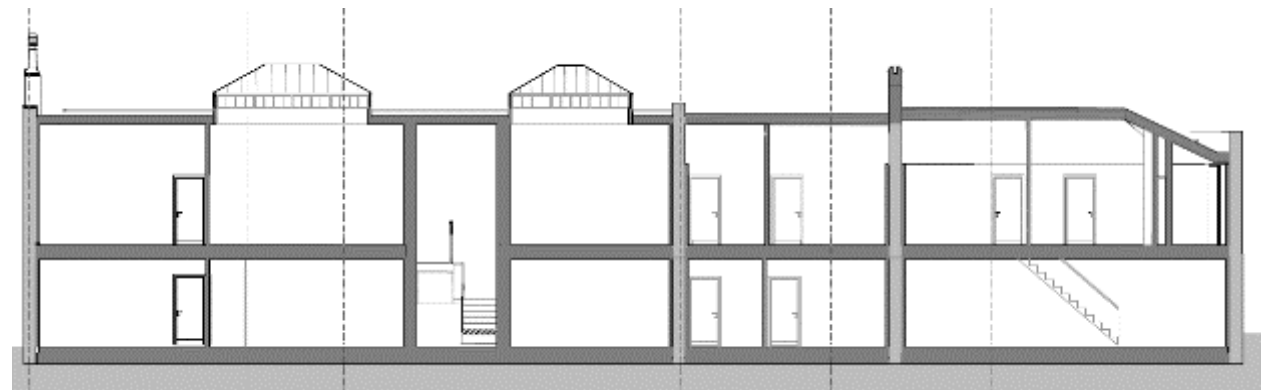
**Proposed section drawings to show roof changes (for plant) adjacent 8 Porchester Place**



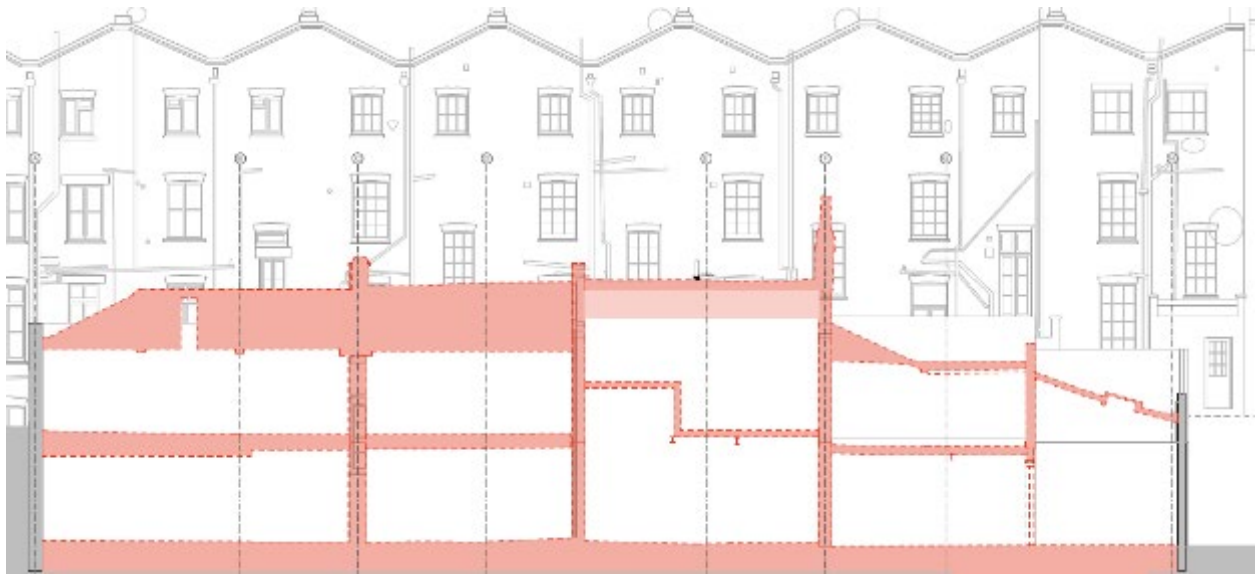
**Existing/ Demolition section drawings showing southern side of mews, to rear of Connaught Street properties to show aligning of roof**



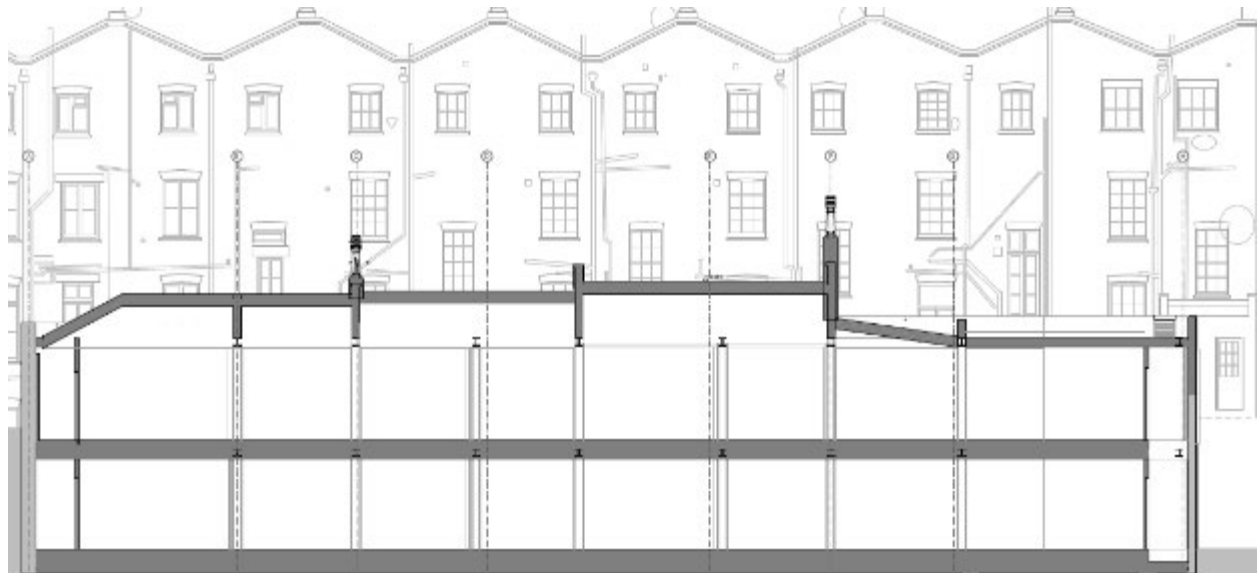
**Proposed section drawings showing southern side of mews, to rear of Connaught Street properties to show aligning of roof**



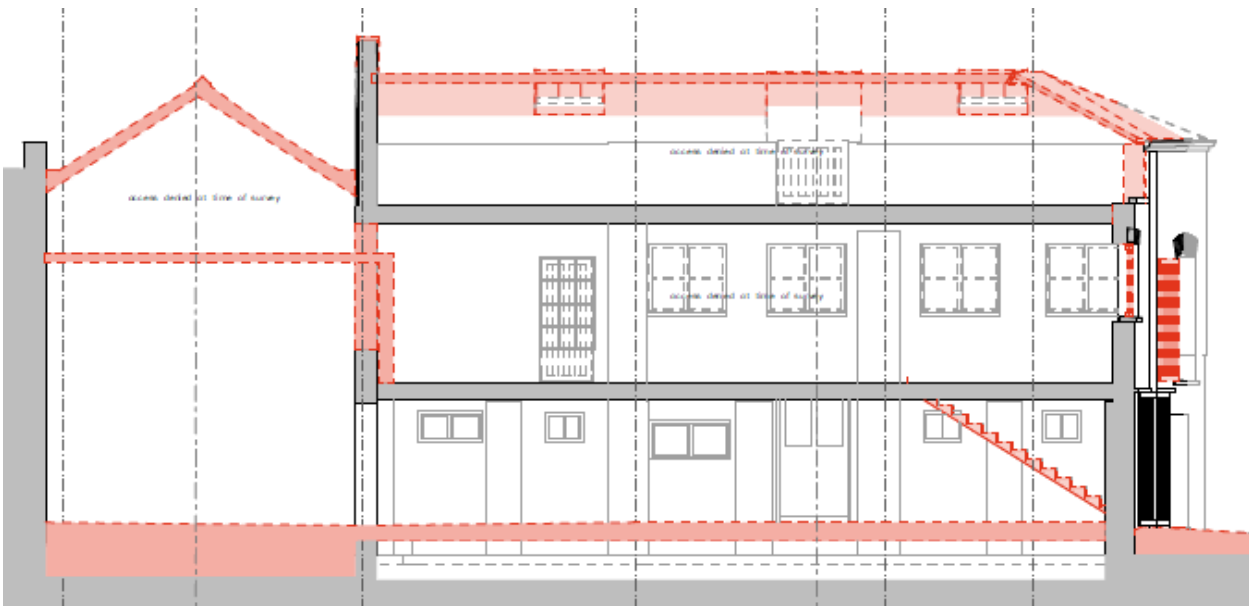
**Existing/ Demolition section drawings showing northern side of mews, to rear of Kendal Street properties to show aligning of roof**



**Proposed section drawings showing northern side of mews, to rear of Kendal Street properties to show aligning of roof**



**Existing/ Demolition section drawing to show the middle of the 'E' of the mews**



**Proposed section drawing to show the middle of the 'E' of the mews**





**Existng and Proposed Elevation – 8 Porchester Place**



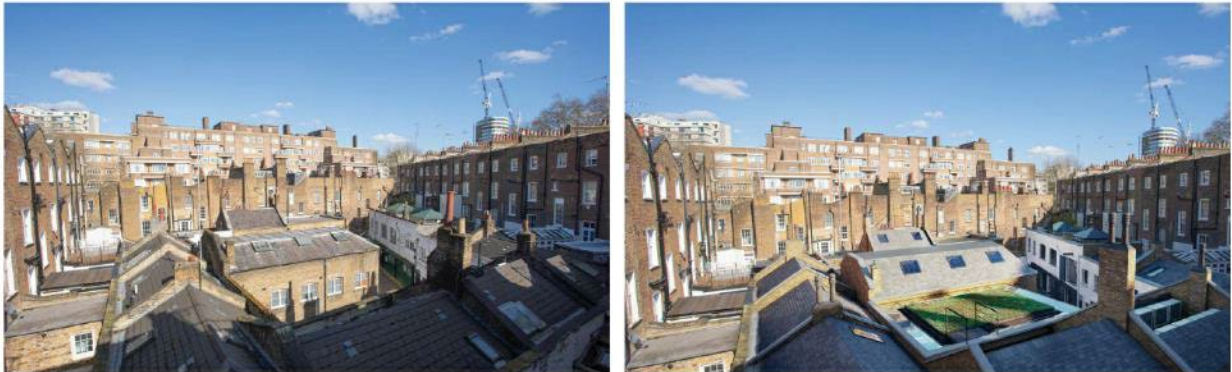
**Existing and Proposed Visuals from within the mews**



**Existing and Proposed Visuals from entrance to the mews**



**Existing and Proposed Roofscape**



**Proposed Outlook from Office Accommodation**



**Existing and Proposed Visuals – 8 Porchester Place**



*Existing shopfront at 8, Porchester Place (Connaught Cellars)*



*Proposed new shopfront and entrance to Portsea Mews*

Item No.
<b>1</b>

**DRAFT DECISION LETTER – 22/06901/FULL**

**Address:** 1-15 Portsea Mews And 8 Porchester Place, London, W2 2BN

**Proposal:** Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works. (Linked with 22/06902/LBC)

**Plan Nos:** Site location plans  
Existing  
PORTS-CA-00-00-DR-A-2002-P05; PORTS-CA-00-01-DR-A-2003-P05; PORTS-CA-00-02-DR-A-2004 P05; PORTS-CA-00-B-DR-A-2001 P05; PORTS-CA-00-RF-DR-A-2005 P05; PORTS-CA-00-ZZ-DR-A-3001 P04; PORTS-CA-00-ZZ-DR-A-3002 P04; PORTS-CA-00-ZZ-DR-A-3004 P04; PORTS-CA-00-ZZ-DR-A-3005 P04; PORTS-CA-00-ZZ-DR-A-3006 P04; PORTS-CA-00-ZZ-DR-A-3007 P04; PORTS-CA-00-ZZ-DR-A-4001 P04; PORTS-CA-00-ZZ-DR-A-4004 P04; PORTS-CA-00-ZZ-DR-A-4006 P04; PORTS-CA-00-ZZ-DR-A-4008 P04; PORTS-CA-00-ZZ-DR-A-4012 P04; PORTS-CA-00-ZZ-DR-A-4013 P04; PORTS-CA-00-ZZ-DR-A-4014 P04; PORTS-CA-00-ZZ-DR-A-4017 P04; PORTS-CA-00-ZZ-DR-A-4031 P01  
Demolition  
PORTS-CA-00-00-DR-A-2102 P08; PORTS-CA-00-01-DR-A-2103 P08; PORTS-CA-00-02-DR-A-2104 P07; PORTS-CA-00-B-DR-A-2101 P07; PORTS-CA-00-RF-DR-A-2105 P08; PORTS-CA-00-ZZ-DR-A-3101 P08; PORTS-CA-00-ZZ-DR-A-3102 P06; PORTS-CA-00-ZZ-DR-A-3104 P08; PORTS-CA-00-ZZ-DR-A-3105 P08; PORTS-CA-00-ZZ-DR-A-3106 P06; PORTS-CA-00-ZZ-DR-A-3107 P06; PORTS-CA-00-ZZ-DR-A-3131 P06; PORTS-CA-00-ZZ-DR-A-4101 P06; PORTS-CA-00-ZZ-DR-A-4104 P06; PORTS-CA-00-ZZ-DR-A-4106 P07; PORTS-CA-00-ZZ-DR-A-4108 P07; PORTS-CA-00-ZZ-DR-A-4112 P06; PORTS-CA-00-ZZ-DR-A-4113 P06; PORTS-CA-00-ZZ-DR-A-4114 P06; PORTS-CA-00-ZZ-DR-A-4116 P06; PORTS-CA-00-ZZ-DR-A-4117 P06; PORTS-CA-00-ZZ-DR-A-4131 P02  
Proposed  
PORTS-CA-00-00-DR-A-2202 P10; PORTS-CA-00-01-DR-A-2203 P10; PORTS-CA-00-02-DR-A-2204 P09; PORTS-CA-00-B-DR-A-2201 P08; PORTS-CA-00-RF-DR-A-2205 P09; PORTS-CA-00-ZZ-DR-A-3201 P08; PORTS-CA-00-ZZ-DR-A-3202 P06; PORTS-CA-00-ZZ-DR-A-3204 P08; PORTS-CA-00-ZZ-DR-A-3205 P07; PORTS-CA-00-ZZ-DR-A-3206 P05; PORTS-CA-00-ZZ-DR-A-3207 P05; PORTS-CA-00-ZZ-DR-A-3221 P07; PORTS-CA-00-ZZ-DR-A-3231 P05; PORTS-CA-00-ZZ-DR-A-4201 P06; PORTS-CA-00-ZZ-DR-A-4204 P06; PORTS-CA-00-ZZ-DR-A-4206 P08; PORTS-CA-00-ZZ-DR-A-4208 P07; PORTS-CA-00-ZZ-DR-A-4212 P06; PORTS-CA-00-ZZ-DR-A-4213 P06; PORTS-CA-00-ZZ-DR-A-4214 P05; PORTS-CA-00-ZZ-DR-A-4216 P05; PORTS-CA-00-ZZ-DR-A-4217 P05; PORTS-CA-00-ZZ-DR-A-4231 P05  
For information only:  
Planning Statement (amended March 2023); Planning Statement Addendum;  
Housing Statement dated march 2023; Statement of Community Involvement dated September 2022; Design and Access Statement dated September 2022; Heritage

Assessment dated September 2022; Sustainability Statement dated 11 October 2022; Air Quality Report dated 12 September 2022; Habitat Management Plan & Green Roof Details by Bauder; Transport Statement dated September 2022; Travel Plan dated September 2022; Utilities Statement dated 2 September 2022; Structural Methodology Statement dated September 2022; Construction Management Plan dated September 2022; Damp Survey dated 28 January 2021; Ventilation Statement dated 2 September 2022; Drainage Strategy dated 21 September 2022; Fire Strategy dated 13 September 2022; GeoTechnical Reports dated September 2022; Whole Life Carbon Assessment dated 7 October 2022; Energy Statement dated 21 September 2022; Daylight and Sunlight Report dated 30 September 2022; Noise Impact Assessment dated 8 September 2022; Economic Statement dated September 2022.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641  
07866036948

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

**Reason:**

Because of the loss of a large area of open yard area, cobbled road surfacing, and ground floor external walls, and due to the visual and spatial impact, and presence of a large glazed and roofed extension, the proposed courtyard infills and associated works to the mews elevations would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This has not been demonstrated to be necessary for the long-term viable use of the site, nor is it considered to be adequately outweighed by the public benefits of these specific or the wider site redevelopment proposals. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (X16AD)

**Reason:**

Because of the loss of historic fabric, impact on planform and the loss of symmetry to the shopfront, the proposed alterations to 8 Connaught Place associated with the wider scheme of conversion of Portsea Mews would harm the special architectural and historic significance of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This has not been demonstrated to be necessary for the long-term viable use of the site, nor is it considered to be adequately outweighed by the public benefits of these specific or the wider site redevelopment proposals. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (X17AE)

**Reason:**

Your development would lead to a reduction in the number of residential units which would not meet Policy 8(C) of the City Plan 2019 - 2040 (April 2021), which seeks to optimise housing delivery. We do not consider that the circumstances of your case justify an exception to our policy. (X04BC)

**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 so far as practicable. 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, 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, further guidance was offered to the applicant at the validation stage by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Ministry of Housing, Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. Required amendments:
  - removal of glazed infill extensions;
  - less demolition of internal walls to mews;
  - reduction in office accommodation to reprovide the shortfall of residential units.

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.
<b>1</b>

**DRAFT DECISION LETTER - 22/06902/LBC**

**Address:** 1-15 Portsea Mews And 8 Porchester Place, London, W2 2BN,

**Proposal:** Internal alterations to 8 Porchester Place including opening up works and new connection through to Portsea Mews at ground floor and opening works and damp proofing at basement floor; external alteration including installation of new shopfront; and other associated works. (Linked with 22/06901/FULL)

**Plan Nos:** Site location plans  
Existing  
PORTS-CA-00-00-DR-A-2002-P05; PORTS-CA-00-01-DR-A-2003-P05; PORTS-CA-00-02-DR-A-2004 P05; PORTS-CA-00-B-DR-A-2001 P05; PORTS-CA-00-RF-DR-A-2005 P05; PORTS-CA-00-ZZ-DR-A-3001 P04; PORTS-CA-00-ZZ-DR-A-3002 P04; PORTS-CA-00-ZZ-DR-A-3004 P04; PORTS-CA-00-ZZ-DR-A-3005 P04; PORTS-CA-00-ZZ-DR-A-3006 P04; PORTS-CA-00-ZZ-DR-A-3007 P04; PORTS-CA-00-ZZ-DR-A-4001 P04; PORTS-CA-00-ZZ-DR-A-4004 P04; PORTS-CA-00-ZZ-DR-A-4006 P04; PORTS-CA-00-ZZ-DR-A-4008 P04; PORTS-CA-00-ZZ-DR-A-4012 P04; PORTS-CA-00-ZZ-DR-A-4013 P04; PORTS-CA-00-ZZ-DR-A-4014 P04; PORTS-CA-00-ZZ-DR-A-4017 P04; PORTS-CA-00-ZZ-DR-A-4031 P01  
Demolition  
PORTS-CA-00-00-DR-A-2102 P08; PORTS-CA-00-01-DR-A-2103 P08; PORTS-CA-00-02-DR-A-2104 P07; PORTS-CA-00-B-DR-A-2101 P07; PORTS-CA-00-RF-DR-A-2105 P08; PORTS-CA-00-ZZ-DR-A-3101 P08; PORTS-CA-00-ZZ-DR-A-3102 P06; PORTS-CA-00-ZZ-DR-A-3104 P08; PORTS-CA-00-ZZ-DR-A-3105 P08; PORTS-CA-00-ZZ-DR-A-3106 P06; PORTS-CA-00-ZZ-DR-A-3107 P06; PORTS-CA-00-ZZ-DR-A-3131 P06; PORTS-CA-00-ZZ-DR-A-4101 P06; PORTS-CA-00-ZZ-DR-A-4104 P06; PORTS-CA-00-ZZ-DR-A-4106 P07; PORTS-CA-00-ZZ-DR-A-4108 P07; PORTS-CA-00-ZZ-DR-A-4112 P06; PORTS-CA-00-ZZ-DR-A-4113 P06; PORTS-CA-00-ZZ-DR-A-4114 P06; PORTS-CA-00-ZZ-DR-A-4116 P06; PORTS-CA-00-ZZ-DR-A-4117 P06; PORTS-CA-00-ZZ-DR-A-4131 P02  
Proposed  
PORTS-CA-00-00-DR-A-2202 P10; PORTS-CA-00-01-DR-A-2203 P10; PORTS-CA-00-02-DR-A-2204 P09; PORTS-CA-00-B-DR-A-2201 P08; PORTS-CA-00-RF-DR-A-2205 P09; PORTS-CA-00-ZZ-DR-A-3201 P08; PORTS-CA-00-ZZ-DR-A-3202 P06; PORTS-CA-00-ZZ-DR-A-3204 P08; PORTS-CA-00-ZZ-DR-A-3205 P07; PORTS-CA-00-ZZ-DR-A-3206 P05; PORTS-CA-00-ZZ-DR-A-3207 P05; PORTS-CA-00-ZZ-DR-A-3221 P07; PORTS-CA-00-ZZ-DR-A-3231 P05; PORTS-CA-00-ZZ-DR-A-4201 P06; PORTS-CA-00-ZZ-DR-A-4204 P06; PORTS-CA-00-ZZ-DR-A-4206 P08; PORTS-CA-00-ZZ-DR-A-4208 P07; PORTS-CA-00-ZZ-DR-A-4212 P06; PORTS-CA-00-ZZ-DR-A-4213 P06; PORTS-CA-00-ZZ-DR-A-4214 P05; PORTS-CA-00-ZZ-DR-A-4216 P05; PORTS-CA-00-ZZ-DR-A-4217 P05; PORTS-CA-00-ZZ-DR-A-4231 P05  
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Item No.
<b>1</b>

Plan dated September 2022; Utilities Statement dated 2 September 2022; Structural Methodology Statement dated September 2022; Construction Management Plan dated September 2022; Damp Survey dated 28 January 2021; Ventilation Statement dated 2 September 2022; Drainage Strategy dated 21 September 2022; Fire Strategy dated 13 September 2022; GeoTechnical Reports dated September 2022; Whole Life Carbon Assessment dated 7 October 2022; Energy Statement dated 21 September 2022; Daylight and Sunlight Report dated 30 September 2022; Noise Impact Assessment dated 8 September 2022; Economic Statement dated September 2022.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 07866036948

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

**Reason:**

Because of the loss of historic fabric, impact on planform and the loss of symmetry to the shopfront, the proposed alterations to 8 Connaught Place associated with the wider scheme of conversion of Portsea Mews would harm the special architectural and historic significance of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This has not been demonstrated to be necessary for the long-term viable use of the site, nor is it considered to be adequately outweighed by the public benefits of these specific or the wider site redevelopment proposals. This would not meet Policy 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EC)

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# Agenda Item 2

Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Marylebone	
<b>Subject of Report</b>	<b>29 Marylebone Road, London, NW1 5JX</b>		
<b>Proposal</b>	Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1 ).		
<b>Agent</b>	Land Use Consultants		
<b>On behalf of</b>	University Of Westminster		
<b>Registered Number</b>	22/04635/FULL	<b>Date amended/ completed</b>	1 July 2022 & 3 February 2023
<b>Date Application Received</b>	1 July 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No, but lies directly to the north of the Harley Street Conservation Area.		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1) Grant conditional permission.</li> <li>2) That the City Council authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.</li> </ol>
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## 2. SUMMARY & KEY CONSIDERATIONS

<p>The application proposes the refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of main roof to provide additional internal floorspace, extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1). Amendments to the scheme were received in February 2023 on the advice of officers and sought changes to the roof and its detailed design; the removal of roof top terrace; amendments to</p>
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the rear lift enclosure, rear elevation and its detailed design and amendments to the Luxborough Street building front elevation design.

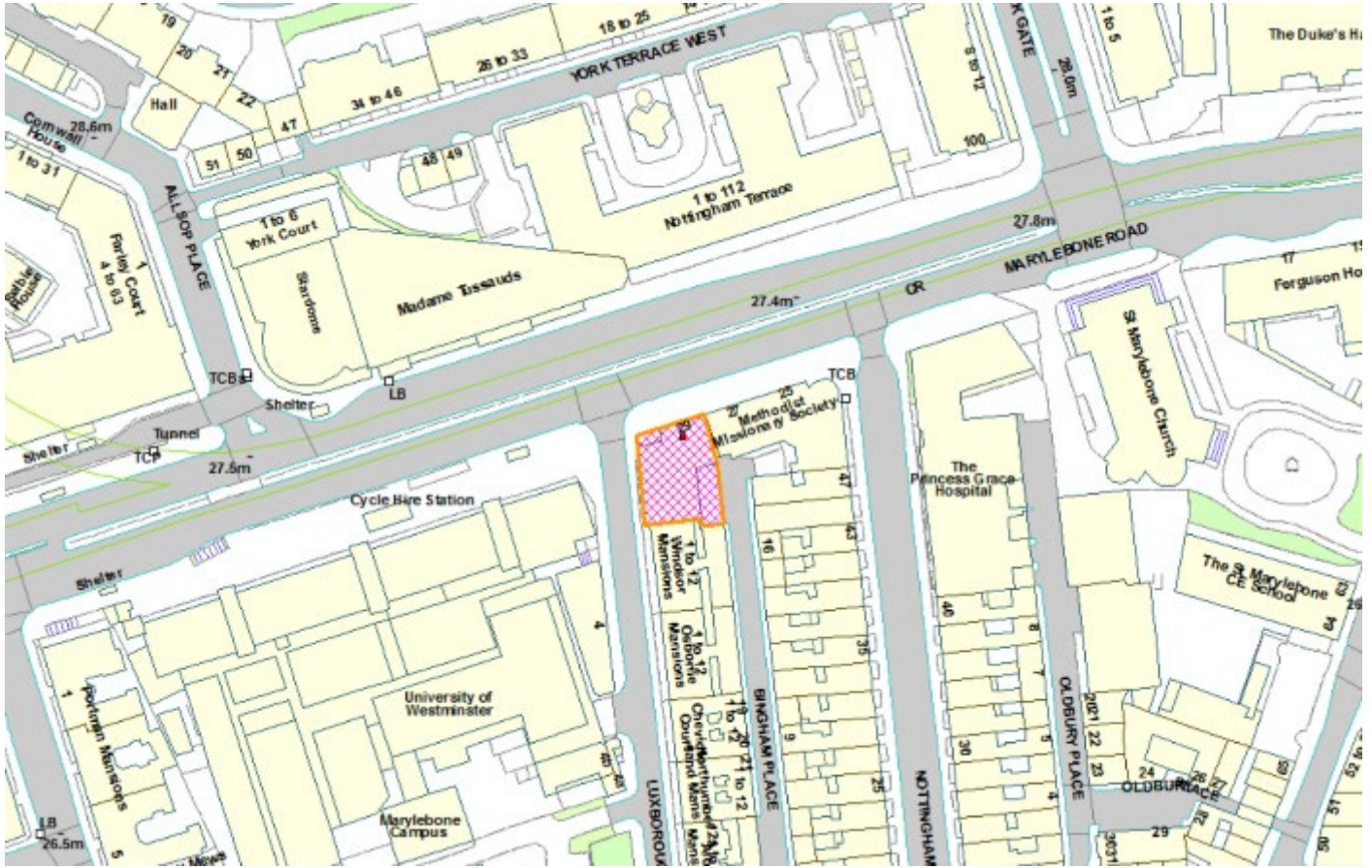
Objections have been received from the Marylebone Ward Councillors, the Marylebone Association and neighbouring properties primarily on the grounds of design; impact on amenity from the proposed terraces and impact to servicing on Bingham Place.

The key considerations in this case are:

- The acceptability of the proposed educational establishment in land use terms.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent conservation area and the setting of other nearby designated heritage assets.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the stopping up of the highway in Bingham Place and the implications on servicing to Bingham Place.

For the reasons set out in the report, the proposals are considered acceptable in land use, townscape, design, amenity, highways and environmental terms and complies with policies in the City Plan 2019-2040 policies.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Existing Building from Marylebone Road, and from across Marylebone Road



Luxborough Street building



Photo from Bingham Place looking to rear of application site (and 25 Marylebone Road)





Rear of Luxborough Street building showing Highway/ Servicing Area/ Car Parking (prior to hoarding)



With hoarding



## 5. CONSULTATIONS

### 5.1 Application Consultations

COUNCILLOR SCARBOROUGH (on behalf of the Marylebone Ward Councillors)  
Objection received firstly on the grounds that they didn't receive their consultation. Secondly they support the objection from a local resident and reiterate the ground for objection as:

- Overlooking/loss of privacy.
- Visual amenity (but not loss of private view)
- Adequacy of parking/loading/turning.
- Highway safety.
- Traffic generation.
- Noise and disturbance resulting from use.

REGENTS PARK WARD COUNCILLORS  
Any response to be reported verbally.

#### MARYLEBONE SOCIETY

Objection on the grounds that the front and rear elevations are overly dominant to the existing building and will harm the street scene. The proposed additions to the front elevation are incongruous to Marylebone Road. The proposed additions to the rear are overly aggressive and dominating on Bingham Place, therefore harming the amenity of neighbouring residents. Objection also raised to colour palette of materials.

ROYAL PARKS:  
No response received.

TRANSPORT FOR LONDON (TFL):  
No objections subject to conditions securing cycle parking in and outside of the development site and a delivery and services plan.

HIGHWAYS PLANNING OFFICER:  
No objections are raised to the proposed use and it is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking, cycling). The cycle parking and waste provision is considered acceptable. Some concern raised as to the stopping up of the highway on the Bingham Place elevation which is against policy, however it is noted that servicing can still occur to the site, as demonstrated through the transport plan.

ENVIRONMENTAL HEALTH:  
No objection to the use; plant proposed and air quality.

WASTE PROJECT OFFICER  
No objection raised.

BUILDING CONTROL - DEVELOPMENT PLANNING  
Any response to be reported verbally.

**LOCAL FLOOD AUTHORITY**

Any response to be reported verbally

**DESIGNING OUT CRIME OFFICER (DOCO)**

Any response to be reported verbally.

**ECONOMY TEAM:**

Based on the net uplift of floorspace a contribution of £3220.70 is required toward Economy & Skills team to provide employment, training and skills development for local residents.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 257

Total No. of replies: 6

No. of objections: 4

No. in support: 2

Two letters of support from The Howard de Walden Estate and Business LDN have been received on the grounds of the benefits of the University of Westminster and this proposed facility will bring to local businesses, the wider community and London as a city.

Four objections have been received on some or all of the following grounds:

Design & Heritage

- The roof form and profile is aggressive
- The roof form harms the setting of the tower of St Marylebone Church

Amenity

- Noise from proposed terrace
- Noise from proposed plant equipment
- The increased servicing and deliveries to Bingham Place will create noise and congestion.

Highways and Servicing

- The increased servicing and deliveries to Bingham Place will create congestion
- Inadequate turning space in Bingham Place.

Other

- Aware of a concurrent scheme at 25 Marylebone Road and the cumulative impact of the two developments should be taken into considerations.

**PRESS NOTICE/ SITE NOTICE:**

Yes

**RECONSULTATION ON REVISED SCHEME** (which included amendments to the roof and its detailed design; removal of roof top terrace; amendments to the rear lift enclosure, rear elevation and its detailed design; amendments to the new Luxborough Street front elevation design (letters sent 10 February 2023))

COUNCILLOR SCARBOROUGH (on behalf of the Marylebone Ward Councillors)  
 Concerns continue to be raised to the servicing and highways matters on Bingham Place. A request is made to the planning committee to restrict the hours and number of people able to use the terrace.

**MARYLEBONE SOCIETY**

The revised treatment at roof level is an improvement. Concerns still raised as to the harm to the amenity of residents on Bingham Place from servicing and deliveries and the servicing strategy should be read in conjunction with the adjacent application at 25 Marylebone Road. The terrace may cause noise and disturbance to residents.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 257  
 Total No. of replies: 0

**5.2 Applicant’s Pre-Application Community Engagement**

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

<b>Engagement Method/Event/Activity</b>	<b>Date</b>	<b>Attendance</b>	<b>Summary of Discussions</b>
Community Engagement Event (advertised within Baker Street Quarter newsletter and in significant letter drop off dated 19 April 2022)	27 April 2022(5pm-8pm)	unknown	The proposals were outlined and the main topics for discussion were the operation of the new facility proposed; the design of the extensions proposed; the new terrace at roof level and who this would service and the impact of the proposals on highways/ servicing and Bingham Place.
Dedicated Website			
Online Meeting	15 June 2022	Unknown	Presentations given.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- How would this facility operate, say in comparison to a typical University teaching space.
- Aesthetically how are the works going to relate to the surrounding properties, notably to Bingham Place.
- How is servicing and deliveries going to work and what’s the impact going to be to Bingham Place?
- Concerns that students would use Bingham place as an entrance access, this will be more of a concern also if using bikes and e-scooters.
- How is the roof top terrace to be used and numbers and hours of operation etc.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- It has been confirmed that the main entrance and exit point to the development is from Marylebone Road. There are no other entry points into the site.
- There are emergency exit points to the surrounding roads, however these will not be used to enter the building.
- The ground floor space is restricted, so only 19 bicycle parking spaces are proposed to be hosted on site to comply with the London Plan. Those spaces will be a combination of Brompton lockers accessible from the Marylebone entrance and some back-of-house cycle storage facilities accessed via the Bingham Place services entrance. These would be used by staff in the building.
- Students visiting the building would use the short-stay cycle parking proposed on Marylebone Road on the pavement.
- People will not be allowed to gather in the service yard in Bingham Place, as this will not be accessible.
- Bingham Place will be strictly restricted to servicing vehicles and to the very few allocated cycle spaces located in the back-of-house bicycle storage facility.
- There is no proposed e-scooter parking for the site.
- To address the concerns in relation to vehicles reversing at the end of Bingham Place, the University and Design Team have reviewed and adjusted the ground floor layout, so that residents now have a turning head at the end of the cul-de-sac.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have

been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

29 Marylebone Road is a corner site at the junction of Luxborough Street with Marylebone Road. The building is in two main parts: the main part being an eight storey brick building facing onto Marylebone Road, with a return façade onto Luxborough Street; the annexe part of the building is a five storey structure facing onto Luxborough Street. The rear facades face onto Bingham Place. The property is vacant, since approximately early 2017 and has been stripped internally. The property has a lawful office use. The building is unlisted and lies outside but immediately to the north of the Harley Street Conservation Area.

Land Use Designations:

- Within the Central Activities Zone (CAZ)
- Marylebone Road Retail Centre
- TfL Red Route
- Marylebone & Fitzrovia Flooding Hot Spot
- Not listed or within a conservation area, but adjacent to Harley Street Conservation Area.

**7.2 Recent Relevant History**

Permission was granted under 16/10311/FULL for:  
Alterations to the ground floor frontage, construction of roof top plant enclosures and extensions, facade alterations to the annexe on Luxborough Street at all levels including a roof terrace and use of the building as a dual/alternative Class B1 office/D1 non-residential institution.

This permission has not been implemented.

**8. THE PROPOSAL**

Planning permission is sought for the refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and works to roof level; extensions to house a lift to rear at lower ground to fourth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1).

The University of Westminster, the owners and applicant, intend to use the site as a Centre for Employability and Enterprise, a unique facility which will enhance the student experience across the University. The Centre will bring together enterprise and employment-services into a single central facility for students, providing a purpose-designed, work-oriented environment. The facility will feature creative spaces to support collaboration and engagement with local businesses, events and exhibition spaces to

showcase student enterprise and achievements. The building will not be used per se for university lectures, like a traditional university building.

Amendments were received (and reconsulted on) during the course of the application and these included:

- Reduction in height, bulk and materiality of the stair enclosure by 1 storey with relocation of plant to roof level 8;
- Main roof terrace now given over to plant with access via existing spiral staircase;
- A new sedum green roof to level 9 roof of existing stair landing;
- Height, bulk and materiality of the proposed lift shaft at the rear of the building reduced by 1 storey;
- Redesign of Luxborough Street infill between the main block and the neighbouring Edwardian Mansion bloc to better mediate between the two.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	2754	0	-2754m2
Learning & non-residential institution	0	2839	+2839
Total		2839	+85

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Loss of Offices

Policy 13D of the City Plan states the net loss of office floorspace from the CAZ: 1. to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use; 2. to hotel use will only be permitted where there is no interest in its continued use for office or any other Class E (commercial, business and service) uses education or community use, as demonstrated by vacancy and appropriate marketing for a period of at least 12 months.

As policy 13D would only be triggered if the change of use was to residential development or hotel use, the principle of the change of use to this educational facility is acceptable.

#### Proposed Educational Facility

Policy 18 (Education and Skills) of the City Plan states:

- A. The council will support the provision of new or expanded primary and secondary schools and further education facilities, to meet the needs of a changing population and enhance education provision.
- B. The improvement and expansion of Westminster’s world-class higher educational institutions will be supported in principle, in recognition of the economic benefits they provide to Westminster, London and the UK. This includes proposals for the upgrading of existing, and provision of new, teaching and research facilities and the provision of purpose-built student housing.

The principle of this new facility is therefore acceptable and complies very much with the aims and aspirations of City Plan policy.

The applicant advises that the University of Westminster has a long-standing reputation of delivering high quality education, particularly for those from disadvantaged and underrepresented groups and that the University has recognised a need to further equip students with digital enterprise skills, to succeed in a post COVID-19 employment market. However, there is not sufficient capacity within the existing University campus buildings (many of which are in the Marylebone area) to accommodate this type of facility.

The proposed Centre for Employability and Enterprise will bring together enterprise and employment-services into a single central facility for students, providing a purpose-designed, work-oriented environment. This will enable students to engage in cross-disciplinary teams on employer-led projects and subsequently increase opportunities for employment enhancing learning and enterprise development. The building will also become the home of many of Westminster's successful graduate mentoring programmes, such as the Career Ready Mentoring scheme, Westminster Working Cultures and the WE Network. These projects, and the organisations which choose to interact with the University will benefit from the state-of-the-art training facilities, including a digital broadcast studio.

The proposed building will include the following spaces:

Ground Floor/ Street Level – Café and Windows on the World Space

Level 1 – Project Space

Level 1.5 (Within the Luxborough Street building) - Collaboration Zone and Terrace

Level 2 – Incubation Hub and Freelance Lab

Level 2.5 (Within the Luxborough Street building) – Broadcast Studio

Level 3 – Collaboration Zone

Level 3.5 (Within the Luxborough Street building) –Event/ Flexible Space

Level 4 – Digital Skills Training Suite

Level 5 – Meeting/ Seminar/ Training Rooms

Level 6 Meeting/ Seminar/ Training Rooms

Level 7 – Event/ Exhibition Space

The applicant argues that the proposed development will strengthen the University's relationships with employers, businesses, alumni, and the local community and will, as a result widen their impact on business, industry and society. The facility will further enhance the University's reputation as an employment-generating and employer-facing institution.

The facility will be open from 8am until 9pm daily and will only be accessible to students, visitors, guest lecturers etc via Marylebone Road. Whilst it is envisaged that the majority of staff too will use the Marylebone Road entrance it is proposed that they be allowed to



the rear entrance on Bingham Place, for potentially out of hours circumstances and to access the long stay cycle parking.

Letters of support have been received to the application from The Howard De Waldon Estate and Business LDN. In the applicants Statement of Community Involvement there are also letters of support from London First, Westminster Business Council and the Baker Street Quarter Partnership.

The proposed use as an education institution is considered comply wholeheartedly with Policy 18 of the City Plan.

**Café Use at Ground Floor**

A café use is proposed at ground floor level accessed from the main entrance on Marylebone Road. The café will be open to the public and the hours of use will be 8am until 7pm daily. A letter of support to the café use has been received and this is welcomed in land use terms.

**9.2 Environment & Sustainability**

**Sustainable Design**

Policy 38 D of the City Plan seek to ensure a sustainably designed development and that measures have been incorporated into design in the following applications and as follows:

1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.

A sustainability report has been submitted with the application and the key sustainability features of this development including the refurbishment of the building will be designed to achieve a BREEAM 'Excellent'. As noted below the proposals are set to achieve carbon savings beyond minimum UK Building Regulation requirements and London Plan targets reaching a 69% reduction in carbon emissions. The report has been reviewed by the Council’s Sustainability Officer and the proposals are very much welcomed.

The proposals are considered to comply with Policy 38D of the City Plan.

**Energy Performance**

Policy 36 of the City Plan relates to energy and promotes zero carbon; developments to reduce on-site energy demand and to maximise low carbon energy sources. Whilst the general aims of the policy are relevant here, as the application proposals are not considered ‘major development’ not all is applicable. The applicant has however provided an energy statement setting out their commitment to reducing energy demand CO2 emissions.

**Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.**

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
<b>Be Lean:</b> Savings from energy demand	31.6	48

reduction		
<b>Be Clean:</b> Savings from heat network	0	0
<b>Be Green:</b> Savings from renewable energy	13.5	21
Cumulative on-site savings	45.1	69

The following measures are proposed to reach the above reductions:

Be Lean – Reduce Energy Demand

Good passive building design, notably to the extensions of Luxborough Street annexe and fabric performance and highly efficient thermal envelope, improving upon the GLA notional specification for existing buildings; mechanical ventilation with high efficiency heat recovery; low energy LED lighting throughout; lighting controls to all areas and communal areas to include occupancy sensing and daylight dimming.

Be Clean – Supply Energy Efficiency

A building wide heat network is proposed to serve the development. There is no existing heat network within close proximity of the site.

Be Green – Use Renewable Energy

An appraisal of available renewable energy solutions has been carried out, which has identified that 66m<sup>2</sup> of PV panels (on the Luxborough Street annexe building) and air source heat pumps are proposed.

Given the proposals are not ‘major development’ and therefore monitoring of the development to ensure that the commitments are being delivered is not formally required by the City Council, the applicant is still required under later RIBA stages of development.

The proposals comply with policy 36 of the City Plan.

**Circular Economy**

Policy 37(C) relates to waste management and circular economy and seeks the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council’s Code of Construction Practice (CoCP).

As the proposals are not major proposals the applicant will have to comply with this requirement as part of the COCP which they are likely to have to sign up to. In order to reduce the amount of demolition waste being exported and the need of new materials used and transported to the site, the potential to reuse on site demolition and excavation materials as secondary aggregates will sought. In addition as noted above the building materials are selected based on their embodied impact and from responsible suppliers and where possible local suppliers are favoured.

The proposals comply with policy 37 of the City Plan.

**Air Quality**

Policy 32 of the City Plan seeks to improve air quality throughout the borough.

The site falls within an Air Quality Focus Area as designated by the Council. The application includes an Air Quality Statement. The report details the results of long term air quality monitoring carried out at the development site. The results show that NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels are all well within air quality target values and comply with air quality objectives. Mechanical ventilation (MVHR) is proposed for the facility.

The proposals are considered to comply with policy 32 of the City Plan

**Flood Risk & Sustainable Drainage**

The site is located within the Marylebone and Mayfair flooding hotspot. Measures to reduce the risk of surface water flooding include the planting and green roofs in accordance with policy 35 (Flood risk). There is little scope to introduce any other sustainable urban drainage systems elsewhere on site. Below ground drainage strategies are proposed and this too would aid in water run-off. Therefore, the overall risk of surface water flooding to the site and surrounds is considered to be very low

**Light Pollution**

A light spill assessment was submitted with the application originally and primarily looked at the potential light spillage from the proposed glazed rooftop extension and terrace. These elements have now been removed from the scheme and the top floor has been revised in its elevation treatment. An addendum to this assessment was submitted and whilst the top floor will be primarily glazed there are many solid elements and solid framing the findings are that the proposals will not have a detrimental impact to any surrounding buildings. All window apertures in the main building remain as existing and whilst there are some new openings in the Luxborough Street annexe building, given their siting away from neighbouring properties the level of light pollution is considered to be minimal.

The proposals are considered to comply with policy 33 (environmental impacts) of the City Plan.

**9.3 Biodiversity & Greening**

The existing site has no urban greening and a low ecology value. Given the site constraints and the nature of the proposals there are limited opportunities to improve this. Planting and landscaping are proposed to the 1<sup>st</sup> floor rear terrace and the top floor level of accommodation. A small green roof is proposed to the plant room at 8<sup>th</sup> floor level. It is disappointing to see that the 8<sup>th</sup> floor roof level has paving slabs surrounding plant rather than a green roof but given the existing situation it is not considered that a refusal could be sustained on this basis. The green roof and landscaping would contribute to the greening of Westminster and improve biodiversity of the site in accordance with policy 34 (Green infrastructure) and is to be conditioned to ensure its provision.

Bird and bat boxes are proposed at the site and these are to be conditioned.

## 9.4 Townscape, Design & Heritage Impact

### The Site and Its Significance

Positioned on the Corner of Luxborough Street and Marylebone Road, the site includes an unlisted building outside of a designated conservation area, however it lies directly to the north of the Harley Street Conservation Area, and to the south of Regents Park Conservation Area.

The existing building on Marylebone Road dates from the 1960s and comprises basement plus 8 storeys. The main building is faced in yellow brick, punctuated by modest plane glazed windows, whilst the 7<sup>th</sup> (top floor is largely glazed. Two horizontal expressed brick bands extend across the façades above fifth and 6<sup>th</sup> floor level, replication the brick work detailing exhibited on no. 25 Marylebone Road. Directly to the south of the main building, fronting Luxborough Street, is a five-storey annexe building. The annexe has a tiered form with rendered facades featuring a horizontal arrangement of windows at each level. The rear of the site, constructed of pale brick with a simple arrangement of fenestration, presents an imposing backdrop to Bingham Place a modest enclave of new style properties, which lies within the Harley Street Conservation Area.

Whilst the existing complex of buildings is of limited architectural merit, the Marylebone property features heavily in key townscape views from within the Harley Street and Regents Park Conservation Areas. As such its relationship to the late Victorian terraces on Luxborough Street and mews buildings along Bingham Place are key considerations in the development proposals. Likewise, its direct connection with the Methodist Church House is also of importance, as it appears to have been purposefully designed to balance the architectural form and scale of its neighbour. Together they also form a coherent and relatively balanced townscape block but a somewhat imposing backdrop to Bingham Place.

### Legislative & Policy Context

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

Section 72 of the Planning (Listed Buildings and Conservation Area) 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."

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible. Also of relevance is Policy 38 (Design Principles) and Policy 40 (Townscape and Architecture) of the City Plan

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. This applies whether or not a site is formally designated.

Chapter 16 of the NPPF clarifies that harmful proposals affecting listed buildings and conservation areas (and other designated heritage assets) 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.

Where non-designated heritage assets are concerned, the NPPF clarifies that, where harm would be caused, a balanced judgement is required taking into account the level of harm caused and the relative significance of the asset.

### **The Proposals and their Impacts**

The proposals seek to retain and refurbish the existing building, whilst introducing a new lift to the rear and building along Bingham Place. Proposals also seek to remodel the infill building fronting Luxborough Street.

Objections have been received to the proposals on design grounds. One of these letters of objection which was received during the earlier stages of the application, prior to the amendments (and although this objector was re-consulted, no additional comments were received), raised concerns with the proposed developments impact on the setting and appreciation of the tower of St Marylebone Church when viewed from along Marylebone Road. Grade I listed, the Church of St Marylebone lies to the east of the site. The tower of the church features in numerous views obtained from along Marylebone Road and is an important landmark within the area.

The original submitted scheme, by virtue of its height and roof profile, would have competed with the tower of the church in townscape views, diminishing its prominence and importance. However, the revised scheme is more restrained and maintains much of the existing buildings height, enabling the church to maintain its standing in the townscape.

The retention and refurbishment of the Marylebone Road building, including replacement windows with deep reveals, a fully glazed and activated ground floor and improved accessibility and services, is hugely positive. Upgrading the existing windows and remodelling of the top floor, introducing modern glazing system, and capped by a modest projecting canopy with brick frieze above. The proposals also include the introduction of an external terrace with glass balustrading running alongside the parapet.

The remodelling of the top floor markedly improves the conclusion of the building. Together with the facade improvements, the roof alterations improve the appearance of what is a tired building, without adding height and bulk. Whilst roof top plant is proposed, this has been adequately set back towards the rear of the building to limit its impact on long views.

The full height lift shaft on the rear the building is unavoidably imposing, particularly when viewed from Bingham Place. The projecting shaft will be clad in pale brickwork, to match the existing facade, and incorporates a panel of projecting brickwork to offer contrast, texture and visual interest. Similarly, the remainder of the rear facade is void of fenestration and to avoid an unyielding appearance, a second section of projecting brickwork has been incorporated to enliven the façade. For comfort, a condition is

imposed requesting a sample panel of the projecting brickwork to ensure it exhibits the quality and appearance expected.

The infill building to Bingham Place, will be contemporary in its appearance, but responds respectfully to the established height and scale of mews and would sit comfortably in its context. Whilst architecturally it will introduce a modern style utilising pale brick to tie in with the rear facade of the principal building, the mews exhibits a variety of styles for this not to detract from its overall character. Again, a sample panel of the brickwork intended for the building will be secure by condition to ensure its quality and appearance.

The remodelling the existing annexe building has the potential to be hugely beneficial from a townscape perspective. Permission was granted in 2016 for a new infill building however current proposals differ quite significantly from the previously approved scheme in terms of materiality and design. Whilst the previously approved scheme saw the introduction of a glass and metal framed building, the current proposals seek a more contexture approach, with red-bricked building articulated by a more conventional arrangement of openings and depressions. Whilst the infill will present more bulk than the exiting building, its height, form, and composition are well considered and not overly assertive, it would also successfully mediate between their two very different architectural scales and styles.

As part of the submission, verified views have been prepared to establish the impact on views from within Regents Park, notably the impact on the roofscape of York Terrace west. It's been clear demonstrated that the proposals will not impact upon these views or intrude upon the historic roofscape of the prestigious grade I listed terrace.

Visuals of the proposals show 'University of Westminster' wording within the building fabric. This is considered acceptable, and details could be secured through a materials condition.

**Design & Heritage Conclusion**

In conclusion, it is not considered that the design objections can be sustained as the proposals are considered to respond positively to the wider context of the site and will seek marked improvements in the appearance of the buildings. The proposals are supported on design and townscape grounds. The proposals are considered to comply with City Plan policies 38, 39 and 40.

**Landscaping**

As noted above given the site constraints there is little opportunity for landscaping. The planting proposed and the green roof are considered, on balance, to be considered acceptable and complies with Policy 34 (Green infrastructure) and Policy 40 (Townscape and architecture).

**9.5 Residential Amenity**

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and

overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections from occupiers of mews properties in Bingham Place have been received to the proposals on amenity grounds.

### **Daylight/ Sunlight and Sense of Enclosure**

The proposed elevational and roof top alterations to the Marylebone Road building raise no amenity concerns with regards to loss of daylight and sunlight, sense of enclosure or outlook. A significant amount of plant is proposed at roof level and the majority of this will be sited so as to be a minimally as intrusive as possible. An acoustic report has been submitted with the application and this demonstrates that the plant will comply with City Council policy 33 and will therefore not raise any noise concerns.

The annexe building which faces Luxborough Street and Bingham Place is to be extended and modified. This comprises an extension to the front elevation of the building at second, third and fourth floor to bring the building line flush with that of the main building at 29 Marylebone Road and the adjacent Windsor Mansions. At fifth floor plant is proposed behind the existing parapet wall with Windsor Mansions and solar panels are proposed above this equipment. The extensions will rise no higher than the existing boundary wall with Windsor Mansions directly to the south of the site and will not project any forward of the front or rear of this building. Extensions are proposed to the rear of the annexe building, on Bingham Place at street level (lower ground to the main building) and first floor level (ground floor to the main building) building over the existing off-street servicing and parking area. The extensions will house the new off-street servicing, the lift (allowing this to access all floors) and a sub-station. At first floor level a terrace of 33m is proposed. The plans show this to be heavily planted/ landscaped around the edges to restrict any overlooking to the mews. These extensions will rise no higher than the existing front elevation wall of the adjacent Bingham Place mews buildings to the south or the boundary wall with Windsor Mansions to the rear. Given the siting of the extensions to the annexe are generally contained behind existing party walls there is little impacts upon adjacent properties in terms of daylight, sunlight, outlook or sense of enclosure.

A new lift shaft/extension from lower ground to fifth level is proposed to the rear of the building. As noted above, the lower levels of this lift shaft run flush with the ground and first floor extension of the Bingham Place annexe extension. A daylight and sunlight assessment has been submitted in regards to this element as the lift constitutes additional bulk, outside of existing party walls etc. The assessment considers the impact of the development upon the following properties:

- 43 Nottingham Place – residential accommodation
- 16 Bingham Place – residential accommodation (adjoined to 43 Nottingham Place)
- 45 Nottingham Place – Latvian Embassy
- 47 Nottingham Place - Hospital

Windsor Mansions has not been assessed as this adjoins the application to the south and there are no direct facing windows to the additional bulk/ extensions proposed.

The assessment demonstrates that all windows and rooms assessed fully comply with the BRE targets, with the exception of one window within 47 Nottingham Place (the hospital), which experiences a technical transgression from the BRE targets, but which is so minor that it will be unnoticeable.

### **Amenity Implications from Use of Building**

The applicant advises that facility will be open from 8am until 9pm daily and will only be accessible to students, visitors, guest lecturers etc via Marylebone Road. Whilst it is envisaged that the majority of staff too will use the Marylebone Road entrance it is proposed that they be allowed to the rear entrance on Bingham Place, for potentially out of hours circumstances and to access the long stay cycle parking.

The public café will be open from 8am until 7pm daily.

As noted above, the site has a lawful use as offices and could operate as such with no controls in place. It is therefore considered that the new use proposed, with nearly all comings and goings taking place from Marylebone Road is acceptable in amenity terms.

### **Noise and Overlooking from 1<sup>st</sup> Floor Terrace**

Objections have been raised to the first floor rear terrace on the annexe building on noise and overlooking grounds to residents of Bingham Place. The terrace is proposed to provide an outdoor facility to the students and somewhere for events to take place. The applicant has confirmed that the terrace, measuring 33m<sup>2</sup> will fit 10-12 people maximum and will be accessible 9am and 6pm daily. Planting is proposed to the edges of the terrace to prevent use of the terrace right up to the parapet edge. The applicant has confirmed they'd be content with a condition securing the hours and planting.

Directly opposite the terrace are properties of a commercial nature: the rear of the Methodist Church House offices; the Latvian Embassy and a private hospital. Given the planting proposed to the edges of the terrace and the hours of operation and the nature of the properties directly opposite there are no concerns with regards to overlooking.

With respect to noise concerns, the applicant submitted a noise assessment pertaining to the roof terraces (the main roof terrace has since been omitted from the scheme for design reasons). The assessments indicate that with the terrace normally occupied there is expected to be +1 dB change in absolute noise level. The character of the sound (people talking) is consistent with the prevailing noise sources in the area and not out of context in central London. Given the nature of the development and that the terrace is relatively small at 33m it is not considered that the terrace will attract such noisy behaviour so as to warrant refusal.

### **Noise & Vibration from Plant**

Plant is proposed at roof level of the annexe building and roof level of the main building. To the rear of the main building a lift is proposed. At rear ground floor to Bingham Place elevation of the annexe building, a UKPN substation is proposed and this has a louvre roller shutter fronting the Bingham Place elevation. Also at ground floor to the Bingham Place elevation, extract fans are proposed to the internal waste storage and servicing area.



Environmental Health officers have assessed the acoustic report submitted with the proposals and subject to the council's standard noise conditions, and a condition securing a supplementary acoustic report with acoustic specifications for the plant and substation and details of noise/ vibration attenuation measure; have no objections to the proposals. The plant is likely to comply with policy 33 of the City Plan.

**Noise and Disruption from Servicing on Bingham Place**

Objections have been received regarding noise and congestion from increased servicing on Bingham Place.

The application site has been vacant for a number of years, since approximately early 2017 and the existing servicing area has been hoarded up since approximately early 2018. The residents of Bingham Place will therefore notice new servicing associated with the building being brought back into use. Noting that the building at one time was operating fully as offices and being serviced from Bingham Place and noting that the building could be brought back into use as offices with no planning permission required, with no servicing controls it is not considered that a refusal could be sustained on this basis. Further details of servicing and the highways implications are assessed below.

**Light Spillage**

Whilst there is additional bulk proposed to the annexe building on Luxborough Street/ Bingham Place building, the proposed windows to these elevations are comparable to the existing situation and therefore it is not considered that there would be unacceptable level of light spill. Similarly, at roof level of the main building, whilst the proposed elevations are largely glazed this is no different a situation to the existing top floor and therefore there are no concerns with regards to light spill. As a point to note however, a small canopy is proposed above the glazed elevations, around the Marylebone Road and Luxborough Street elevations and this will aid in reducing any light spill.

**Amenity Conclusions**

The proposals raise very few amenity concerns to the occupiers of the adjacent properties in Windsor Mansions and to those in Bingham Place and Nottingham Place. The proposals are acceptable in terms of daylight and sunlight; enclosure; outlook; noise and vibration and disruption from servicing and complies with policy 7 and 33 of the City Plan.

**9.6 Transportation, Accessibility & Servicing**

Objections to the proposals have been received on the grounds of increased traffic and servicing to Bingham Place and that there is inadequate servicing at the end of Bingham Place to cope with this.

**Stopping-Up of the Highway**

The most controversial issue from a highways point of view is that by virtue of building out the rear of the annexe building over the highway the applicants would be stopping-up part of the highway within Bingham Place and what impact this will have on the servicing of Bingham Place properties.

This land is identified as City Council land, but has for many years been marked out for servicing of the office building and as car parking for the office building. It has not been maintained by the City Council. Since early 2018 this area of land has been hoarded up.

Policy 28 A of the City plan says “Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways”.

Whilst technically the proposals are contrary to this policy, it is important to consider the particular circumstances around the proposals and the harm that the stopping up of this ‘dead-end’ mews would have upon the occupiers of Bingham Place and the surrounding highway network. This is therefore a two-fold issue when considering the servicing arrangements proposed.

It is not possible to service the building from Marylebone Road, which is a Red Route and has a bus lane along the frontage and neither is it possible to legally service the building from Luxborough Street as it’s a narrow road with parking on its west side.

The Transport Statement says that “All servicing will be undertaken by a Transit style (or panel) van internally within the site. The types of vehicles that can access the Site will be restricted to vehicles no longer than a 7.5 panel van” and this is confirmed with swept path analysis which also shows that any servicing vehicle will be able to enter and leave Bingham Place in a forward gear with the area in question stopped-up.

The highways planning manager confirms that in this instance, because of the off-street servicing proposed and that it can all be done in forward gear, subject to a condition securing the maximum size of van for servicing, the stopping up of the highway would be difficult to resist.

The proposals are, on balance considered acceptable in highways terms.

**Servicing**

In terms of the extent of servicing, not the logistics of servicing as discussed above, given the scale of development, the number of delivery vehicles is expected to be fairly low. The proposals are considered acceptable and comply with Policy 29 of the City Plan. It must be remembered that should the building be brought back into office use, without any need for planning permission that there would be degree of servicing required from Bingham Place, utilising the existing servicing area as it can’t be carried out from Marylebone Road or Luxborough Street.

**Cycling & Cycle Storage**

Long-stay cycle parking is intended to be provided in the ground floor of the annexe building, and according to London Plan standards, which is welcomed. TfL are content with the proposals.

Short-stay cycle parking is intended to be provided on Marylebone Road, which is TfL land. TfL raise no objection to this given the width of the pavement and the provision of additional cycle parking in the area. This will need to be secured via a S278 agreement with TfL.

**Parking**

No parking is included within the site, which is welcome.

**Waste and Recycling Storage**

Waste provision is proposed in the ground floor of the annexe building and collection will be carried out via Bingham Place. The waste projects officer has no objection to the proposals. A condition securing its provision is recommended.

**9.7 Economy including Employment & Skills**

Policy 18 (Education and Skills) of the City Plan sets the policy framework for ensuring new developments help facilitate improved employment prospects for local residents.

The development is of insufficient scale to require an employment and skills plan, but it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new University of Westminster facility will support the investment and local economy through increased local spending, thereby supporting local employment and services. The facility is expected to generate numerous jobs, likely to be far more than compared to the existing industrial uses. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

Under Policy 18, as has been the case since the introduction of the council's Inclusive Economy and Employment guidance note in May 2019, recently updated in November 2021, financial contributions towards initiatives that provide employment, training and skills development for local residents will be sought from development proposals where there is a net uplift of over 1,000sqm of commercial floorspace.

This is calculated at £3,220.70

**9.8 Other Considerations****Access**

The proposals will allow for level access from Marylebone Road and Luxborough Street which does not exist at present. This is very much welcomed under policy 38 of the City Plan.

**Noise and Disruption During Works**

Objections have been received to unnecessary construction and disruption to amenity, presumably from noise and disturbance.

It is likely that the applicant will have to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and

08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

### **Cumulative Impact of Developments**

Comments have been received from occupiers in Bingham Place that as there are proposals for works to the adjacent site, 25 Marylebone Road (Methodist Society offices) the cumulative impacts of both these schemes in terms of servicing strategies and noise and disruption during any approved works should be assessed. Whilst officer's sympathise with the occupiers of Bingham Place on future noise and disruption, the cumulative impacts of a development are not a reason in which to withhold planning permission.

## **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.10 Planning Obligations & Pre-Commencement Conditions**

In accordance with the Planning Obligations and Affordable Housing SPD, Draft March 2022, the following will be sought:

- Economy and Skills contribution of £3220.70

Given the application is not considered a major proposal; and the nature of the proposals, planning obligations such as carbon-off set contribution are not relevant in the determination of this application.

A CIL contribution will be sought.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice; provision of financial contribution to Employment and Skills. The applicant has agreed to the imposition of the condition.

## **10. Conclusion**

As such, the proposal is considered acceptable in land use, townscape, design, amenity,

Item No.
<b>2</b>

highways and environmental terms mindful of policies 7, 13, 18, 28, 29, 33, 38, 39 and 40 of the 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.

(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: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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11. KEY DRAWINGS

Existing building



Existing (top) and Proposed (bottom) Verified Views – Marylebone Road



**Existing (top) and Proposed (bottom) Verified Views – Marylebone Road**





Proposed Visual of Luxborough Street annexe

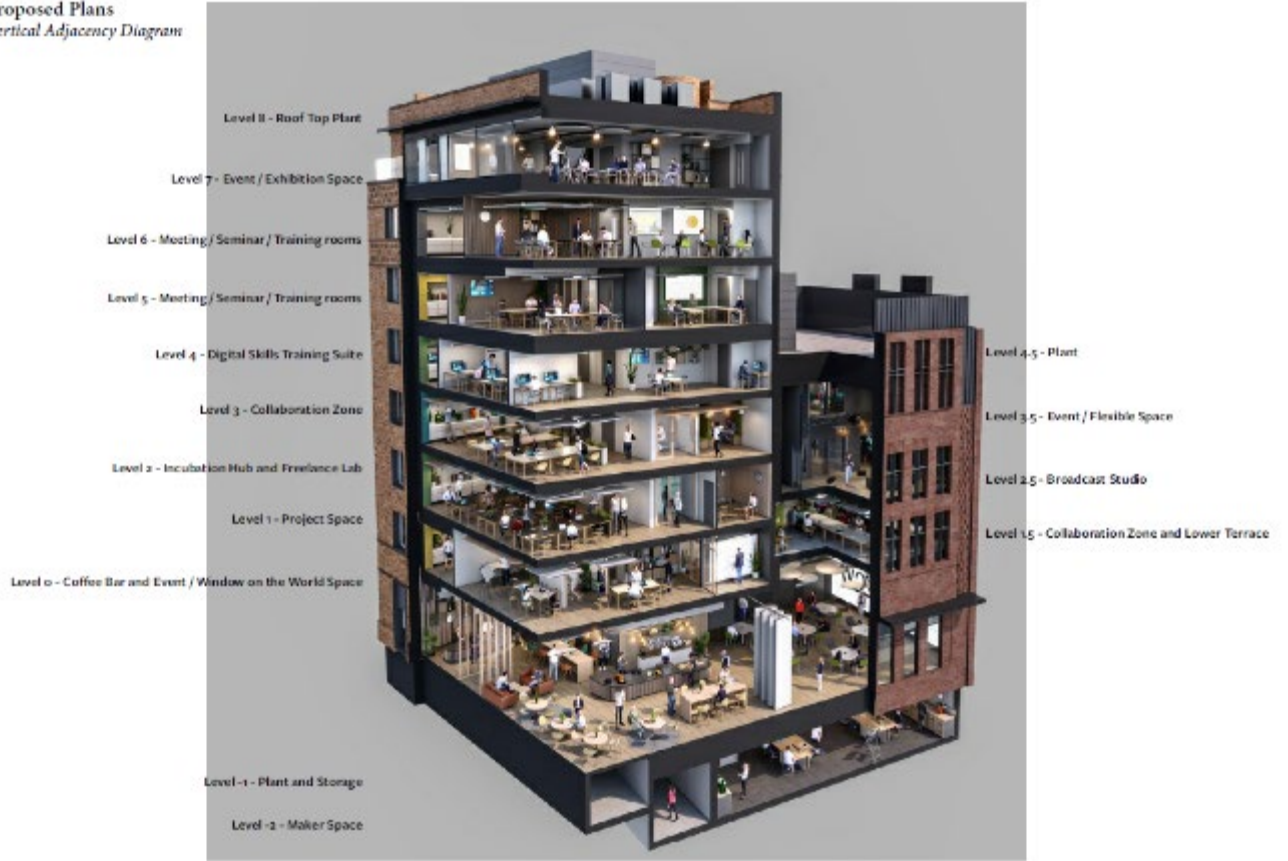


Existing (top) and Proposed (bottom) Verified views – Bingham Place



### 3D Diagram of Spaces in building

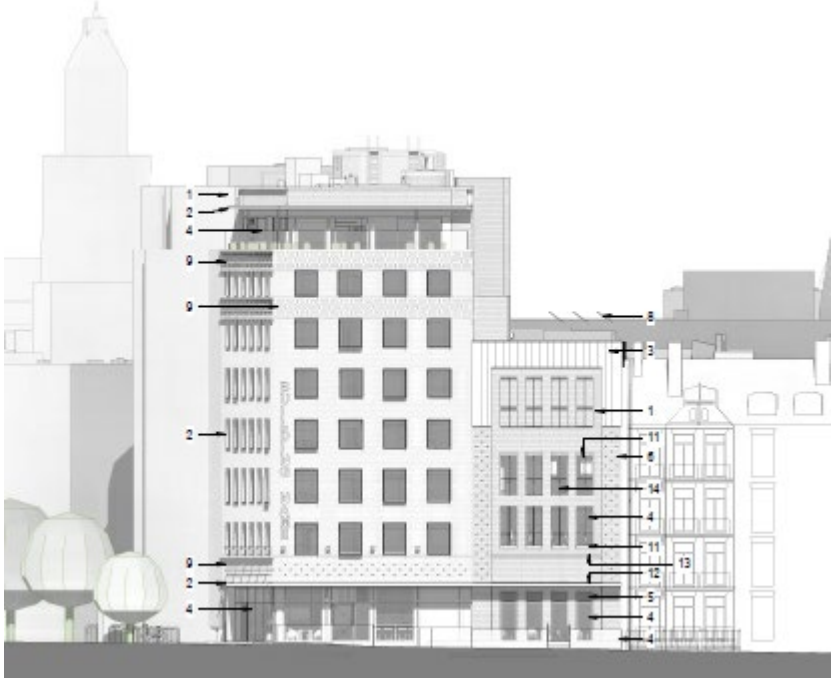
03 Proposed Plans  
3D Vertical Adjacency Diagram



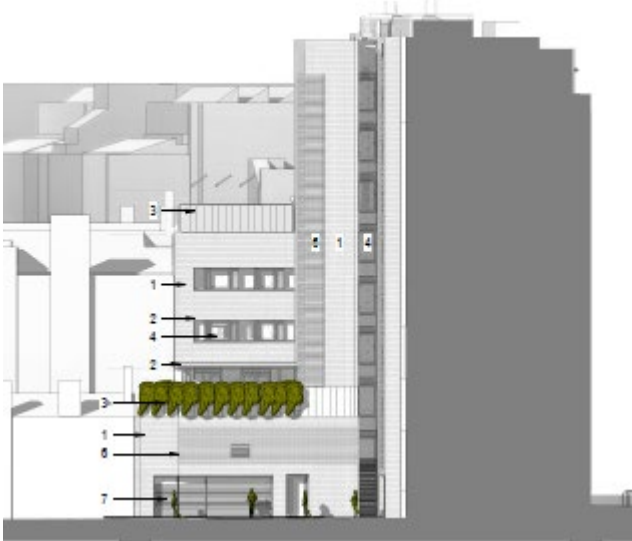
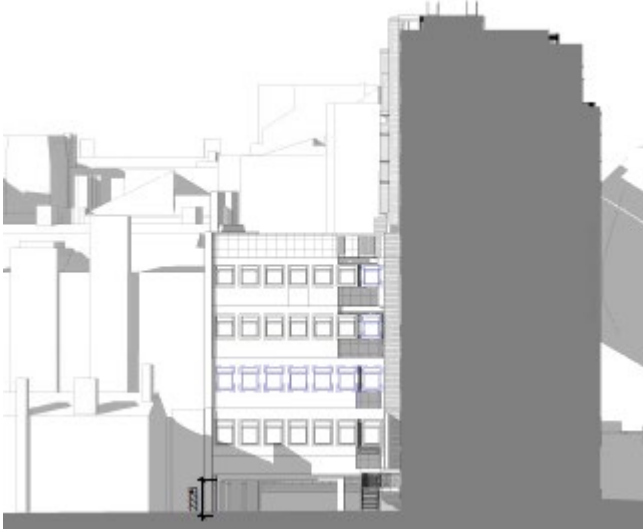
Existing (top) and Proposed (bottom) Marylebone Road (north) elevations



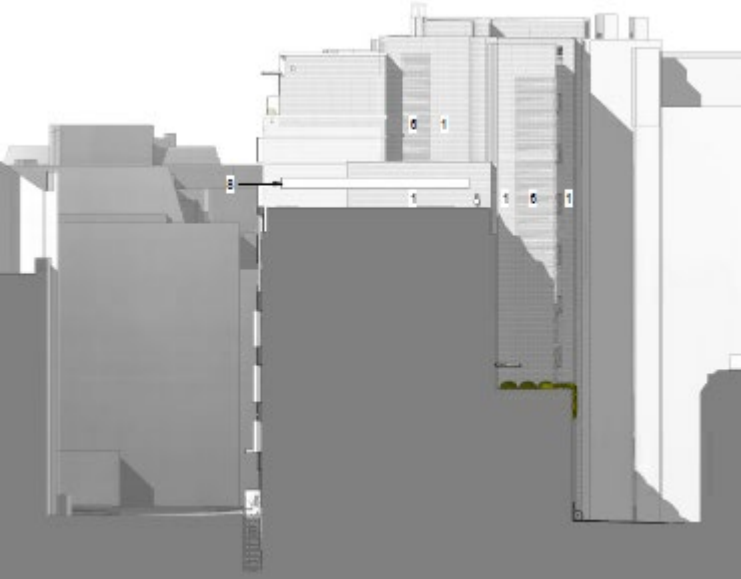
Existing (top) and Proposed (bottom) Luxborough Street (west) elevations



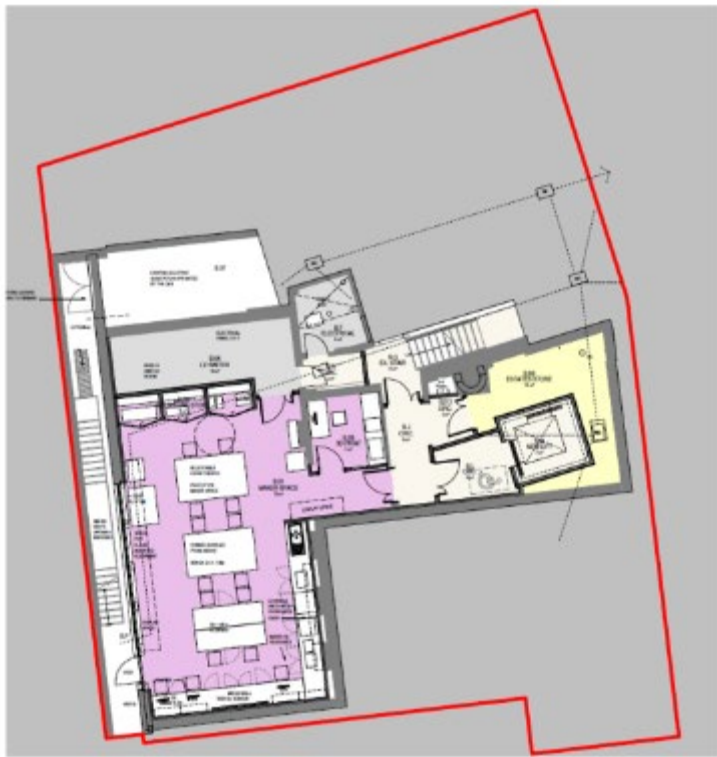
Existing (top) and Proposed (bottom) Bingham Place (east) elevations



Existing (top) and Proposed (bottom) Bingham Place (south) elevations/ sections

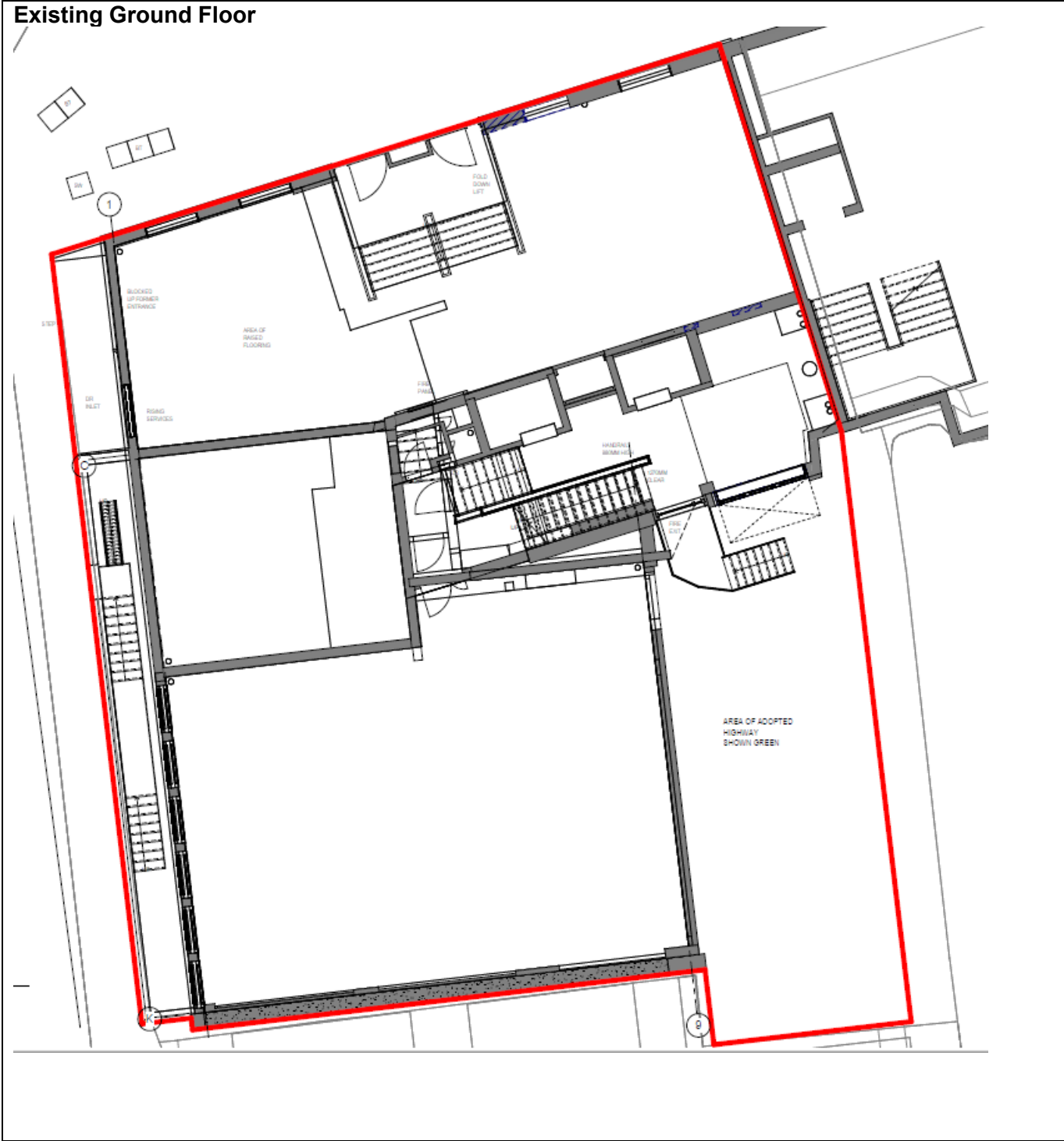


**Proposed Basement Levels (showing plant rooms and maker space). No change to building bulk and therefore no existing drawings for comparison.**

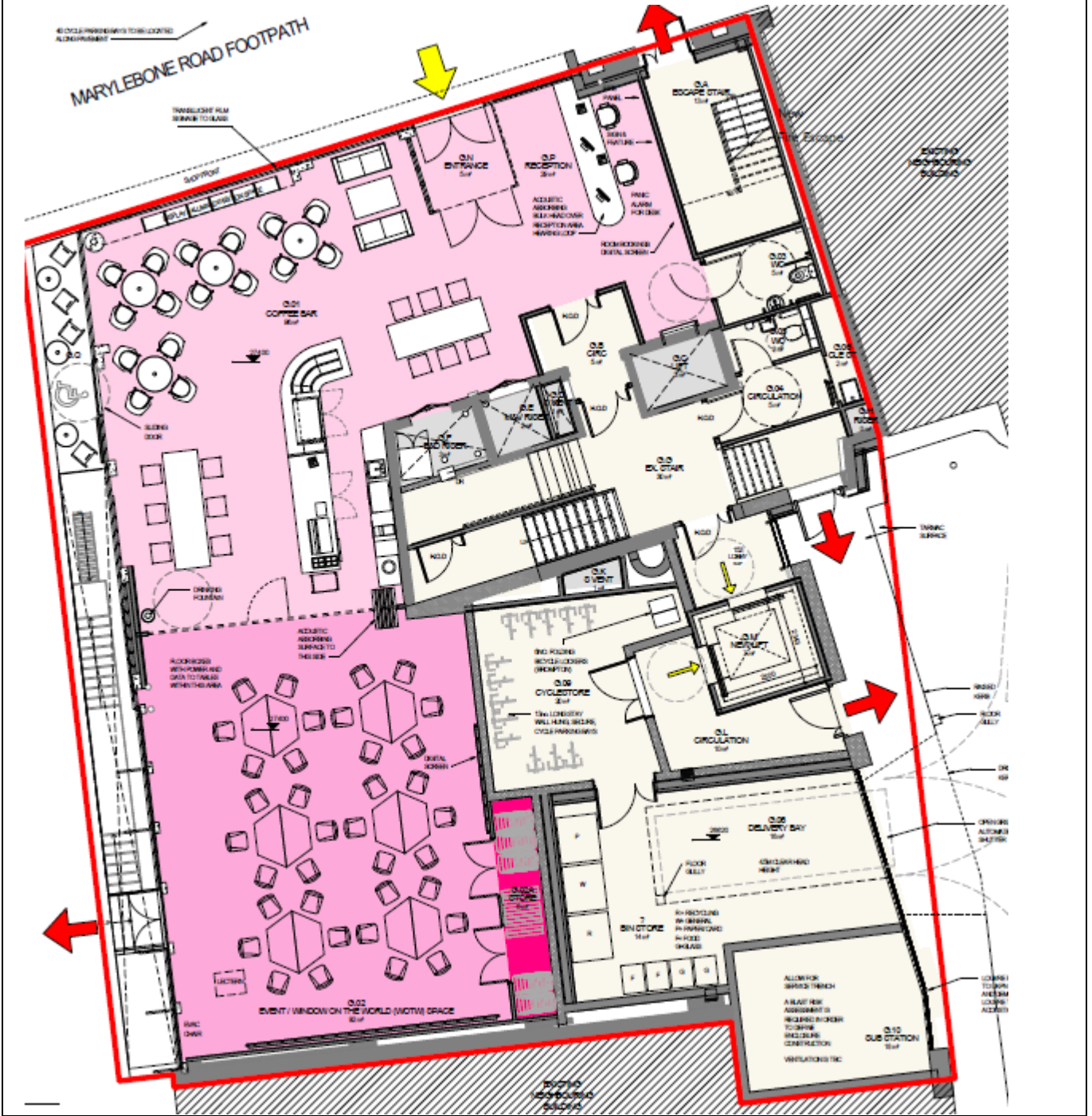




Existing Ground Floor



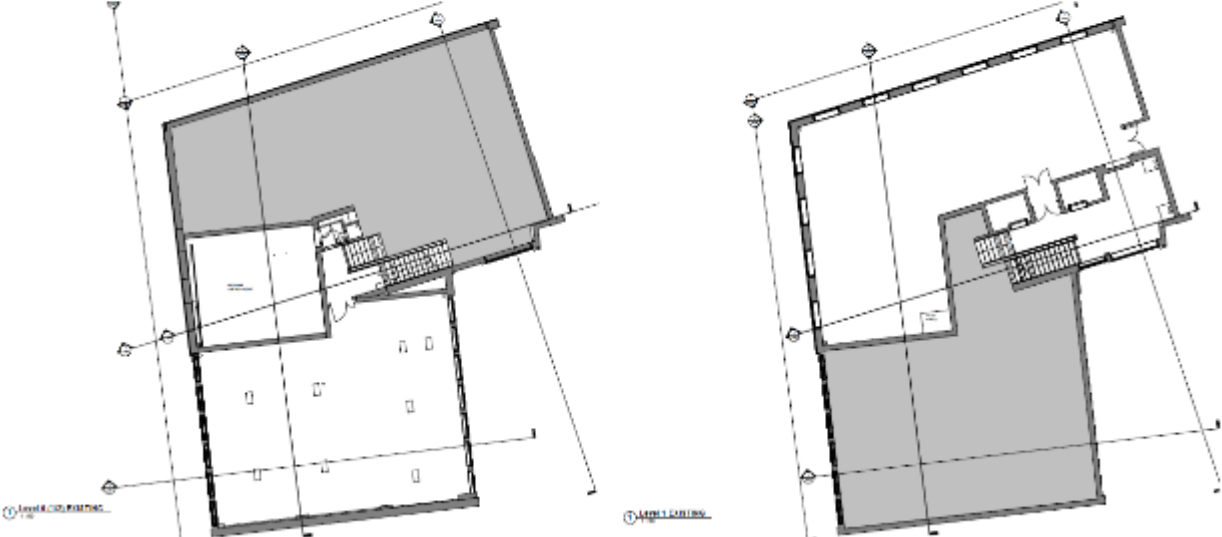
**Proposed Ground Floor**



**Existing Level 1 (main building) and 1/2 level Luxborough Street building**

Level 0 1/2

Level 1



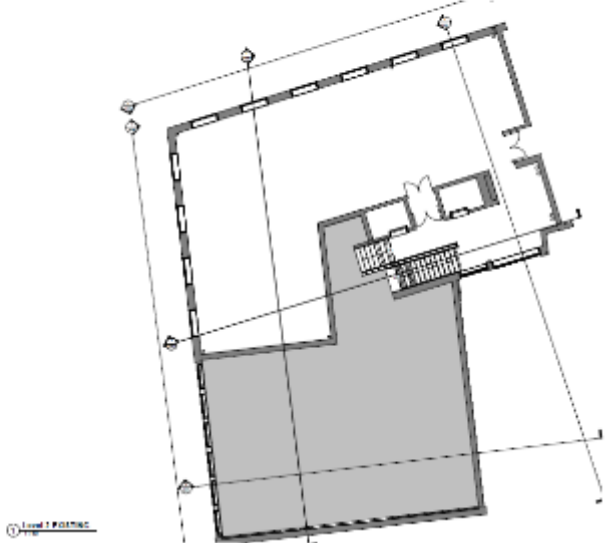
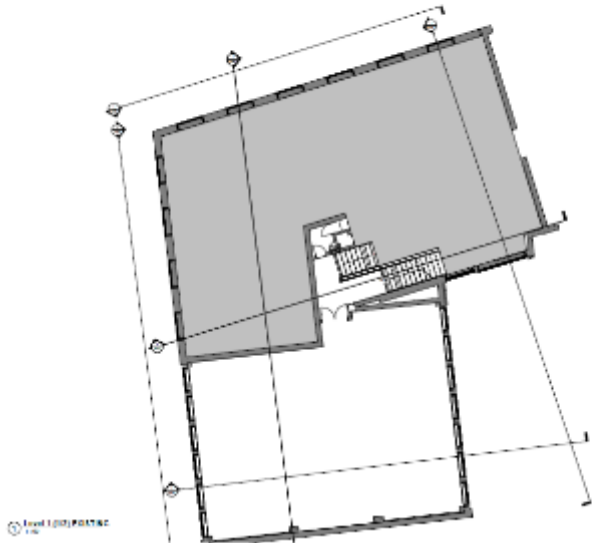
**Proposed Level 1 – Project space/ collaboration zone and terrace**



**Existing Level 2 (main building) and 1½ level Luxborough Street building**

Level 1 1/2

Level 2



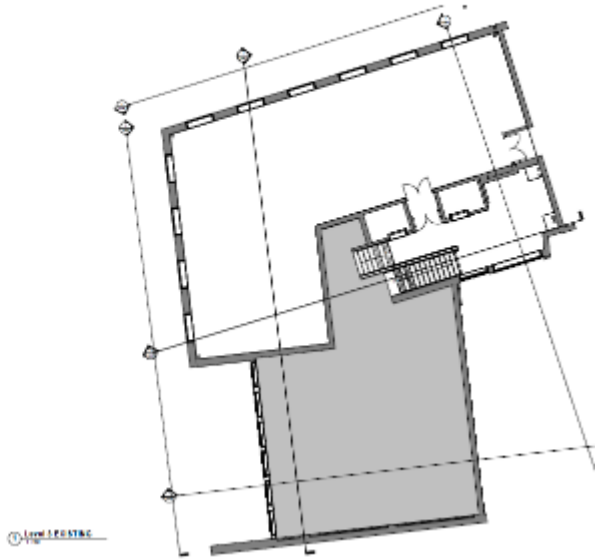
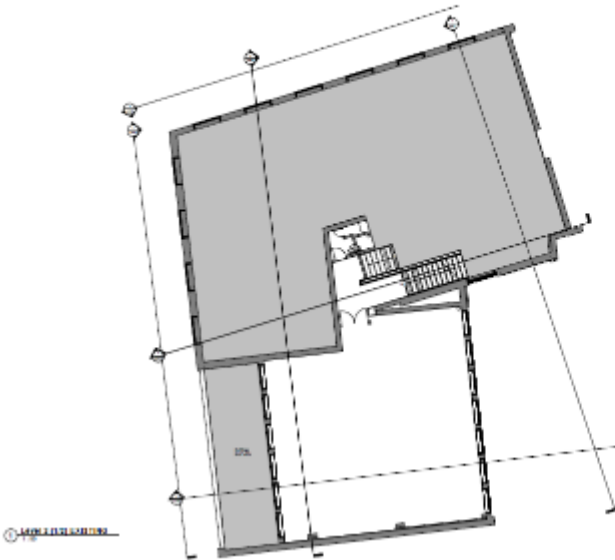
**Proposed Level 2 – Incubation hub and broadcast studio**



**Existing Level 3 (main building) and 2½ level Luxborough Street building**

Level 2 1/2

Level 3



Proposed Level 3 – Collaboration Zone and Flexible Space

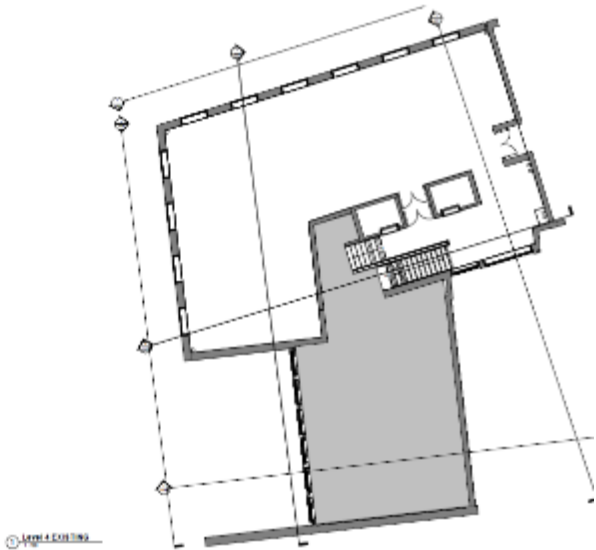
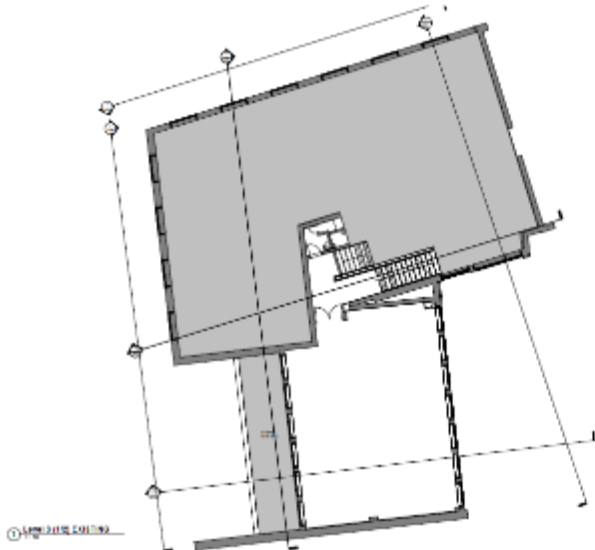




Existing Level 4 (main building) and 3½ level Luxborough Street building

Level 3 1/2

Level 4



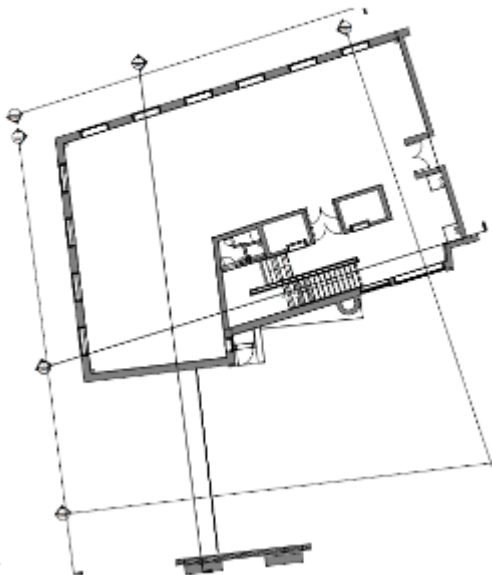
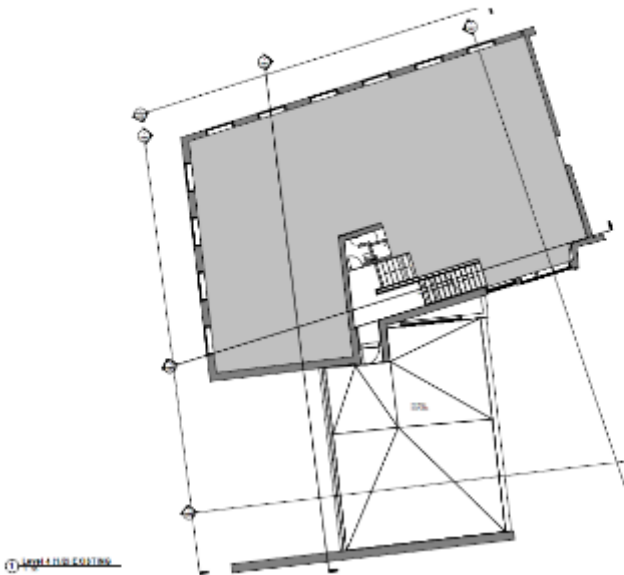
Proposed Level 4 – Digital Skills Suite and Plant



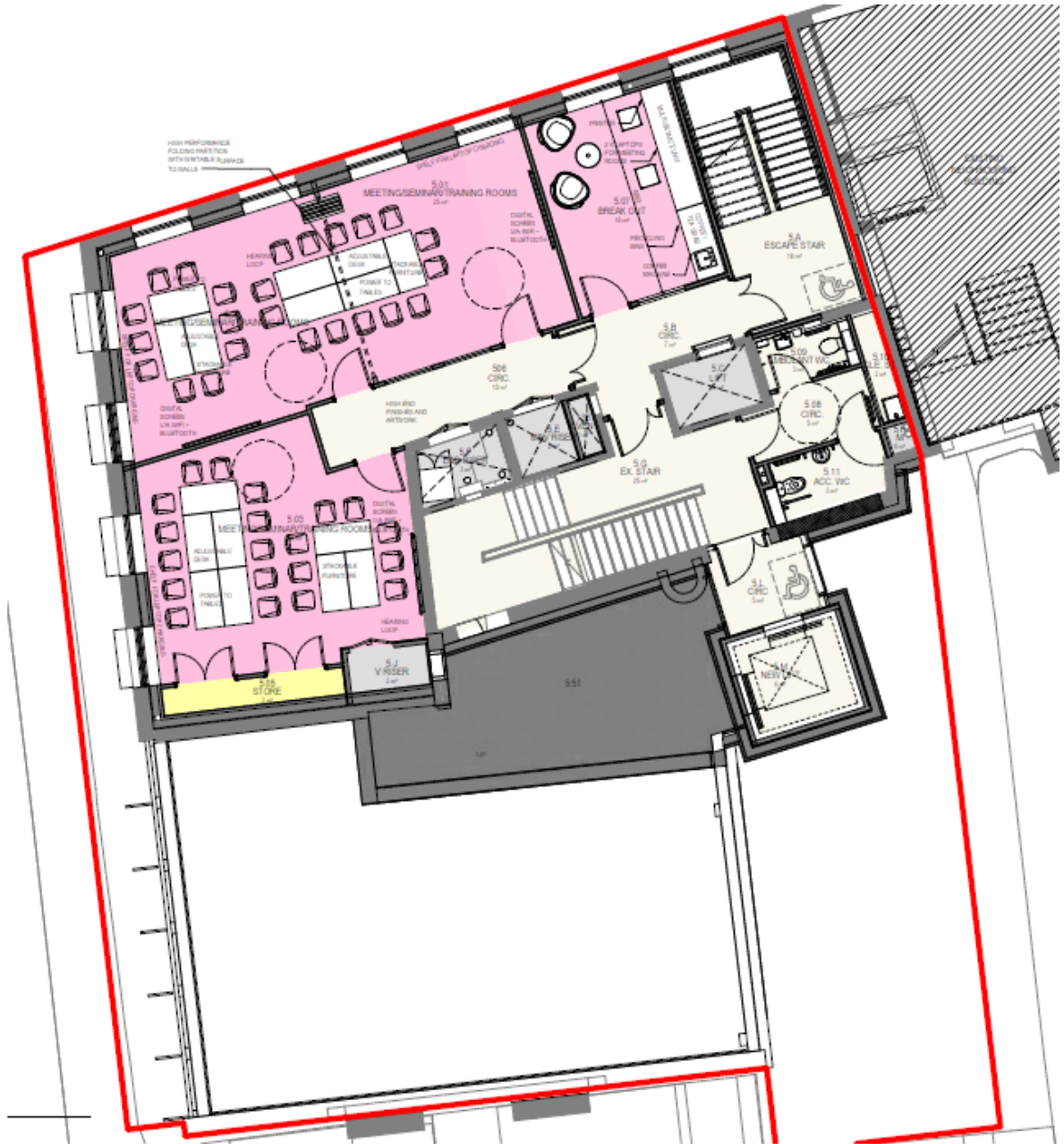
**Existing Level 5 (main building) and 4½ level Luxborough Street building**

Level 4 1/2 Roof

Level 5



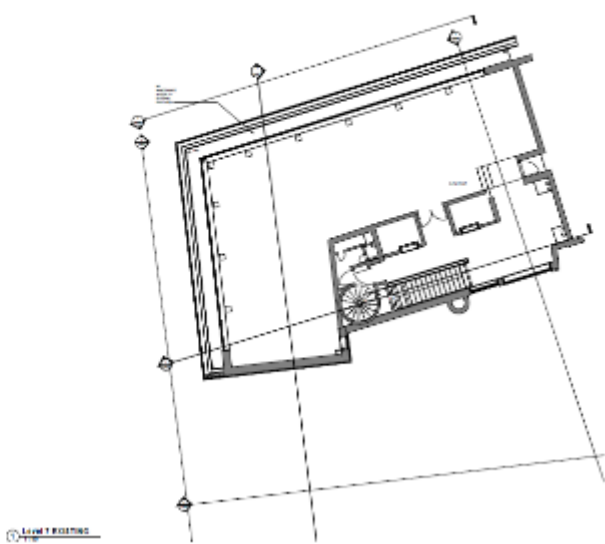
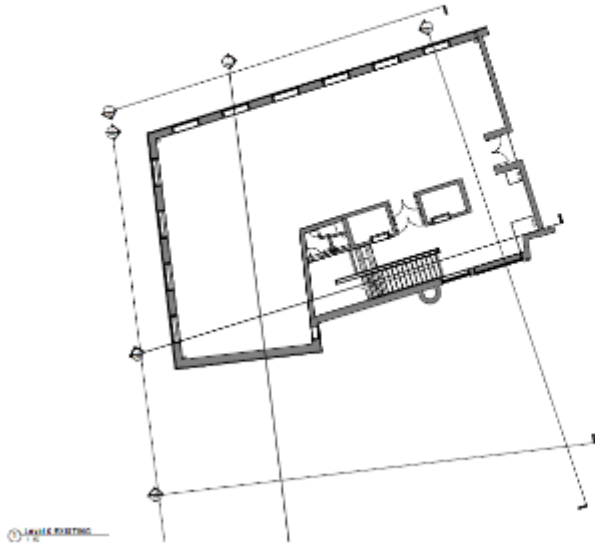
**Proposed Level 5- Meeting/ Seminar/Trainings Rooms**



**Existing Level 6 and 7 (main building)**

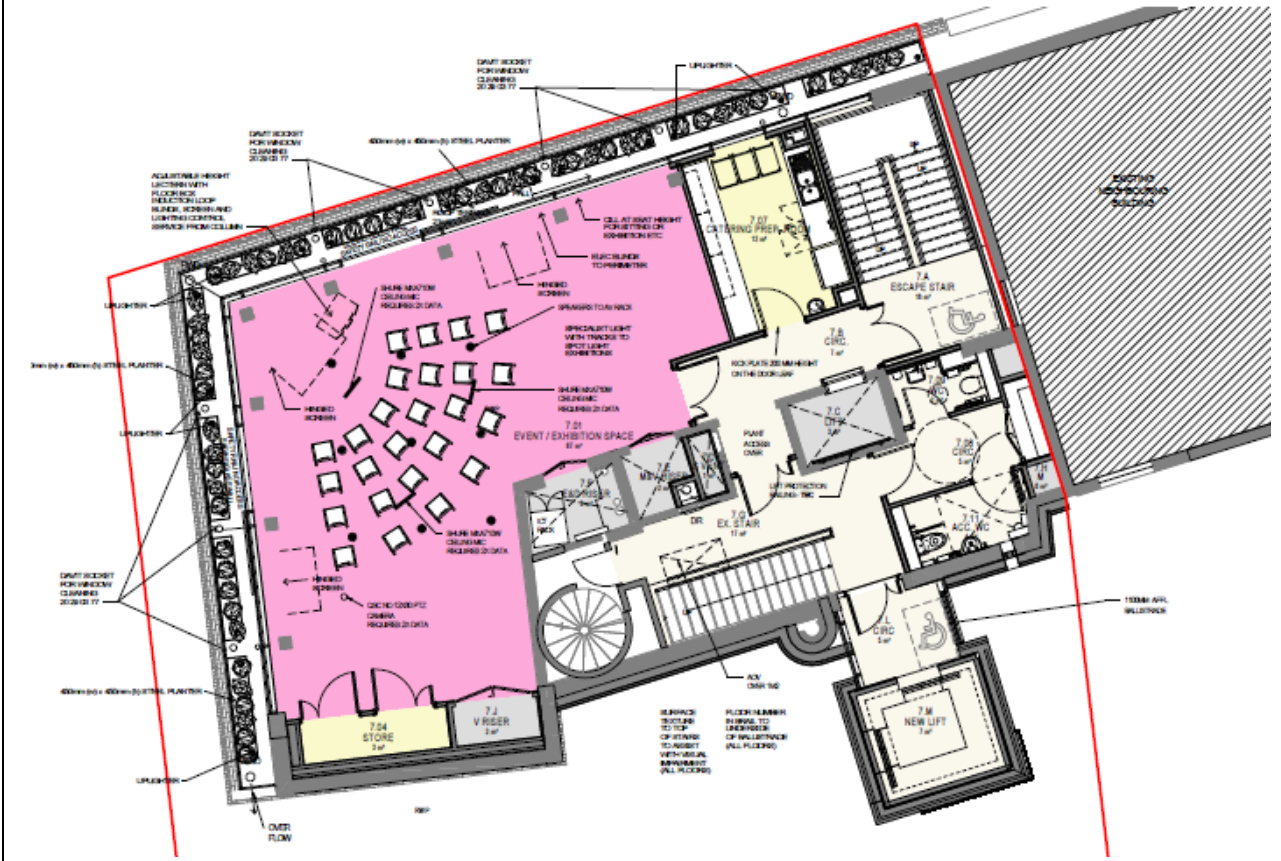
Level 6

Level 7





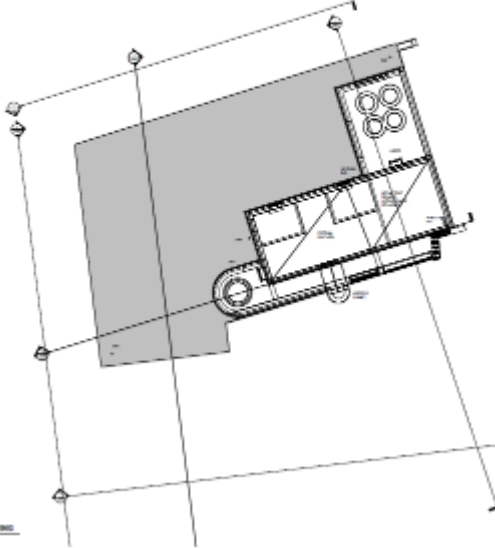
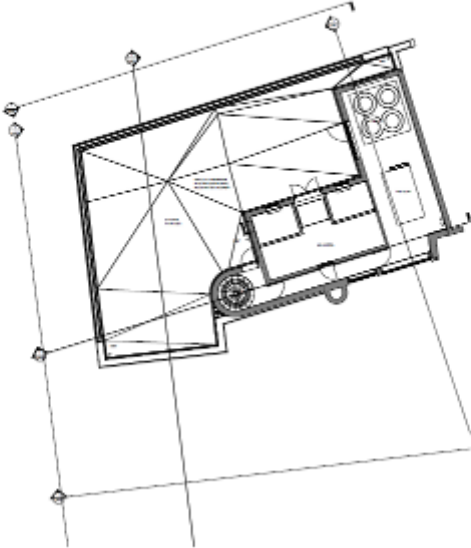
Proposed Level 7 – Event/ exhibition Space



**Existing Plant and Roof Level (main Building)**

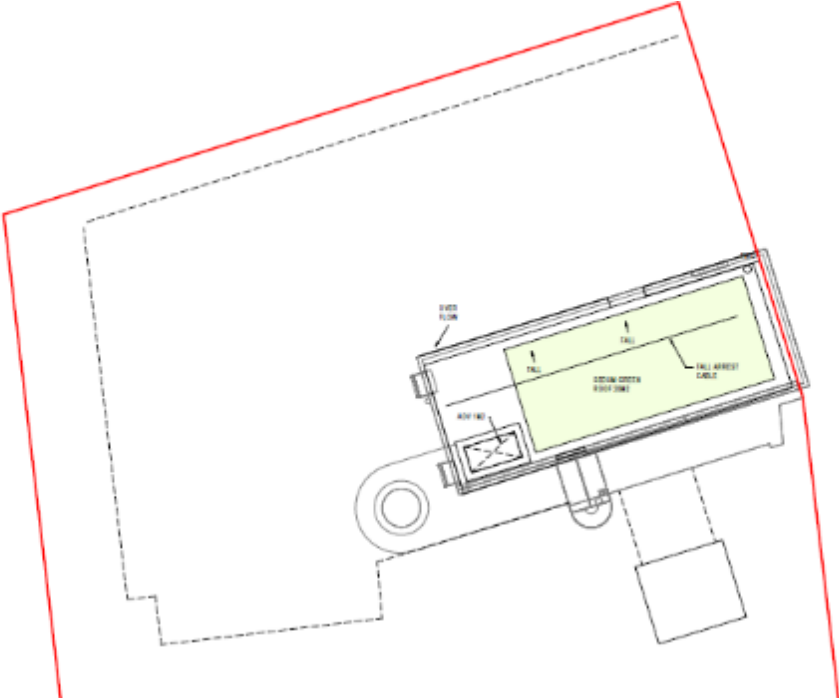
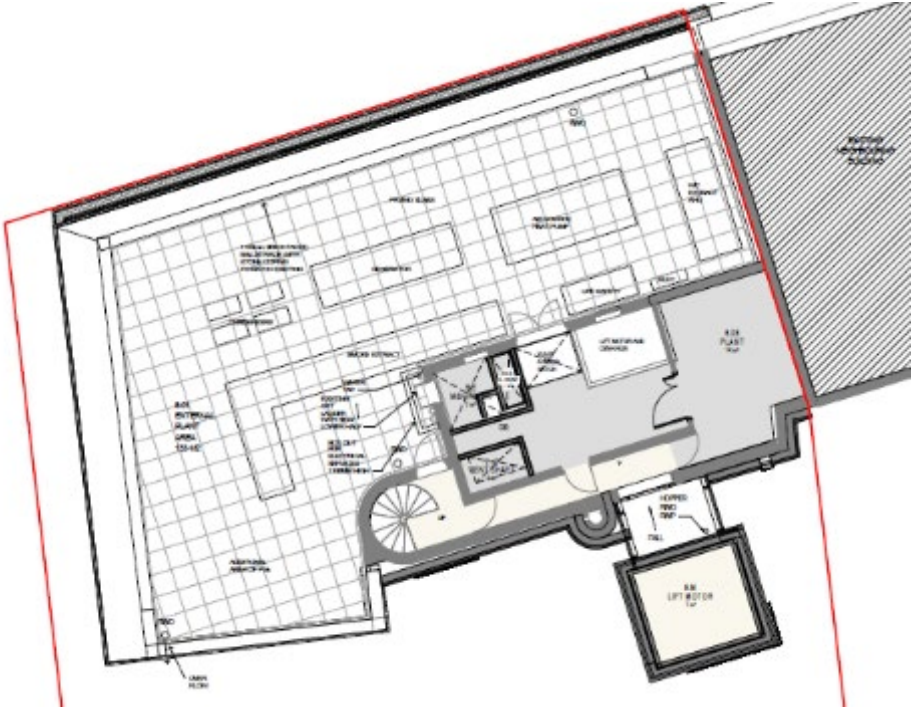
Level 8 Roof

Level 9

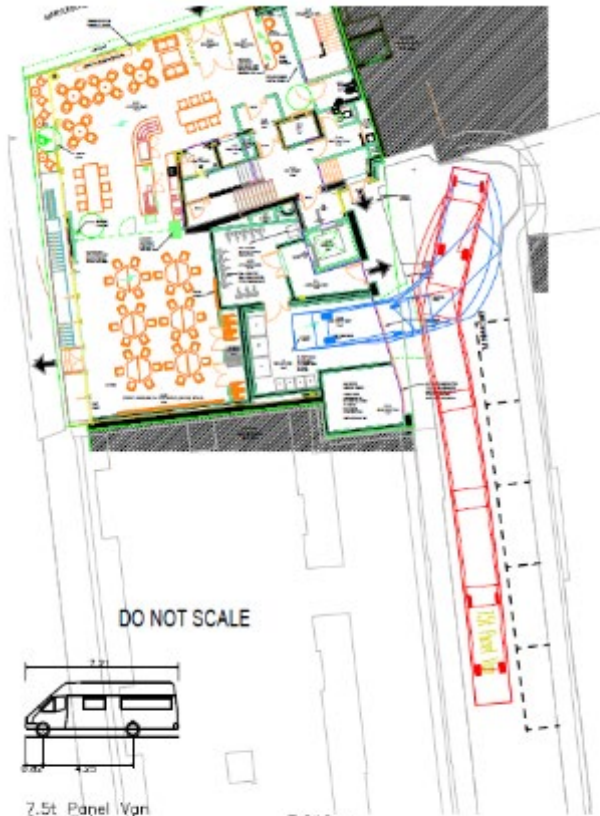




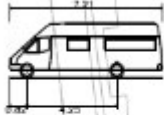
Proposed Roof and Plant Room (Level 8 and 9 – Green Roof on 9)



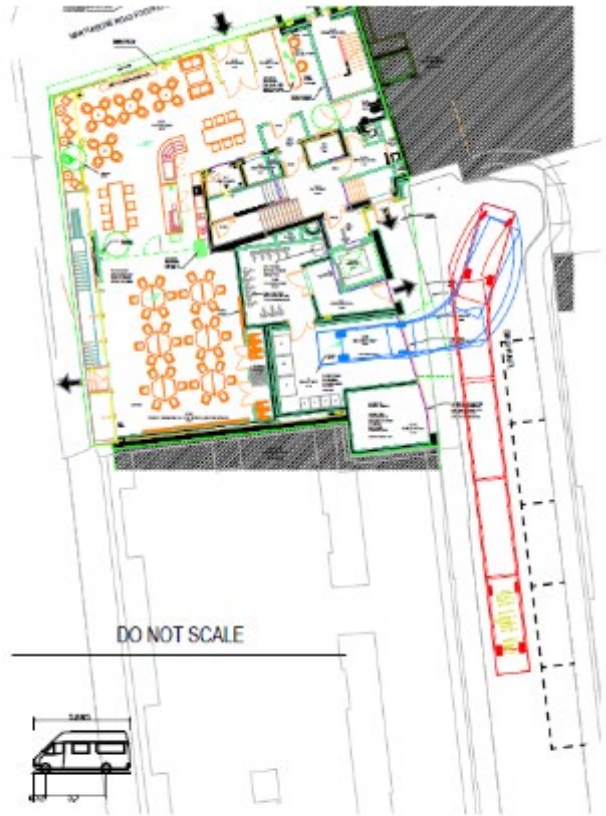
### Swept Path Analysis



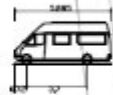
DO NOT SCALE



7.5t Panel Van	
Overall Length	7.210m
Overall Width	2.192m
Overall Body Height	2.544m
Min. Body Ground Clearance	0.316m
Track Width	1.865m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	7.400m



DO NOT SCALE



4.5t Light Van	
Overall Length	3.88m
Overall Width	1.74m
Overall Body Height	2.43m
Min. Body Ground Clearance	0.25m
Track Width	1.74m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	6.00m

**DRAFT DECISION LETTER****Address:** 29 Marylebone Road, London, NW1 5JX,**Proposal:** Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1 ).**Plan Nos:****Case Officer:** Kimberley Davies**Direct Tel. No.** 07866036948**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 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or

(c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

a financial contribution to Economy and Skills of £3200.70

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 18 of the City Plan 2019 - 2040 (April 2021). (R19AD)

- 5 Staff, students and visitors shall not be permitted within the educational premises before 08.00 or after 21.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 6 Customers shall not be permitted within the cafe at ground floor level premises before 08.00 or after 19.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 7 All students and guest visitors shall use the entrance on Marylebone Road at all times, and not the entrance on Bingham Place.

## Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 The planting to the first floor terrace shown on drawing ADP-XX-DR-L-1912 S0 P5 and hereby approved shall be installed prior to the use of the terrace and be maintained in accordance with drawing ADP-XX-DR-L-1912 S0 P5 at all times.

## Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 Staff, students and visitors shall not be permitted to use the terrace hereby approved at first floor level before 09.00 or after 18.00 each day.

## Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 You must not play live or recorded music on the first floor terrace hereby approved.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 11 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

## Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 12 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

## Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy

SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 13 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- PV panels and ASHP's

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 14 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roof, 2 bat boxes and 3 bird boxes

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 15 You must apply to us for approval of photographs and samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 16 You must apply to us for approval of a sample panel of brickwork, built on site (and either viewed on site or via photographs), which shows the colour, texture, face bond and pointing of the following parts of the development:

-rear facade; lift shaft; Bingham Place infill and annex building front facade.

You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

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

the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 17 You must apply to us for approval of detailed elevation section drawings at a scale of 1:20 (indicating materials and colour also); of the following parts of the development - window details;. 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. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 18 You must apply to us for approval of detailed elevation and section drawings at a scale of 1:20 of the following parts of the development - roof glazing system and canopy at 8th floor level. 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. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 19 Should you incorporate any signage into the building fabric you must apply to us for approval of detailed drawings and the facing materials you will use. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved drawings and materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 20 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 21 All noise mitigation measures for the plant hereby approved (including attenuation; acoustic screening etc) as set out in the acoustic report by Hoare Lea shall be installed prior to any use of the plant and be retained in that condition thereafter.



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 Environmental Supplementary Planning Document (February 2022), 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)

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant, including the substation will comply with the Council's noise criteria as set out in Condition(s) 19 and 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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. (R51AC)

- 23 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the educational building use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the educational building use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

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 Environmental Supplementary Planning Document (February 2022), 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. (R47AC)

- 24 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 Environmental Supplementary Planning Document (February 2022). (R49AB)

- 25 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and

vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 26 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the adjacent residential units will comply with the Council's noise criteria set out in Condition(s) 23, 24 and 25; of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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. (R51BC)

- 27 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 28 You must apply to us for approval of a Servicing Management Plan for the education facility. You must not use the educational facility until we have approved in writing what you have sent us. You must permanently operate the development and manage

the service area in accordance with the Servicing Management Plan

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 29 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 31 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number ADP-00-00-DR-A1022 REV 13 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the educational facility. (C14FC)

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)

**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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

## CONSIDERATE CONSTRUCTORS:

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

## BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 4 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control).
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at [jperkins@westminster.gov.uk](mailto:jperkins@westminster.gov.uk).
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 10 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 13 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 14 One or more of the conditions above prevent work starting on the development until you have

applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

- 15 Under condition 4 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a financial contribution towards Employment and Skills. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 16 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 17 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 18 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 19 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm)



Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 20 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.
- 21 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:  
[www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening](http://www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening).
- 22 You must ensure that you maximise the water efficiency of the development as required by Condition 12 attached to this permission. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at:  
[www.thameswater.co.uk/developers/charges](http://www.thameswater.co.uk/developers/charges).
- 23 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:  
[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

Item No.
<b>2</b>

24 Highway works will be required to provide the visitor cycle parking spaces through a S278 with TfL.

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.

# Agenda Item 3

Item No.
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3
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	71 Carlton Hill, London, NW8 0EN		
<b>Proposal</b>	Installation of air conditioning units and enclosure in the rear garden.		
<b>Agent</b>	Ms Ursula Dickson		
<b>On behalf of</b>	Mr & Mrs Lakhani		
<b>Registered Number</b>	22/07159/FULL	<b>Date amended/ completed</b>	7 November 2022
<b>Date Application Received</b>	24 October 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY & KEY CONSIDERATIONS

Permission is sought for the installation of external air conditioning units and the erection of an acoustic enclosure on ground floor level at the rear of the application site.

Two objections have been received from neighbouring residents on a number of grounds including the impact of the air conditioning units on amenity and environmental grounds. Councillor Barraclough has forwarded on an email sent by one of the objectors to Karen Buck MP and to Councillor Hug, as leader of the Council and requested the application to be presented to committee members.

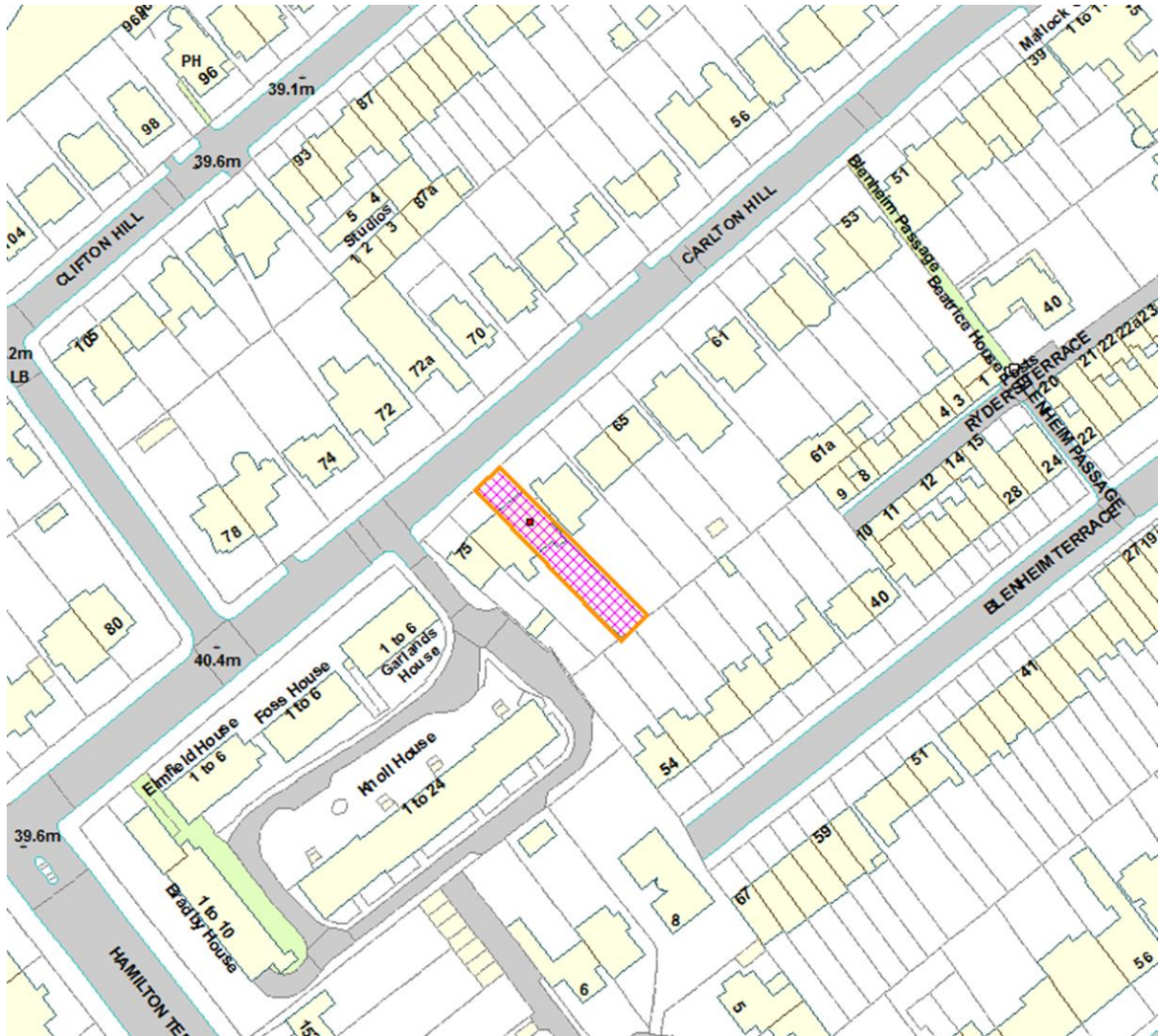
The key considerations in this case are:

- The impact of the proposed buildings on the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Item No.
<b>3</b>

Subject to appropriate conditions as set out in the draft decision letters appended to this report, the proposed development is considered to comply with the relevant design, conservation and amenity policies in the City Plan 2019 – 2040 adopted in April 2021. As such, the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Rear Garden

**5. CONSULTATIONS**

**5.1 Application Consultations**

**COUNCILLOR BARRACLOUGH:**

Forwarded on an email by one of the objectors to Karen Buck MP and to Councillor Hug, as leader of the Council and requested the application to be presented to committee members.

**ST JOHN'S WOOD SOCIETY:**

Requests that the arboricultural officer and environmental health officer make a site visit to ensure that the proposal will not harm neighbouring trees or result in a loss of amenity for neighbours.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.

**ARBORICULTURAL OFFICER:**

Following an updated Tree Report, no objection subject to recommended landscaping, tree protection and foundation details conditions.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 4  
Total No. of replies: 2  
No. of objections: 2  
No. in support: 0

In summary, the following issues were raised:

**Amenity:**

- Increase in noise and heat pollution

**Other:**

- Removal of walnut tree and the proposal are not in accordance with Westminster Council's Climate Emergency Action Plan
- Lack of information submitted regarding how the adjoining tree roots will be preserved, how the plant will be installed to assess which direction heat and noise will be projected
- No objection raised if the walnut tree was to be retained and trees that have been removed were replace and heat and noise is directed away from neighbours
- Note some dimensions seem to deviate from the approved original planning permission

**PRESS NOTICE/ SITE NOTICE:**

Yes

**5.2 Applicant's Pre-Application Community Engagement**

No engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application.

**6. WESTMINSTER’S DEVELOPMENT PLAN**

**6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

**6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

71 Carlton Hill is an unlisted five storey semi-detached property, located on the south side of Carlton Hill, within the St John's Wood Conservation Area. The building is in use as a single family dwellinghouse.

**7.2 Recent Relevant History**

22/01107/TCA  
Walnut (T1) - Remove tree; grind stump to 250mm below ground level  
No objections                      30 May 2022

22/01996/NMA  
Amendments to planning permission dated 08 June 2021 (21/02350/FULL) (which itself was a variation of condition 1 of planning permission dated 28 March 2020 (RN:20/01191/FULL)) for demolition of the existing building behind a retained front facade. Excavation of a basement with front and rear light wells, erection of a rear extension at lower ground floor, a single storey closet wing extension at first floor level and the alterations to the roof to the rear. Associated alterations to the front stairs to facilitate the basement excavation. Replacement windows to front façade and changes



to rear windows. Namely, changes to the rear garden terrace adjusted to suit the landscaping scheme; front steps to be rebuilt straight; existing front gates to be removed be replaced with a new pedestrian gate and bi-fold driveway gate; rear closet wing to increase in height by approximately 120mm, railings to the rear to have straight mild steel spindles (painted black); wall beneath entrance stair to be removed to allow for the excavation of the basement; and existing party wall to No.73 Carlton Hill to be retained.  
Application Permitted 19 April 2022

**21/02350/FULL**

Variation of condition 1 of planning permission dated 28 March 2020 (RN:20/01191/FULL) for demolition of the existing building behind a retained front facade. Excavation of a basement with front and rear light wells, erection of a rear extension at lower ground floor, a single storey closet wing extension at first floor level and the alterations to the roof to the rear. Associated alterations to the front stairs to facilitate the basement excavation. NAMELY, Replacement of all existing windows on the retained front façade with new to match existing, alterations to the location and size of the windows on the rear closet wing, resizing of the rear 1st floor window and the lower ground floor window opening out to the front light well, consented walk on grille to be removed with the last step of the stairs extending to maintain access at lower ground floor level and the number of roof lights to be reduced.  
Application Permitted 8 June 2021

**20/01191/FULL**

Demolition of the existing building behind a retained front facade. Excavation of a basement with front and rear light wells, erection of a rear extension at lower ground floor, a single storey closet wing extension at first floor level and the alterations to the roof to the rear. Associated alterations to the front stairs to facilitate the basement excavation.  
Application Permitted 28 April 2020

**8. THE PROPOSAL**

Permission is sought for the installation of two external air conditioning units and the erection of an acoustic enclosure at ground floor level within the rear garden. The proposed enclosure for the air conditioning units will be 2.7m in length and 2m deep. It will be 2 metres in height with a living green flat roof.

**9. DETAILED CONSIDERATIONS**

**9.1 Land Use**

The proposed air conditioning and enclosure will be ancillary to the existing dwellinghouse, which is considered acceptable in principle in land use terms in accordance with policy 8 of the City Plan 2019-2040.

**9.2 Environment & Sustainability**

**Sustainable Design**

Given the minor development proposed as part of the application, it does not trigger any policy requirements in terms of sustainability.

### **Flood Risk & Sustainable Drainage**

The application site is within a Surface Water Flood Risk Hotspot and therefore a site specific Flood Risk Assessment has been submitted as required by Policy 35 of the City Plan 2019 – 2040. The flood risk assessment concludes that the proposals to erect the enclosure and the risk of flooding and surface water flooding is very low.

### **9.3 Biodiversity & Greening**

The proposal includes a living green roof to the flat roof of the enclosure which is welcomed and accords with Policy 34 of the City Plan 2019 – 2040 and will be secured via condition.

Objections have been raised over the loss of the walnut tree and the installation of the air conditioning units not being in accordance with Westminster Council's Climate Emergency Action Plan furthermore, concerns are raised with the lack of information on how the existing tree roots will be preserved.

The removal of the walnut tree was granted in May 2022 (under application 22/01107/TCA) and therefore, a reason for refusal cannot be justified on these grounds. Furthermore, the applicant did agree to plant a replacement tree in a similar location within this application. As recommended by the Arboricultural Officer, should permission be granted for the air conditioning unit and enclosure, a landscaping condition is recommended in order to secure both a new tree of an appropriate species and additional structural planting for screening.

In terms of the comments raised on environmental grounds, the Westminster Council's Climate Emergency Action Plan is a framework for action of climate change to achieve net zero emissions across the borough by 2040. It is recognised that the removal of the tree is not protecting the green space and it is regrettable that air conditioning plant is being proposed and not a cleaner energy supply however this is a framework and not policy and therefore whilst it is regrettable, a reason for refusal cannot be sustained in this instance.

### **9.4 Townscape, Design & Heritage Impact**

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

Section 72 of the LBCA Act 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(K) in the City Plan 2019-2040 requires that development will preserve or enhance the character and appearance of Westminster's conservation area. It goes on to say that features that contribute positively to the significance of conservation areas area and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

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 turn, Policies 38, 39 and 40 of the City Plan are of particular relevance when considering the proposed works.

The proposed acoustic enclosure structure is single storey with a flat roof and located to the very end of the rear garden of the property. It is considered to be appropriate in terms of its footprint, scale and height, and also in the context of the neighbouring properties and gardens. The detailed design of the building and the use of stained timber surround is considered to result in an appropriately designed garden building which preserves the character and appearance of this part of the St John's Wood Conservation Area.

As such, the proposal is considered acceptable, mindful of policies 38, 39, and 40 of the 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.

## **9.5 Residential Amenity**

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers is protected.

The proposed enclosure is located to the rear of the garden adjacent to the rear boundary and is 2m in height.

Given the depth of the gardens of the application site and the adjacent neighbours, 69 and 71 Carlton Hill (both of which are residential properties), given the siting of the plant and enclosure and its proposed height, the plant and enclosure raises no amenity concerns, in terms of loss out outlook, enclosure or loss of daylight.

The proposal is adjacent to the rear boundaries of 50 and 52 Blenheim Terrace; objections have been received from the owners of both of these properties raising amenity concerns. Given the location of the enclosure at the end of the rear garden, its size, height and relationship with properties to the rear and their gardens (50 and 52 Blenheim Terrace) it is not considered to result in any significant impact on amenity through sense of enclosure, daylight and sunlight or privacy.

In noise terms and relevant to all surrounding neighbouring properties, Environmental Health Officers have assessed the acoustic report that was submitted with the

application and consider that the proposed plant is likely to comply with the City Council's policy 33 of the City Plan 2019 – 2040, subject to the units being installed within the proposed acoustic enclosure. Subject to standard Westminster noise conditions and a condition to ensure that the acoustic enclosure is installed before use it is not considered that the proposals will harm the amenity of neighbouring properties.

Given the above, and subject to conditions, the proposal would be consistent with policy 7 and 33 of the City Plan 2019-2040.

**9.6 Transportation, Accessibility & Servicing**

Not applicable.

**9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

**9.8 Other Considerations**

None.

**9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

**9.10 Planning Obligations & Pre-Commencement Conditions**

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to tree protection measures. The applicant has agreed to the imposition of the condition.

**10. Conclusion**

The proposals for air conditioning units are acceptable and the works to facilitate this are acceptable in conservation and design terms and are not considered to harm surrounding residential amenity. As such, notwithstanding the objections raised, the

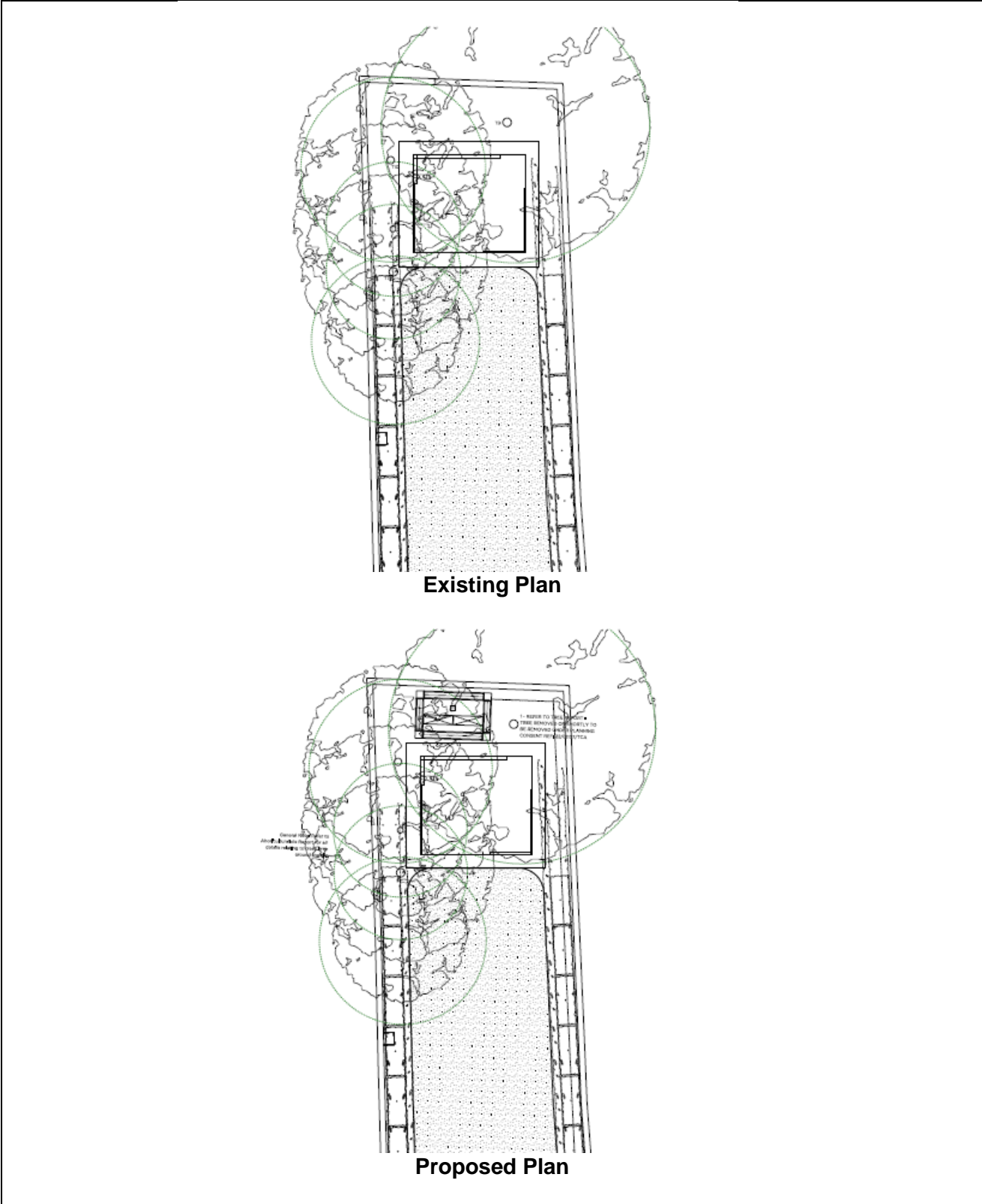
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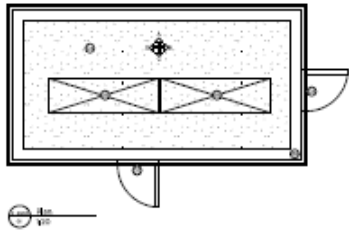
proposal is considered acceptable, mindful of policies 7, 8, 33, 34, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

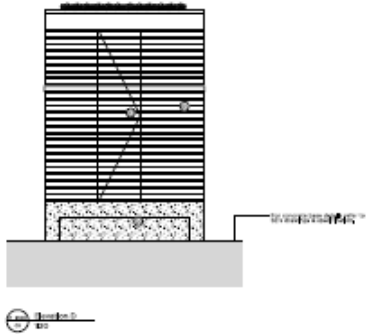
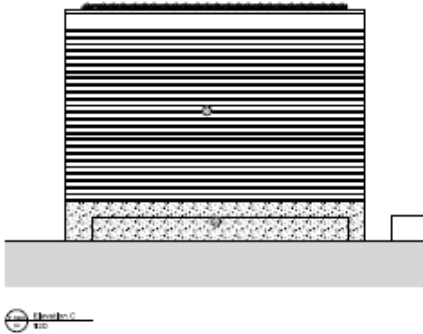
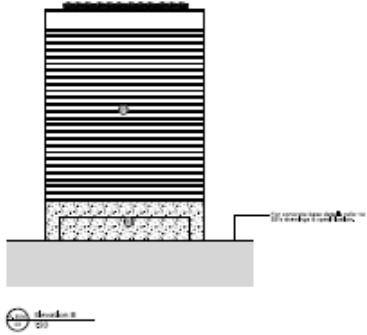
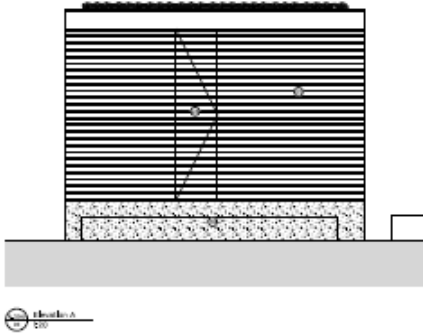
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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11. KEY DRAWINGS





Green Roof Specifications	
1. Green roof system shall be installed on all flat roof areas.	
2. Green roof system shall be installed on all roof areas greater than 100 sq. ft.	
3. Green roof system shall be installed on all roof areas greater than 100 sq. ft. and less than 1000 sq. ft.	
4. Green roof system shall be installed on all roof areas greater than 1000 sq. ft.	
5. Green roof system shall be installed on all roof areas greater than 1000 sq. ft. and less than 10000 sq. ft.	
6. Green roof system shall be installed on all roof areas greater than 10000 sq. ft.	
7. Green roof system shall be installed on all roof areas greater than 10000 sq. ft. and less than 100000 sq. ft.	
8. Green roof system shall be installed on all roof areas greater than 100000 sq. ft.	
9. Green roof system shall be installed on all roof areas greater than 100000 sq. ft. and less than 1000000 sq. ft.	
10. Green roof system shall be installed on all roof areas greater than 1000000 sq. ft.	



**Proposed Elevations of Enclosure**

## DRAFT DECISION LETTER

**Address:** 71 Carlton Hill, London, NW8 0EN

**Proposal:** Installation of AC units and enclosure in the rear garden.

**Reference:** 22/07159/FULL

**Plan Nos:** Site Location Plan, P2000 Rev 02, P0600 Rev 01, P\_0800, P\_2200, Condenser Unit Support in Rear Garden Rev B, Typical Section Through Condenser Unit Support Rev B, P\_3500, Flood Risk Assessment, Tree Report S102-J7-IA-2 and Noise Impact Assessment dated 09 June 2020.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641  
07866037206

### 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 Environmental Supplementary Planning Document (February 2022), 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)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must install the acoustic louvred enclosure prior to the air conditioning units being used, and you must maintain and retain this so long as the plant is in use.

Reason:

In order to ensure that the plant complies with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of neighbouring residents is protected.

- 7 Notwithstanding the submitted details you must apply to us for approval of detailed drawings of the AC unit enclosure foundations. Apart from the piles, the foundations must be constructed above the existing ground level with a 100mm void beneath the underside of the foundation slab and the soil below. The foundation design must allow for natural ventilation and drainage to the soil beneath the void. The foundation design must inform the proposals in the arboricultural method statement. You must not start

work on this part of the development until we have approved what you have sent us. You must then carry out the works in accordance with the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 8 **Pre Commencement Condition.** Notwithstanding the submitted details, you must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 9 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

#### **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

Item No.
<b>3</b>

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 HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3** When you apply to us for approval of details of the hard and soft landscaping condition 9, you must include one standard tree with a minimum trunk girth of 14-16cm, and structural shrub planting.

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.

# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>34 Old Queen Street, London, SW1H 9HP</b>		
<b>Proposal</b>	Excavation of new basement with swimming pool, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace, installation of air conditioning unit at sixth floor level and associated external alterations.		
<b>Agent</b>	Mr Paul Watson		
<b>On behalf of</b>	-		
<b>Registered Number</b>	22/08502/FULL	<b>Date amended/ completed</b>	16 December 2022
<b>Date Application Received</b>	16 December 2022		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Birdcage Walk		
<b>Neighbourhood Plan</b>	No		

## 1. RECOMMENDATION

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

## 2. SUMMARY & KEY CONSIDERATIONS

Planning permission and listed building consent are sought for excavation works under the footprint of the property to create a new basement with a swimming pool; replacement of the French doors at rear lower ground floor level and a new walk-on rooflight on the ground floor terrace; new access gate to the rear garden; mansard roof extension with terrace to the rear, installation of plant at sixth floor level and internal alterations. Permission and consent have previously been granted for identical works to the property, which were not implemented and have now lapsed.

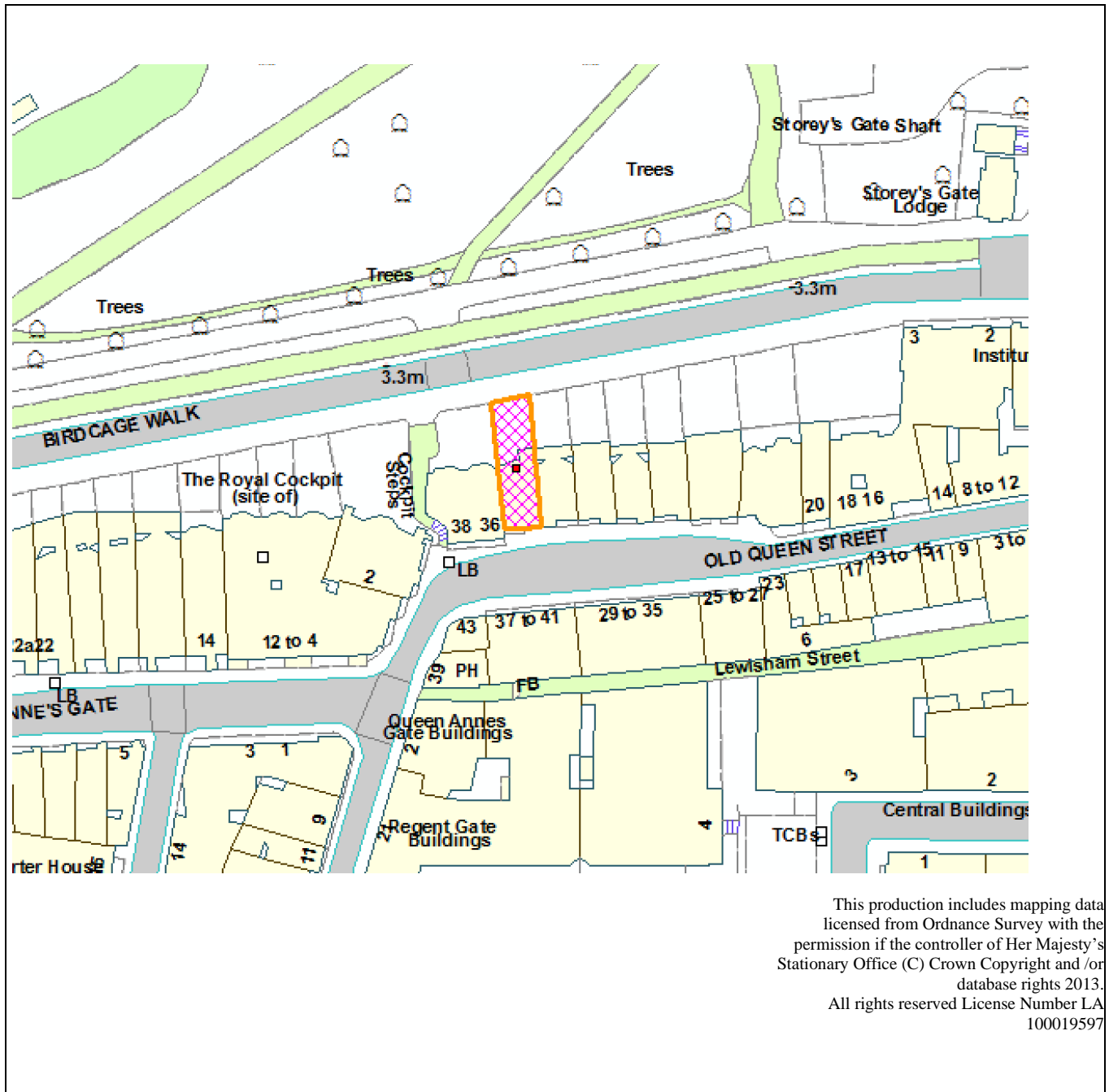
The key considerations in this case are:

- The impact of the proposed works on the listed building and the character and appearance of the Birdcage Walk Conservation Area; and
- The impact on the amenity of neighbouring residential properties.

Objections have been received from the Royal Parks and local residents which primarily focus on the impact of the basement excavation works.

Whilst the concerns raised are understood, it is considered that sufficient information has been provided and the proposed development would be consistent with the relevant policies set out in Westminster's City Plan 2019-2040 (April 2021). As such, the proposals are considered acceptable in terms of heritage, townscape, design, land use, amenity, environmental and basement development and the applications are recommended for approval subject to the conditions as set out in the draft decision letter.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Old Queen Street elevation





**Birdcage Walk elevation**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND

Authorisation to determine Listed Building Consent as seen fit.

#### HISTORIC ENGLAND (ARCHAEOLOGY):

Archaeological condition recommended.

#### WESTMINSTER SOCIETY

Any response to be reported verbally.

#### VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### THE ROYAL PARKS

Objection on the grounds of negative impact to the garden.

#### ENVIRONMENT AGENCY

Flood Risk Standing Advice.

#### THAMES WATER

No objection, informatives recommended.

#### ARBORICULTURAL SECTION

No objection subject to conditions and informatives.

#### BUILDING CONTROL

Following receipt of additional information the basement construction is acceptable and in line with Supplementary Planning Document "Basement Development in Westminster".

#### ENVIRONMENTAL HEALTH

No objection subject to conditions.

#### HIGHWAYS PLANNING

No objection subject to conditions and informatives. Works to the vaults require technical approval.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of replies: 13 (from one organisation and 10 people)

No. of objections: 13 (from one organisation and 10 people)

No. in support: 0

Queen Anne's Gate Residents' Association and 10 letters from local residents have been received raising objections on some or all of the following grounds:

Design, Heritage and Townscape:

- Area should be protected as architectural gem.
- Old Queen Street and Queen Anne's Gate houses and street are too confined and architecturally special for the type of development proposed, risk of damage to the protected properties.
- The basement is contrary to Policy 45 of the City Plan: the property already has a basement floor, must not be taller than the existing lower ground floor rooms and proposed extension is more than one storey.

Flood Risk/ Drainage

- Area very close to the Thames, houses have limited foundations, basement excavation simply not achievable.
- Drainage problems and possible flooding.

Other

- Nuisance to local environment and quality of life of residents associated with excavation works: noise, vibration dirt, loss of parking spaces, traffic unsuitable in a narrow street causing dangers to pedestrians, blocking of footway and erection of unsightly barriers.
- Local residents have already endured more than two years of disturbance due to excavation works into neighbouring property and unforeseen problems.
- The rigour or accuracy of technical surveys is questioned, concerns about structural stability.
- Construction delays at neighbouring property are not a sound argument for not starting the work within the three-year time frame.
- Application should be assessed against current regulations not as a renewal.
- Contrary to NPPF and Council's policies.
- Abuse of system through a series of re-applications giving a permission lasting a decade. What is the point of a three-year time limit if it can be continually renewed?
- Lack of consultation with local residents.

PRESS NOTICE/ SITE NOTICE:

Yes

## 5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal.

The council has published guidance to assist applicants and developers, their agents, and community representatives to more clearly understand the council's expectations for planning pre-application engagement. The guide supports developers to deliver earlier, more inclusive and more transparent and responsive community engagement in Westminster on their emerging development proposals.

It is therefore disappointing that the applicant did not carry out early community engagement. However, the planning and listed building applications must be considered on their merits.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Located on the north side of Old Queen Street, No. 34 is a grade II listed building within the Birdcage Walk Conservation Area and the Central Activities Zone. The property is in use as a single family dwellinghouse and comprises lower ground, ground, and five upper floors. It dates from the 1770s, although significantly extended, and forms part of a defined area of Queen Anne Style and Georgian properties. The rear of the property faces Birdcage Walk and St James's Park. Internally the building has been heavily modernised, though its traditional plan form can still be understood within principal areas.

## 7.2 Recent Relevant History

In June and September 2016, planning permission and listed building consents were granted for the erection of a mansard roof extension to the main rear roof (RNs: 16/06778/FULL & 16/06779/LBC, 16/03657/FULL & 16/03658/LBC). Those consents were varied in December 2017 to allow the replacement of the approved consented rear box dormer with minimally framed windows set flush within the roof (RNs: 17/09115/FULL & 17/09169/LBC) and in May 2018 to allow the provision of a hatch at main roof level (RNs: 18/01991/FULL & 18/02064/LBC).

In June 2016, planning permission and listed building consent were refused for the replacement of French doors with new sliding timber doors to existing lower ground floor rear extension and provision of walk on rooflight above the extension at ground floor level (RNs: 16/03569/FULL & 16/03570/LBC) on the grounds that the detailed design of the rear elevation would be harmful to the significance of the listed building and would have failed to preserve or enhance the character and appearance of the Birdcage Walk Conservation Area.

In August 2016 planning permission and listed building consent was granted for the replacement of French doors with new sliding timber doors to existing lower ground floor rear extension and provision of walk on rooflight above the extension at ground floor level (RNs: 16/06789/FULL & 16/06790/LBC). This overcame the reason for refusal in June 2016

In November 2016, planning permission and listed building consent were refused for the erection of a sheer extension to replace the mansard at rear fifth floor level and new roof extension at sixth floor level including terrace to rear and associated internal alterations (RNs: 16/09074/FULL & 16/09075/LBC) on the grounds that the height, bulk, form and detailed design of the roof alterations and extensions, would harm the significance of this grade II listed building and would have failed to preserve or enhance the character and appearance of the Birdcage Walk Conservation Area.

In January 2017, planning permission and listed building consent were granted for excavation of a basement beneath the footprint of the original dwelling and installation of an air conditioning unit at roof level (RNs: 16/10540/FULL & 16/10541/LBC). Those permissions were varied in August 2018 to allow the relocation of vent grilles from rear lower ground rear façade to low level enclosures on rear ground floor terrace, relocation of rear access gate and associated railings, installation of walk-on rooflights internally at lower ground floor level (RNs: 18/01985/FULL & 18/02051/LBC).

In 2016, 2017 and 2018 listed building consents were granted for internal alterations (RNs: 16/10186/LBC, 17/00799/LBC, 17/03896/LBC, 18/01975/LBC & 18/05390/LBC).

In February 2020, planning permission and listed building consent were granted for excavation of a basement with a swimming pool, installation of air conditioning unit at roof level, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace and associated external and internal alterations including new glass block wall to kitchen, replacement staircase, stone floor at ground floor level, replacement timber floor at first floor level, conversion of cinema

room to bedroom at third floor level and provision of new balustrade to landing at fifth floor level (RNs: 19/08141/FULL & 19/08142/LBC).

## **8. THE PROPOSAL**

Planning permission and listed building consent are sought for excavation to form a new basement beneath the footprint of the house with provision of a swimming pool; replacement French doors at rear lower ground floor level and walk on rooflight above the existing rear lower ground floor extension; new access gate to rear garden; erection of a new mansard extension with roof hatch and rear terrace; installation of air conditioning unit at roof level, and associated internal alterations including new glass block wall to kitchen, replacement staircase, stone floor at ground floor level, replacement timber floor at first floor level and provision of new balustrade to landing at fifth floor level.

As set out in the planning history section above, the proposed works have previously been approved in different applications between 2016 and 2018. In 2020, planning permission and listed building consent were granted for all the works under a single application. It is understood that the works were not started prior to the expiry of the consents in February 2023, and thus the current application has been submitted.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The proposal will enlarge an existing single family dwelling house and there are no objections in land use terms, in compliance with policy 8 of the City Plan 2019-2040.

### **9.2 Environment & Sustainability**

#### **Sustainable Design & Energy**

Policy 36 of the City Plan 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". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The supporting statement confirms that the thermal performance of the building will be improved through the better insulation of the new elements, the use of low energy lighting and the installation of an air source heat pump.

The scheme demonstrates sustainable design principles in compliance with Policy 38 (Parts D and E) of the City Plan. The application documents state that the materials will be responsibly sourced, and provision will be made to enable waste recycling.

## **Flood Risk & Sustainable Drainage**

The application site is within the Flood Zone 3 and therefore a site specific Flood Risk Assessment has been submitted as required by Policy 35 of the City Plan 2019 – 2040. The document shows that in the case of a breach of the defences and tidal inundation during climate change events the ground floor is set 1.73m higher than flood level along Old Queen Street. No principal habitable rooms will be located to the new basement level. A warning and evacuation strategy has been developed. The report also states a low risk of ground water flooding and very low flood risk from surface waters and sewers.

One objection letter received states that the Flood Risk Assessment is out of date as it does not refer to a sewer flooding in the vicinity in July 2021. The agent confirmed their consultant updated the report in December 2022 and the flood data maps were downloaded from the Environment Agency website at that date.

### **9.3 Biodiversity & Greening**

The Royal Parks object to the scheme on the grounds of the negative impact to the garden.

The existing rear garden is mainly hard landscaped with some greenery to the edges. There is a London Plane in the adjacent rear garden at 36 Old Queen Street which is protected by virtue of being within the conservation area.

The Council's Arboricultural Officer raises no objection subject to conditions to secure tree protection measures and new landscaping.

### **9.4 Townscape, Design & Heritage Impact**

#### **Legislative & Policy Context**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act 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(K) in the City Plan 2019-2040 states that development will preserve or enhance the character and appearance of Westminster’s conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

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.

### **External alterations**

In turn, Policies 38, 39 and 40 of the City Plan are of particular relevance when considering the proposed external alterations to the building which include new French doors to rear lower ground floor, new walking-on rooflight and ventilation ducts to ground floor rear terrace, new mansard with roof terrace and installation of air conditioning units.

The building exhibits a traditional style mansard to the front, with a lower pitched roof at the rear which replicates the form of the bowed façade below. The height at the front of the building is comparable to neighbouring properties within the terrace, though the majority of neighbouring properties have roof extensions at the rear.

With regard to the proposed mansard roof extension, the front ridge and chimneys would be raised by a marginal amount. This will have a modest impact on the proportions and appearance of the roof, but will allow the roof to align with the proposed rear addition, which sees the replacement of the shallow pitched roof with a mansard style addition with a single wide dormer, which replicates the style of those approved at Nos. 26 and 28 Old Queen Street.

Railings are also proposed to be installed along the parapet edge allowing for a roof terrace. Whilst high-level terraces are contentious, a number of neighbouring listed buildings have gained consent for comparable arrangements and on balance a roof terrace at no. 34 is not opposed.

There is a clear pattern of lower ground floor rear extensions along the terrace, all of which exhibit traditional fenestration arrangements which complement the host building and respond to the upper level fenestration. The application seeks to introduce sliding doors set between brick piers. Whilst the sliding function of the doors is less than ideal, their appearance when shut is in keeping with the host building as the brick piers and arched headers are retained.

The proposed walk on roof light and ducts on the ground floor rear terrace and air conditioning unit at roof level will have a limited visual impact on the building and are not opposed.



**Internal alterations**

Internally the building has been heavily modernised, though its traditional plan form can still be understood within principle areas. Subject to conditions securing details, the internal works as proposed and previously approved are not considered to affect the historic significance of the listed building.

**Basement**

In considering the basement extension in terms of design, Part 4 of Policy 45 of the City Plan 2019 - 2040 is of particular relevance. The policy states basement development should conserve the character and appearance of the existing building and garden setting, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The provision of a single-storey basement beneath the footprint of the building, and the provision of a swimming pool are not opposed on design grounds. Given the subterranean nature of the proposed basement extension, this will have a minimal impact on the appearance of the existing building, and the development will result in a neutral impact on the Birdcage Walk Conservation Area.

Policy 45 in part A. 3 specifically mentions listed building and the necessity to preserve the building's original hierarchy. The ground and first floor levels are traditionally the most formal spaces, they have the highest floor to ceiling height (the ground floor varies between 3.3m to 3.5m and the first-floor level has a 3.7m height). The height of the proposed basement floor to ceiling height will be approximately 2.35m which is similar to the existing lower ground floor level. It is therefore considered that the proposed basement is responsive to the traditional hierarchy of the building as a result of the scheme it will not be unbalanced.

The proposed basement is not contentious in design and heritage terms.

**Archaeology**

The site lies within the Victoria Street Priority Archaeological Area. The Greater London Archaeological Advisory Service raises no objection subject to a pre-commencement condition to secure a written scheme of investigation of archaeological work to safeguard the archaeological heritage of the City.

**Conclusion**

The proposals are considered to preserve the special interest of the listed building and the manner in which it contributes to the character and appearance of the Birdcage walk Conservation Area in accordance with Policies 38, 39, 40 and 45 of the City Plan 2019-2040. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**9.5 Residential Amenity**

The relevant policies of the City Plan 2019 – 2040 for consideration are 7 'Managing developments for Westminster's people' and 33 'Local environmental impacts'.

It is not considered that the new mansard and associated terrace will materially impact upon the amenity of neighbouring properties in terms of light, privacy, sense of enclosure or noise disturbance.

Given the subterranean nature of the proposed basement with no external manifestations, it will not have any material impact on the amenity of neighbouring residents.

With regard to the installation of an air conditioning unit at sixth floor level and internal plant, the applicant has submitted a noise assessment in support of their application and Environmental Health raise no objection subject to the Council's standard noise conditions.

Given the above, and subject to conditions, the proposal would be consistent with policy 7 and 33 of the City Plan 2019-2040.

## **9.6 Transportation, Accessibility & Servicing**

The Highways Planning Manager is satisfied that the proposals raise no transportation or parking issues. As the application relates to an existing dwellinghouse, it is not considered necessary to secure cycle parking by condition.

The proposed basement extends under the vaults beneath the public highway, and an informative is therefore attached advising the applicant that separate technical approval will be required.

## **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

## **9.8 Other Considerations**

Objections received from local residents focus mainly on the basement excavation works, which they argue is contrary to Policy 45 of the City Plan, structural implications, flood risk and disturbance during the construction period.

### **Basement**

City Plan Policy 45 relates to basement developments. It is noted that the site is not located within a Flooding Hotspot area.

#### Part A of Policy 45

Part A 1 and 2 of Policy 45 requires basement development to safeguard structural stability and be designed and constructed to minimise construction impacts to the surrounding area as well as minimise surface water and sewerage flooding risks. Part

A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer.

Objection letters are concerned about the accuracy of the technical reports submitted. The City Council's Building Control officers have reviewed the documents. They advised the documents are found acceptable and in with line with the Council's requirements. It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties and without risk of flooding.

The City Council wish to make it clear that the applicant's reports are not directly being approved, but instead is used to show that there is no impediment foreseeable at this stage that would prevent the creation of a basement in principle. The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. As the relevant reports have been produced by a professional, they carry a duty of care which should be sufficient to demonstrate that assessment made is accurate.

As discussed in Section 9.4 of this report, the proposal is considered acceptable with regard to its impact on the heritage asset.

#### Part B of Policy 45

This part of the policy relates to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to no more than one storey beneath the lowest original floor level and must not extend more than 50% of the garden land.

The proposed basement is located under the footprint of the building and does not extend beneath the garden area. It comprises one storey beneath the lowest original floor level which is the lower ground floor. Additional excavation is proposed to accommodate a swimming pool (2.4m), jacuzzi (0.7m), lift pit (2.2m) and pump chamber (2m) and will not create additional floorspace. It is not therefore considered that the additional depth can reasonably be resisted.

The proposed basement will extend under the existing front vault which is under the highway. The minimum vertical depth between the highway surface and the vault structure is not altered by the proposal.

For the reasons set out above the basement extension is considered to be acceptable and compliant with the City Plan Policy 45.

**Construction works impacts.**

Strong objections have been received on the grounds of the noise and disturbance caused during construction work, in particular the excavation work, and the associated construction traffic and parking.

Policy 33 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Council's Code of Construction Practice.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. However, It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites and basement excavation works.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

The Council's standard condition controlling hours of building work is also recommended.

Concerns that similar works at 36 Old Queen Street have recently impacted on the local environment are understood, however, this is not a valid reason to withhold permission.

**Renewal of permission**

Objectors are concerned that the applications are not treated as a renewal of the expired permissions and consents for the property. The non-implementation of former permissions and consents is not a valid reason for refusing permission. The current application has been assessed against the Council's current policies.

**9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

### 9.10 Planning Obligations & Pre-Commencement Conditions

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure:

- the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- the submission of a written scheme of archaeological investigation; and
- tree protection measures.

The applicant has agreed to the imposition of the conditions.

### 10. Conclusion

The proposal is considered acceptable in heritage, townscape, design, land use, amenity and environmental terms in compliance with the policies set out in the City Plan 2019-2040,

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

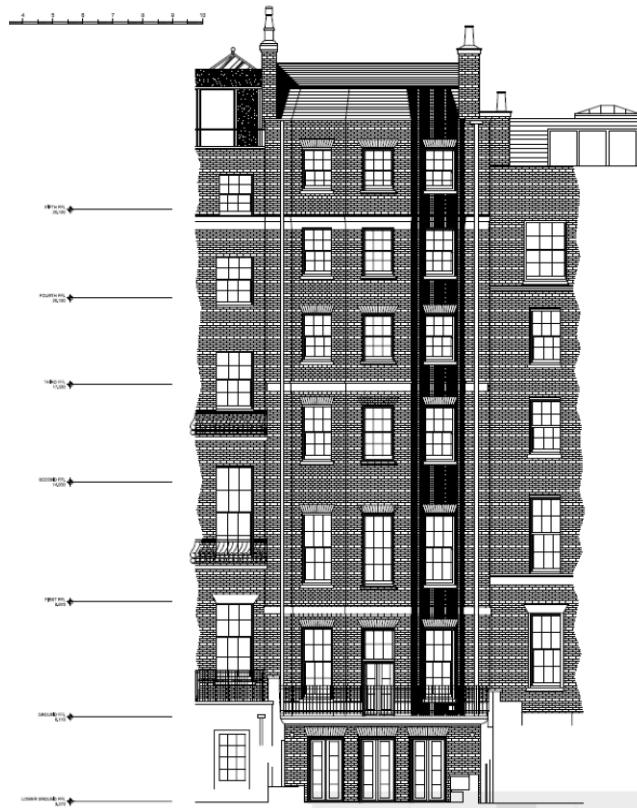
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

11. KEY DRAWINGS

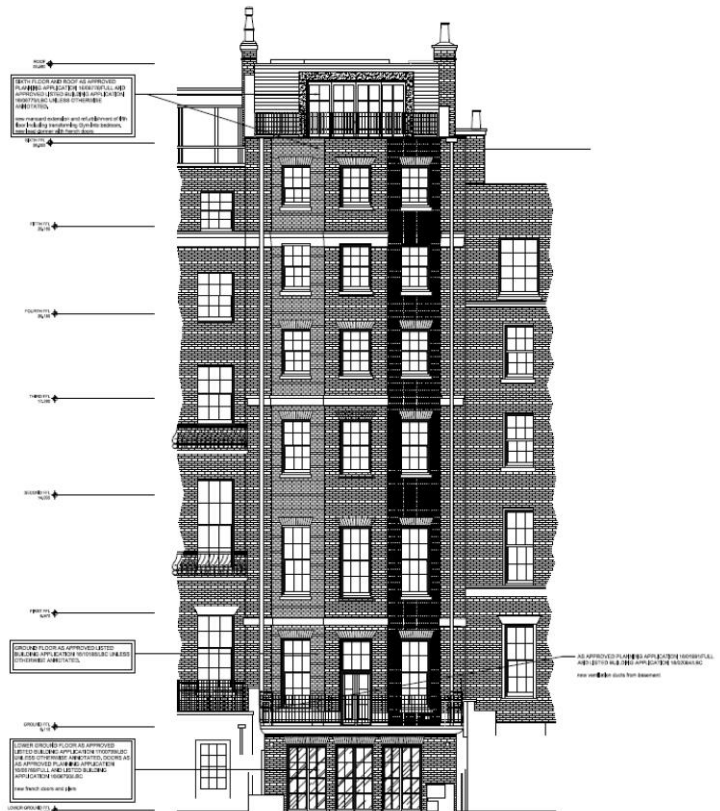


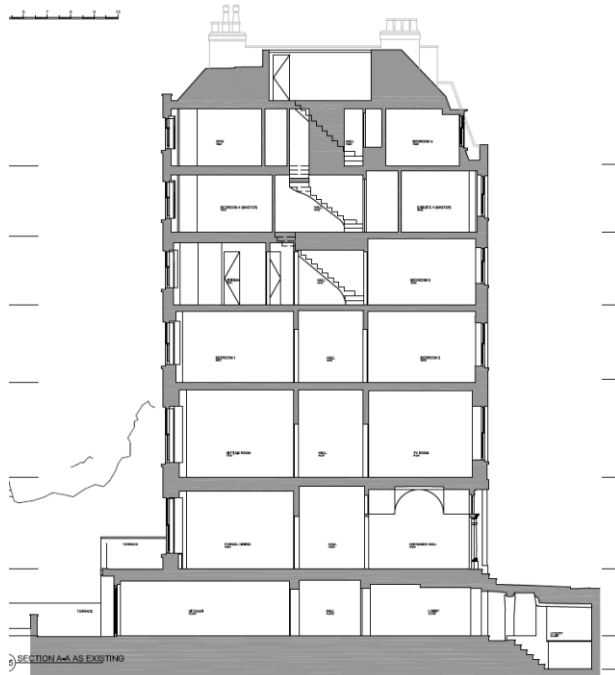
Existing (above) and proposed (below) front elevation



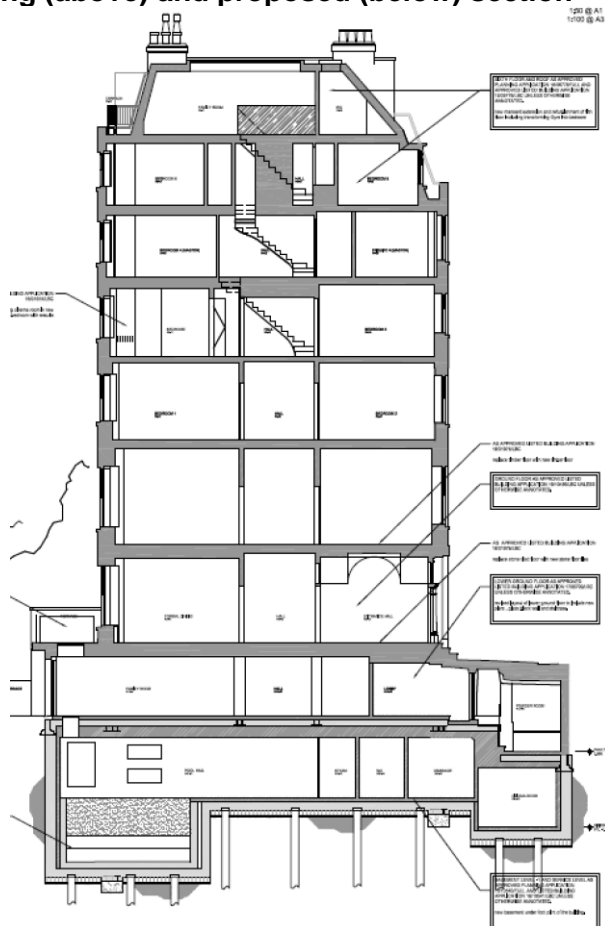


Existing (above) and proposed (below) rear elevation

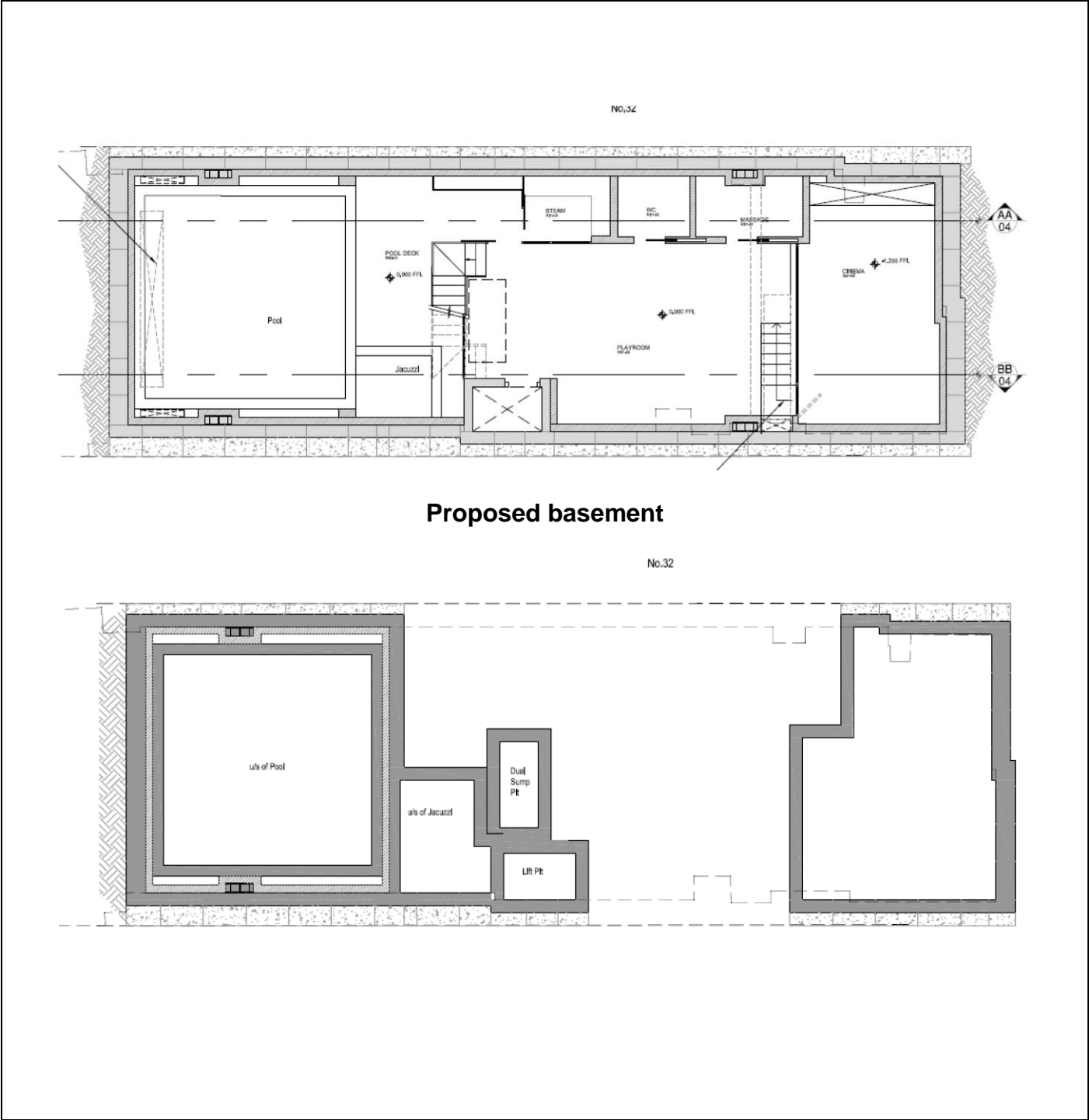


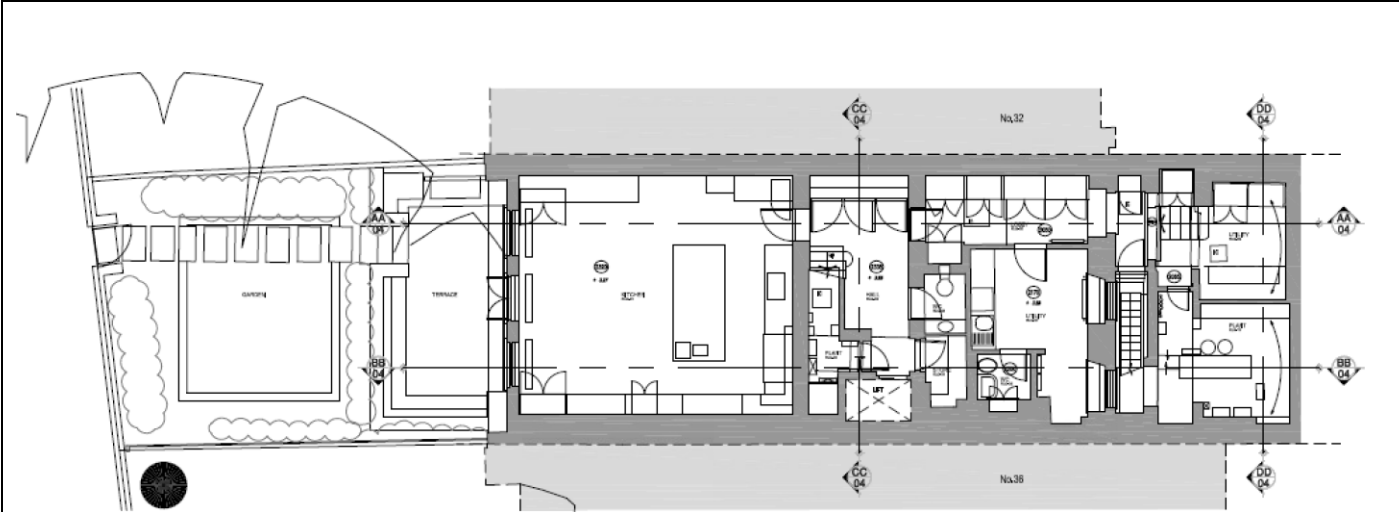


**Existing (above) and proposed (below) section**

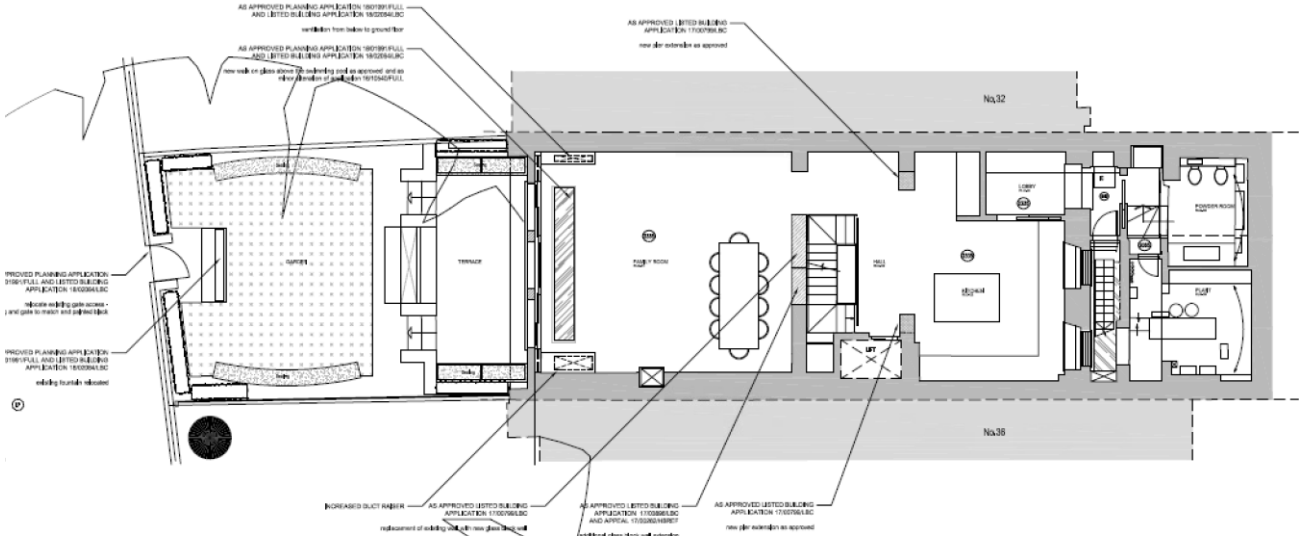




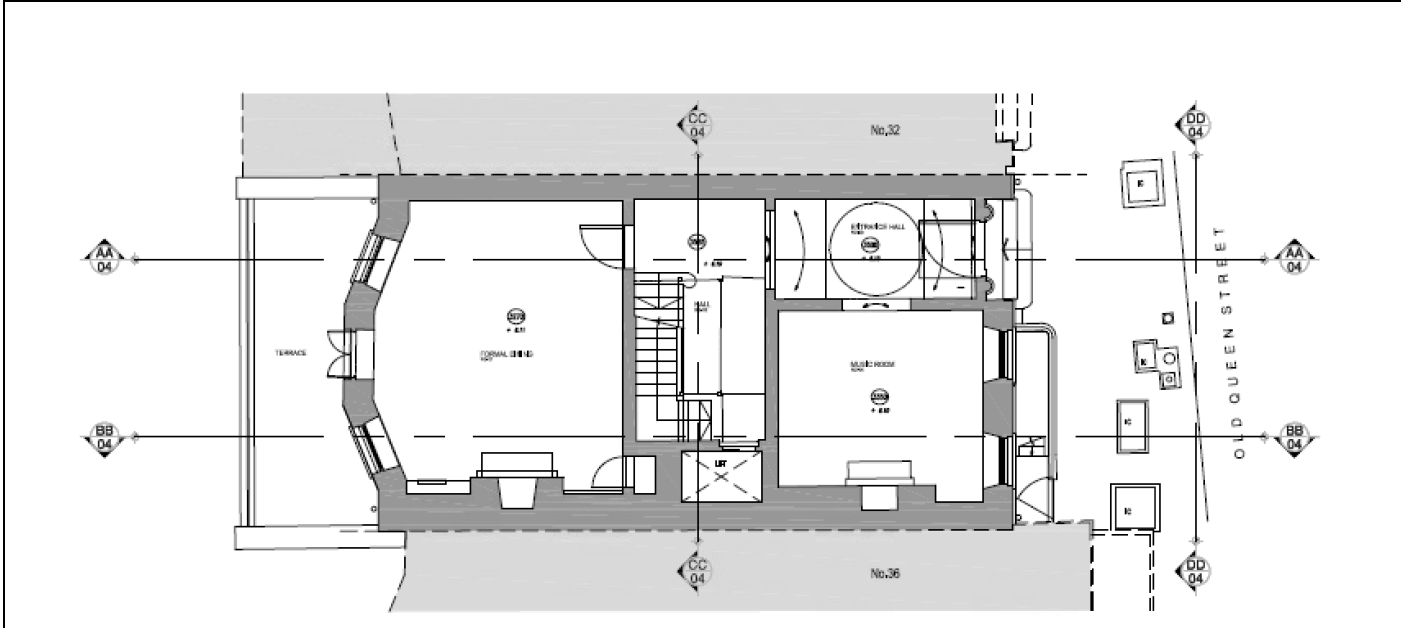




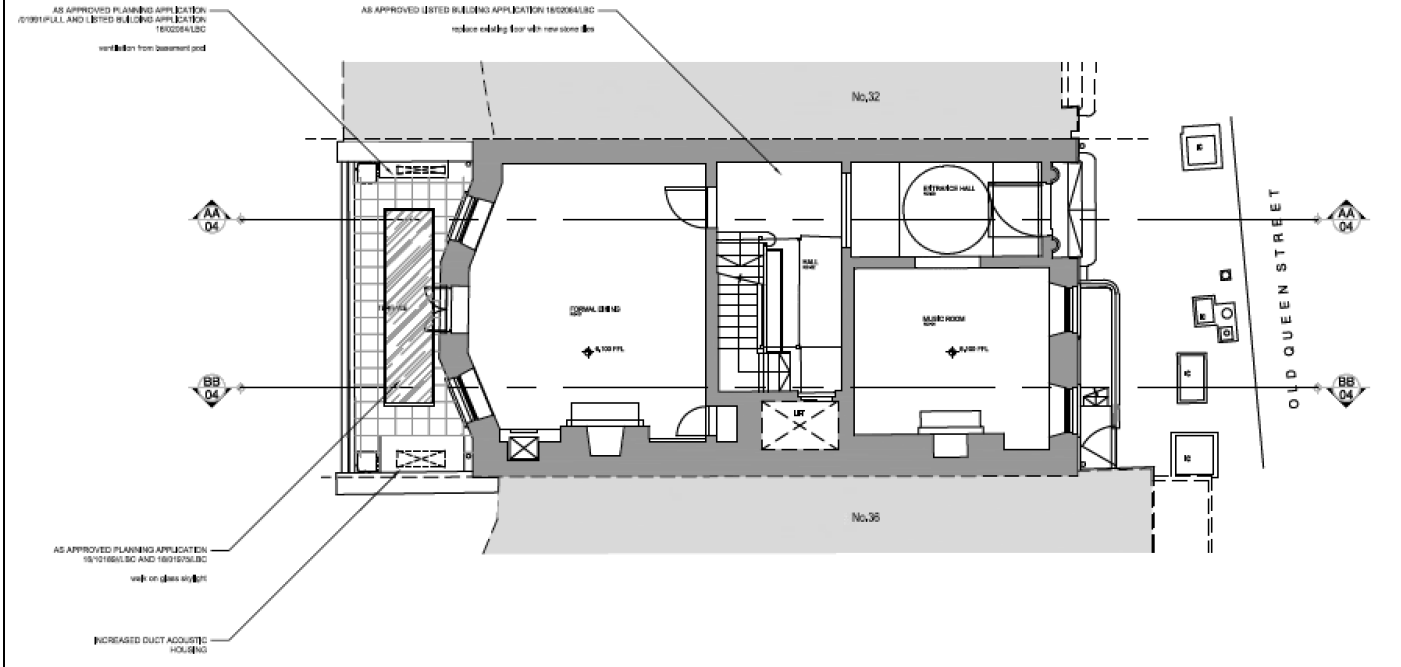
**Existing Lower Ground Floor**



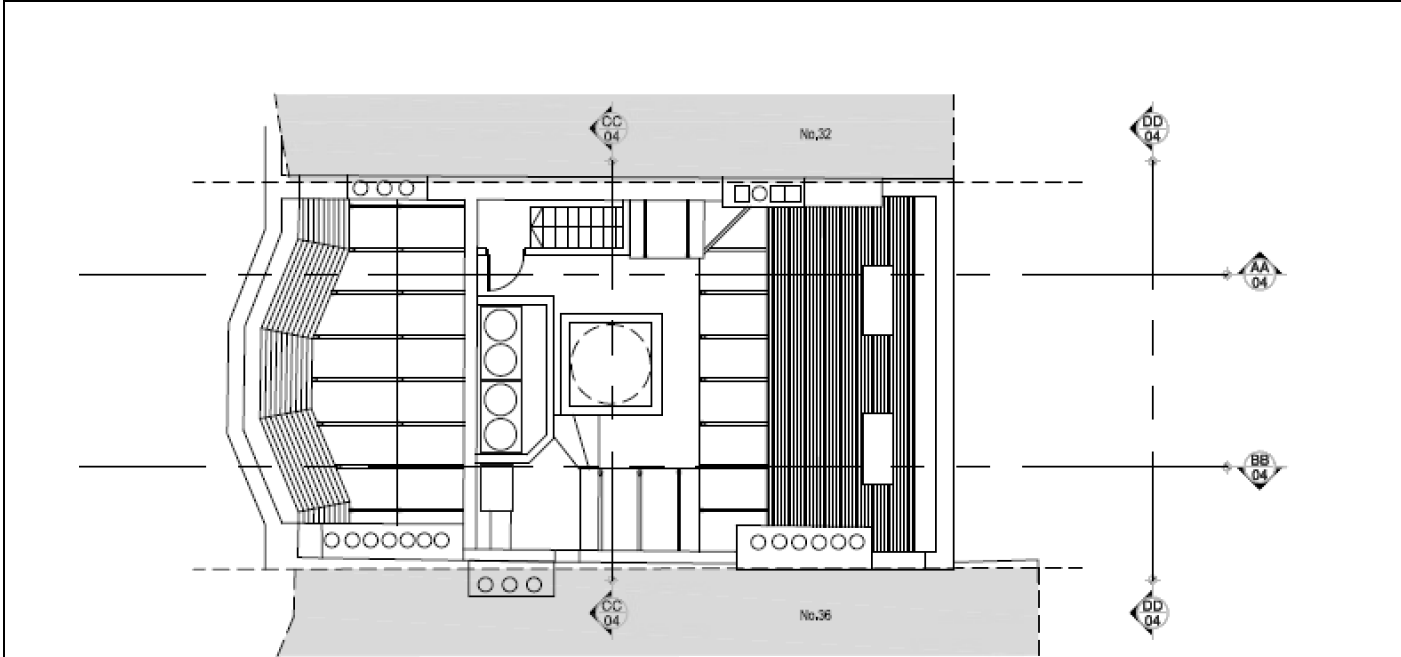
**Proposed Lower Ground Floor**



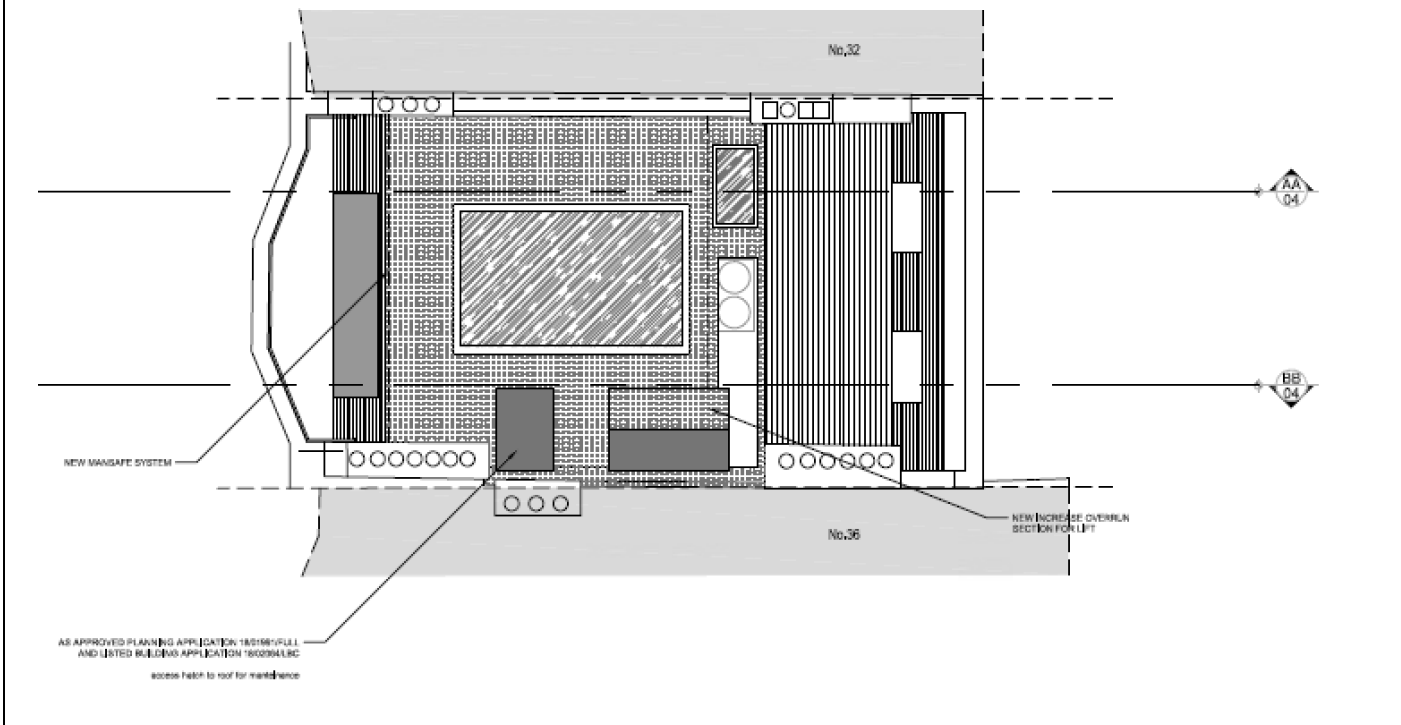
**Existing Ground Floor**



**Proposed Ground Floor**



**Existing Roof**



**Proposed Roof**

**DRAFT DECISION LETTER**

- Address:** 34 Old Queen Street, London, SW1H 9HP
- Proposal:** Excavation of a basement with swimming pool, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace, installation of air conditioning unit at sixth floor level and associated external alterations.
- Reference:** 22/08502/FULL
- Plan Nos:** 15/130 M01 rev. P2; 000; 101; 102; 103; 104; 105; 106; 107; 108; 110; 111; 115; 116; 117; 200 rev. A; 201 rev. A; 202 rev. A; 203 rev. A; 204 rev. A; 205 rev. A; 206; 207 rev. A; 208 rev. B; 209 rev. A; 210 rev. A; 211 rev. A; 215 rev. B; 216 rev. B; 217 rev. B; Appendix A checklists; Arboricultural report Ref: ha/aiams1/20/34oqs dated 20 January 2022; Plant noise impact assessment Ref: TB/EC19693-2 dated 01 December 2022

For information only: Design and access statement dated November 2022; Construction Management Plan rev.C; Construction Traffic Management Plan; Flood risk assessment ref: 1526/RE/11-15/01 rev. A dated December 2022; Desk study and ground investigation report Ref: J15262B dated November 2015; Heritage statement and impact assessment dated September 2016; Planning and heritage statement dated November 2022; Mechanical and electrical sustainability report rev.02 dated December 2022; Structural engineering report for planning rev. P3 dated 09 January 2023.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 07779567368

**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 Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

**4 Pre Commencement Condition.**

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

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

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must apply to us for approval of detailed drawing of the following parts of the development:

- i) Detailed drawings of the new dormer window joinery (1:5 and 1:10 as appropriate) - the windows to include integral glazing bars but not to include double glazing;
- ii) Detailed drawings of the terrace railing (1:5);
- iii) Detailed drawings of the roof light;
- iv) Detailed drawings of the new doors including elevations and sections (scaled 1:5 and 1:10 as appropriate);

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 The new roof shall be covered in welsh slate and be so maintained.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will



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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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)

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

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

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

If you remove any trees or find that they are dying, severely damaged or diseased within

1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

**13 Pre Commencement Condition.**

You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

**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 **HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 With reference to condition please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 Please note that access by commercial vehicles via Birdcage Walk, in respect to any works granted by this planning application, would require a licence to operate within St James's Park from the Royal Parks.
- 7 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk)
- 8 When you apply to discharge condition 13, please make sure your submission addresses all of the requirements set out in the condition.
- 9 When you apply to discharge condition 11 please provide the precise specifications for tree protection fencing and ground protection, and the site specific methodology for retaining all tree roots of 25mm or more in diameter.
- 10 Your tree survey is over 3 years old. When you apply to discharge condition 11 please ensure it is accompanied by an up to date tree survey as the condition of the tree may have changed.

- 11 Condition 11 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 12 You will technical approval for any works to the highway (supporting structure) prior to commencement of development. The applicant should contact Louisa Augustine ([laugustine@westminster.gov.uk](mailto:laugustine@westminster.gov.uk)) in Westminster Highways Infrastructure and Public realm to progress the application for works to the highway.
- 13 Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/workingnear-our-pipe>

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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.

**DRAFT DECISION LETTER**

**Address:** 34 Old Queen Street, London, SW1H 9HP

**Proposal:** Excavation of a basement with swimming pool, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace, installation of air conditioning unit at roof level, and associated external and internal alterations.

**Reference:** 22/08503/LBC

**Plan Nos:** 15/130 M01 rev. P2; 000; 101; 102; 103; 104; 105; 106; 107; 108; 110; 111; 115; 116; 117; 200 rev. A; 201 rev. A; 202 rev. A; 203 rev. A; 204 rev. A; 205 rev. A; 206; 207 rev. A; 208 rev. B; 209 rev. A; 210 rev. A; 211 rev. A; 215 rev. B; 216 rev. B; 217 rev. B.

For information only: Design and access statement dated November 2022; Desk study and ground investigation report Ref: J15262B dated November 2015; Heritage statement and impact assessment dated September 2016; Planning and heritage statement dated November 2022; Mechanical and electrical sustainability report rev.02 dated December 2022.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 07779567368

**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:**

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040

(April 2021). (R27AC)

- 3 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 7 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 You must apply to us for approval of detailed drawing of the following parts of the development;
- i) Detailed drawings of the new dormer window joinery (1:5 and 1:10 as appropriate) - the windows to include integral glazing bars but not to include double glazing;
  - ii) Detailed drawings of the terrace railing (1:5);
  - iii) Detailed drawings of the roof light; iv) Detailed drawings of the new doors including



elevations and sections (scaled 1:5 and 1:10 as appropriate);, v) Detailed drawings of the new staircase, and ground floor finishes;  
 vi) Details of the handrail of the replacement principal staircase, including materials, elevation and section details (scale 1:1);  
 vii) Details of the glass bricks.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 Notwithstanding approved drawings, the existing balustrades of the principal staircase from ground to third floor level are to be retained and reinstated. If replica balustrades are necessary, details of where they are to be installed must be submitted for approval.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these details (C26CB)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 10 The new roof shall be covered in welsh slate and be so maintained.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its

setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:  
Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

# Agenda Item 5

Item No.

5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16th May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Pimlico North	
<b>Subject of Report</b>	<b>First Floor And Second Floor Maisonette, 22 Upper Tachbrook Street, London, SW1V 1SH</b>		
<b>Proposal</b>	Erection of full width extension at rear first floor level, with terrace above including installation of new access door and railings. Removal of chimney stack to rear.		
<b>Agent</b>	Mrs Rana Shad		
<b>On behalf of</b>	Mr Hon See Tsang		
<b>Registered Number</b>	22/07489/FULL	<b>Date amended/ completed</b>	12 December 2022
<b>Date Application Received</b>	4 November 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		
<b>Neighbourhood Plan</b>	Pimlico Neighbourhood Plan		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

22 Upper Tachbrook Street is an unlisted, three-storey, end-of-terrace building located on the corner with Longmoore Street. Planning permission is sought for the erection of a full width extension at rear first floor level with a roof terrace above for use in connection with the existing maisonette at first and second floor level.

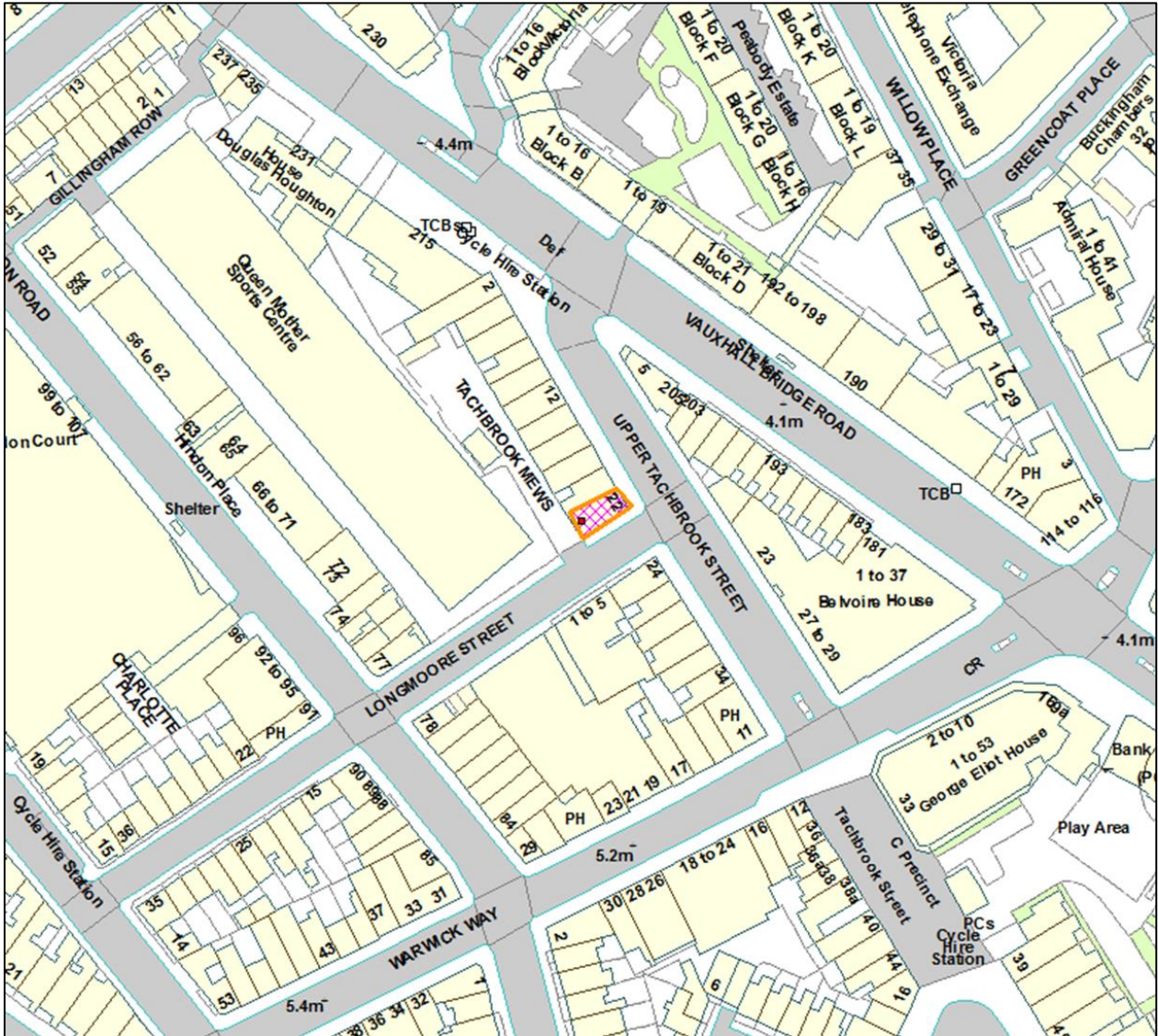
The key considerations in this case are:

- The impact of the proposals on the character and appearance of the building and the Pimlico Conservation Area; and
- The impact on the amenity of neighbouring residential properties.

Item No.
<b>5</b>

The proposals are considered acceptable, in compliance with the City Plan and the Pimlico Neighbourhood Plan and it is recommended that conditional planning permission is granted.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS



22 Upper Tachbrook Street



Side/Longmoore Street elevation

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### Original Application

##### WESTMINSTER SOCIETY

Any response to be reported verbally.

##### PIMLICO FREDA

Any response to be reported verbally.

##### PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

##### ADJOINING OWNERS/OCCUPIERS

No. consulted: 7

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five letters of objection have been received from neighbouring residents on the following grounds:

#### Design

- The proposed extension is out of character with the wider terrace and Pimlico Conservation Area.

#### Amenity

- The terrace will result in overlooking to Nos. 20 and 24 Upper Tachbrook Street and 1-5 Longmoore Street causing a loss of privacy.

#### Other

- Inaccuracies in the submitted plans.
- Notification letters were not received.

#### PRESS NOTICE/ SITE NOTICE:

Yes

#### REVISED APPLICATION

**Neighbours were consulted on revisions to reduce the size and amend the detailed design of the proposed first floor extension.**

##### ADJOINING OWNERS/OCCUPIERS

No. consulted: 12

Total No. of replies: 4

No. of objections: 4

No. in support: 0



Their grounds of objection to the original application with regards to design and amenity are maintained.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

### **6.2 Neighbourhood Planning**

The Pimlico Neighbourhood Plan includes policies on a range of matters including commercial uses, design and heritage, housing and hotels, open spaces, pedestrian and transport facilities and protecting the environment.

It has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico Neighbourhood Area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these have been discussed in this report.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The subject building is an unlisted, three-storey, end of-terrace building on the corner of Upper Tachbrook Street and Longmoore Street and lies within the Pimlico Conservation Area. It is located within the Warwick Way/Tachbrook Street CAZ Retail Cluster.

The first and second floors are in use as one residential maisonette with retail premises at ground floor level. This application relates to the first and second floor maisonette only.

## **7.2 Recent Relevant History**

### 22/07250/FULL

Planning permission was refused for the erection of mansard roof, two chimneys and a parapet wall extension along the line of junction between no.20 and 22, and removal of redundant chimney stack at rear on 16 January 2023, on the following grounds:

Because of its isolation and design, the mansard roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019-2040 (April 2021) and Policies PIM 2 and PIM 3 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022).

## **8. THE PROPOSAL**

This application seeks planning permission for the erection of a full width extension at rear first floor level with a terrace above at second floor level, with associated access door and railings, for use in connection with the existing maisonette. The proposed extension would replace an existing part-width extension at first floor level and include the removal of a chimney stack to the rear.

The application was amended in January 2023, to reduce the size of the proposed rear extension and improving its detailed design.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Townscape, Design & Heritage Impact**

22 Upper Tachbrook Street is a modestly scaled early nineteenth century end of terrace building located within the Pimlico Conservation Area. Comprising ground floor and two upper floor levels, the corner property is two bays wide and three deep, with a stucco fronted facade with traditional shop front at ground floor and traditional sash windows above. The building exhibits a traditional butterfly roof form which is concealed by a parapet. To the rear the building has been extended and features a full-width ground floor extension, and half-width extension above at first floor level. Although unlisted, the building make a positive contribution to the character and appearance of the Pimlico Conservation Area and forms part of a wider terrace of 11 comparable properties.

Policy 38 of the City Plan 2019-2040 (April 2021) in Part A states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban

design and in Part B says that new development will respond to Westminster's context by positively contributing to Westminster's townscape and streetscape.

Policy 39 in Part K states that development will preserve or enhance the character and appearance of Westminster's conservation areas and, in Part L, goes on to state that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved.

Policy 40 at Part A states that development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. At Part B, this policy goes on to state that: spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development. At Part D Policy 40 says that alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.

Policy PIM 4 of the Pimlico Neighbourhood Plan says that development proposals within or affecting the Pimlico Conservation Area should demonstrate well-detailed, high quality, sustainable and inclusive design and architecture which preserve and enhances the historic character of the conservation area. At Part B, this policy sets out that single storey upward extensions to the rear of the corner buildings on each block may be permitted where they preserve views and open aspects along the rows of gardens to the rears of long terraces and the open feel of the conservation area. Part C of this policy seeks to preserve the gap above ground floor level between the return frontages to the principal Pimlico frontages where there are smaller scale properties on the side streets.

While Policy PIM 4 has a part specifically concerning rear terraces, it does not apply to this proposal as the proposed roof terrace would be below main roof level of the building.

The rear of the subject building exhibits less uniformity than the principal facades, although the existing first floor extension is visually subservient. The wider terrace that the building forms the end of, features an assortment of extensions of varying quality, including larger, full-width and full height extensions.

Full-width extensions above ground floor level are generally undesirable as they can appear overly dominant. However, due to the inconsistent nature of the terrace and that the application has been revised to reduce the height of the extension and amend the fenestration details to improve their proportions and appearance, a full width extension is not considered to diminish the appearance of the building and wider terrace or to cause harm to the character and appearance of this part of the conservation area, in this instance. The removal of the redundant chimney to the rear of the building is also not considered harmful.

The proposals are considered to comply with Policies 38, 39 and 40 of Westminster's City Plan and Policy PIM 4 of the Pimlico Neighbourhood Plan and is recommended for approval on design and townscape grounds.

## **9.2 Residential Amenity**

Policies 7 and 40 of the City Plan 2019-2040 require that development involving alterations to existing buildings protects and, where appropriate, enhances amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Policy 33 of the City Plan requires development to minimise the detrimental effects of light pollution, noise and vibration and construction impacts.

The proposed extension will immediately abut a first floor level extension at the neighbouring property at No. 20 Upper Tachbrook Street and it will not therefore result in a loss of light or sense of enclosure to this property. By virtue of its proposed size, height and orientation it will also have an acceptable relationship with the properties opposite on Longmoore Street.

The application has been revised to reduce the size of the proposed terrace at second floor level, to set it away from the existing terrace at second floor level at 20 Upper Tachbrook Street, by approximately 3.5m. Whilst there will be a degree of mutual overlooking, the relationship between the terraces is considered acceptable. To the south the terrace will overlook Longmoore Street, and given the street width, it is not considered that the terrace will result in any significant overlooking to the properties opposite.

The noise generated by activities on the proposed rear roof terrace would not be so great or out of place in this location as to give rise to any detrimental impacts on neighbouring residential amenities.

The proposals are therefore considered acceptable in amenity terms, in accordance with Policies 7, 33 and 40 of the City Plan.

## **9.3 Transportation, Accessibility & Servicing**

The proposal raises no issues in respect of transportation, accessibility or servicing.

## **9.4 Other Considerations**

None.

## **9.5 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.6 Planning Obligations & Pre-Commencement Conditions**

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

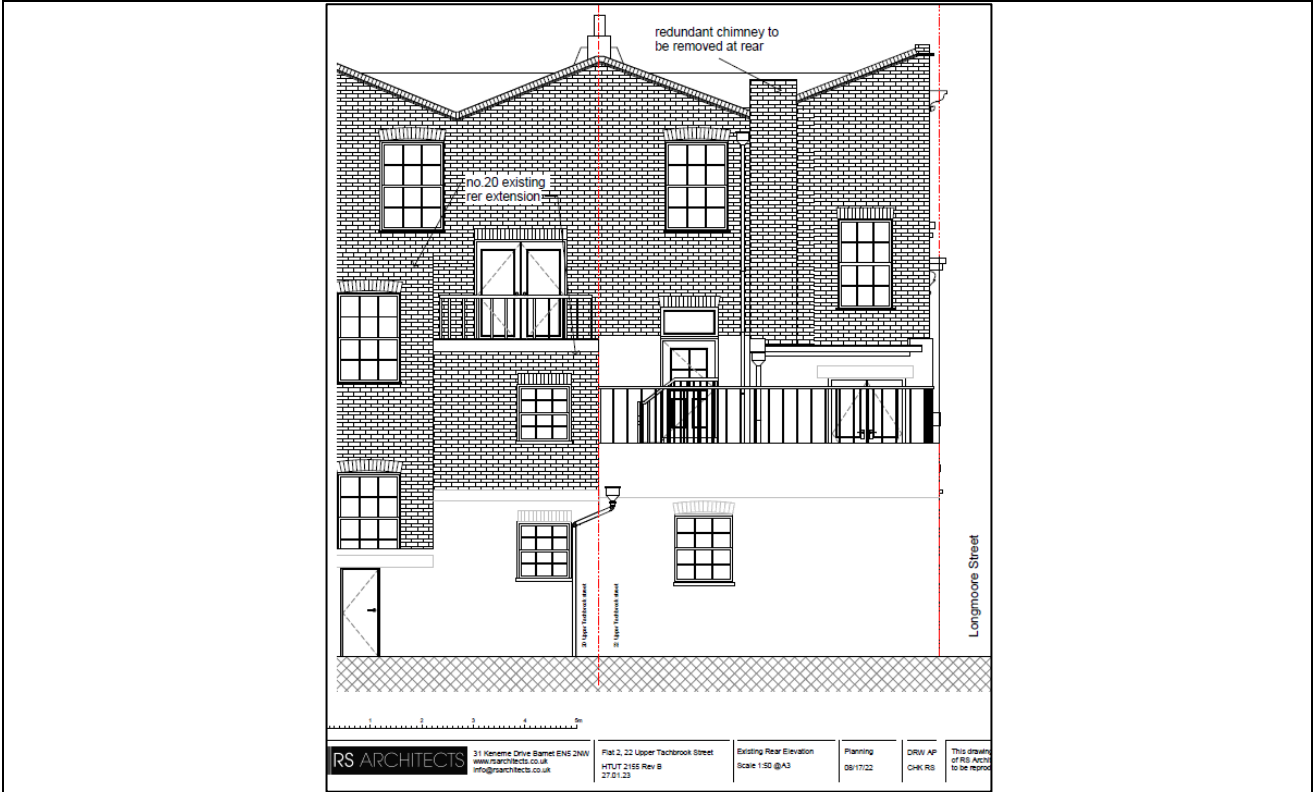
## 10. Conclusion

The proposal is considered acceptable in terms of its impact on the appearance of the host building, Pimlico Conservation Area and with respect to neighbouring amenities. It is therefore recommended that conditional planning permission be granted, since the proposal would be compliant with the NPPF, the City Plan, the Pimlico Neighbourhood Plan and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

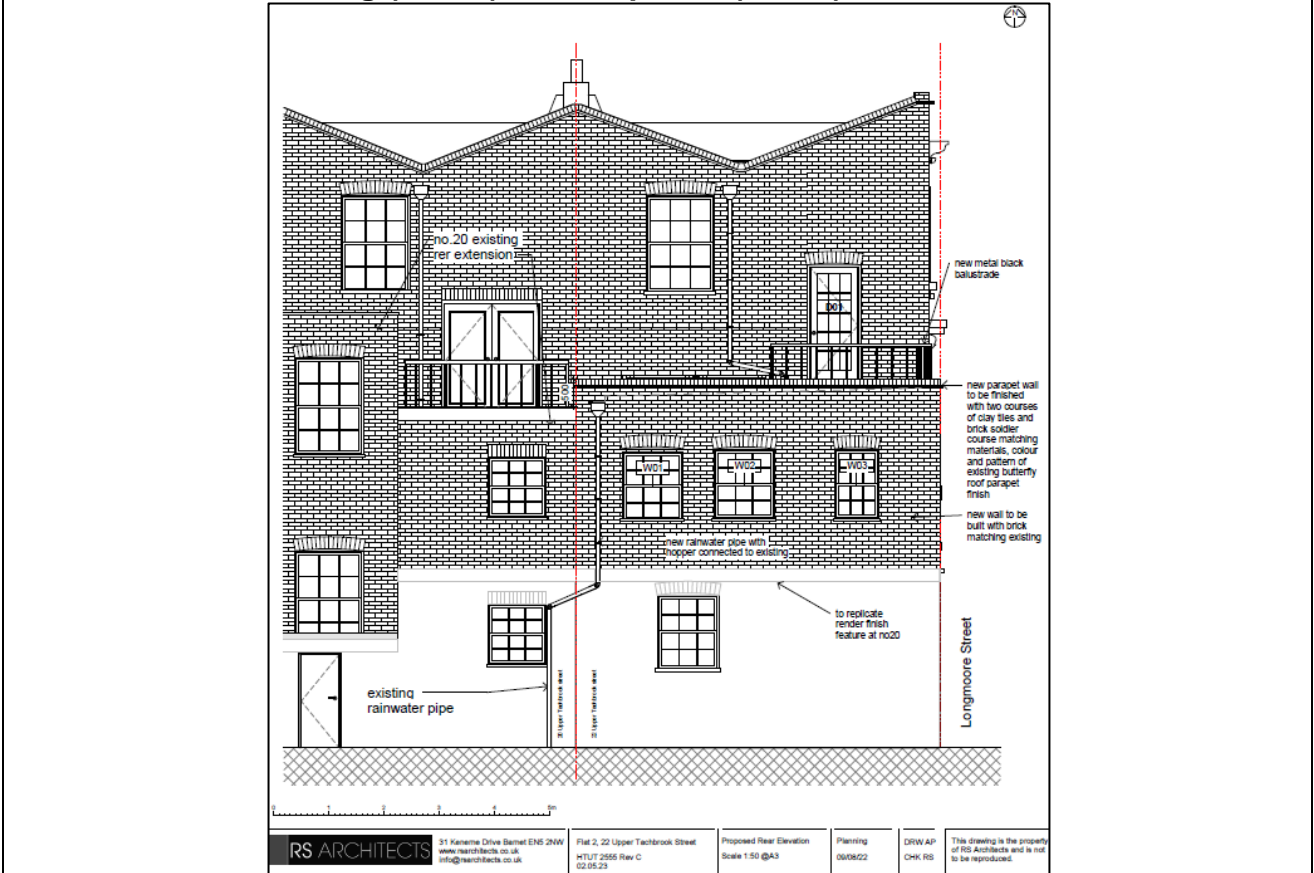
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

## 11. KEY DRAWINGS



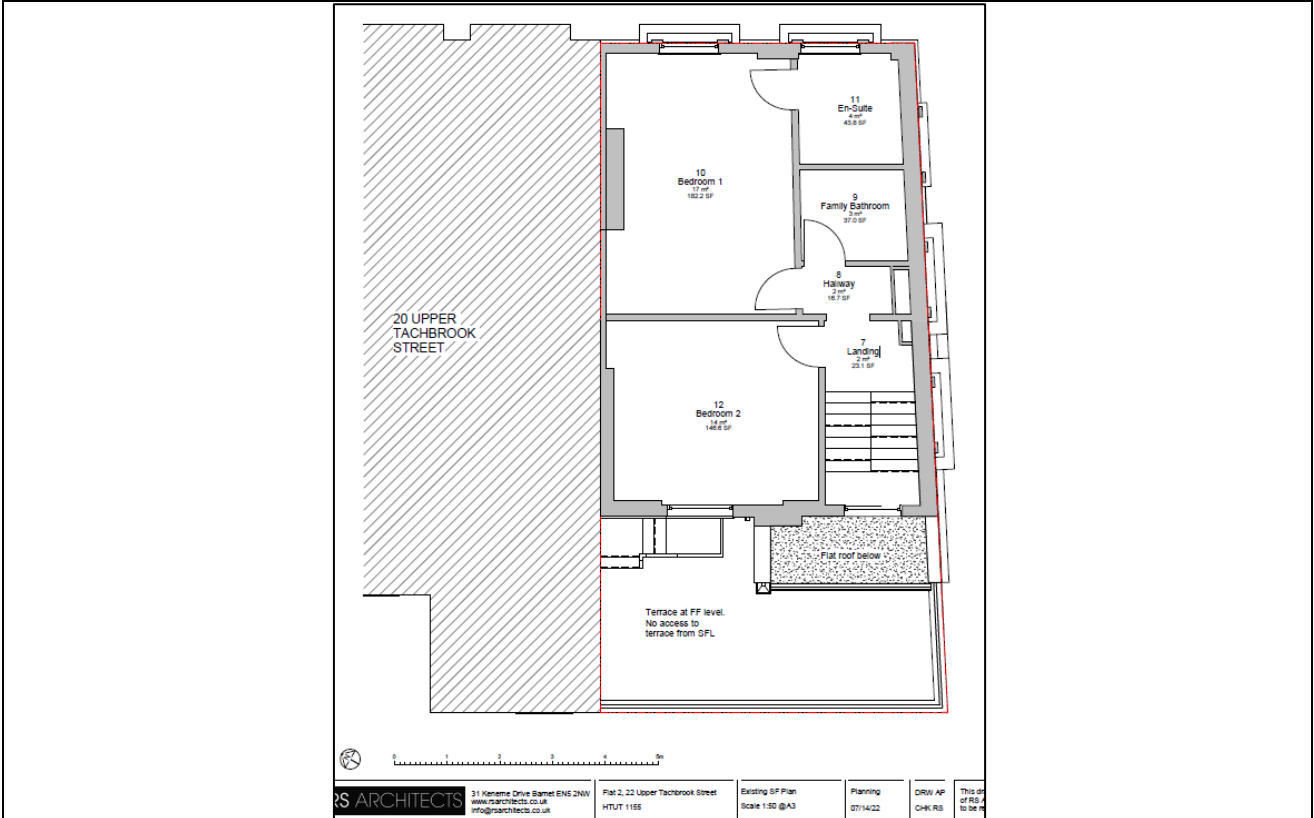
**Existing (above) and Proposed (below) rear elevation**



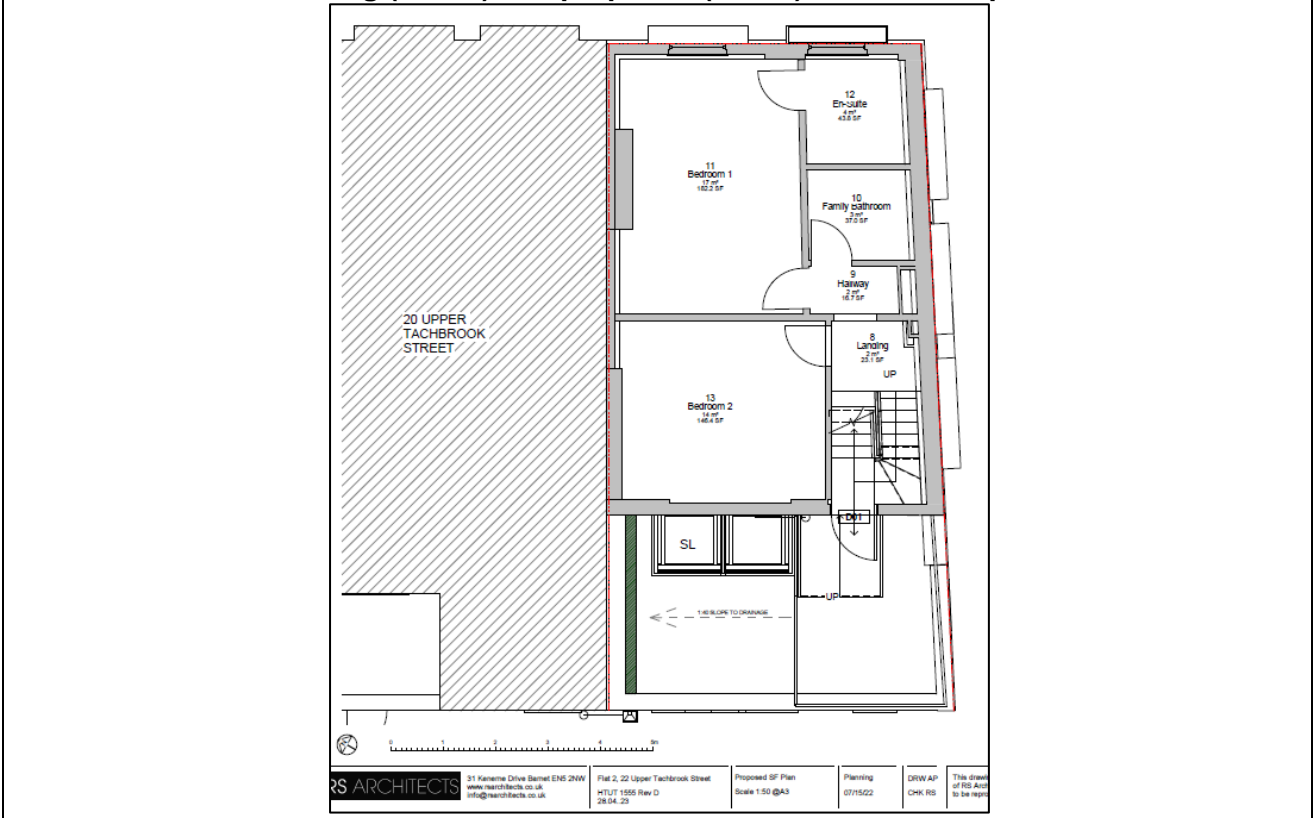


**Existing (above) and proposed (below) Longmoore Street elevation**





Existing (above) and proposed (below) second floorplan





**DRAFT DECISION LETTER**

**Address:** First Floor And Second Floor Maisonette, 22 Upper Tachbrook Street, London, SW1V 1SH

**Proposal:** Erection of first floor rear extension on top of the existing roof terrace, involving the demolition of the existing first floor rear extension. Creation of a roof terrace on top of the new extension, including installation of new door for access and provision of metal railings/balustrades. Installation of new windows. Removal of rear chimney.

**Reference:** 22/07489/FULL

**Plan Nos:** HTUT 1001 OS Map; HTUT 1154 Existing FF Plan; HTUT 1155 Existing SF Plan; HTUT 1156 Existing Roof; HTUT 2153 Existing Side Elevation; HTUT 2155 Existing Rear Elevation; HTUT 1554 Rev D Proposed FF Plan; HTUT 1555 Rev D Proposed SF Plan; HTUT 2553 Rev D Proposed Side Elevation; HTUT 2555 Rev C Proposed Rear Elevation; HTUT 5565 Rev B Proposed Section A-A; HTUT 5566 Rev B Section B-B.

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

**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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R26BF)

- 4 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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (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 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

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.

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# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The Nomad Hotel London, 28 Bow Street, London, WC2E 7AW</b>		
<b>Proposal</b>	<p>Variation of condition 14 of planning permission dated 20 March 2019 (RN:18/05723/FULL) (which varied permissions dated 4 February 2014 RN:12/12735/FULL, 30 December 2014 RN:14/06785/FULL and 28 March 2018 RN:17/08881/FULL) for 'Refurbishment, extension and conversion of Bow Street Magistrates Court and Police Station including part three part six storey extension with plant enclosure over in rear courtyard, two-storey extension above Martlett Court Wing, mansard roof extension to Broad Court and part of Bow Street ranges, excavation to create new second basement level and internal alterations to provide a 91 bedroom hotel with restaurants, bar and associated facilities (class C1) and police museum (Class D1), to allow design changes to the proposed new build additions: the upper floors of the Marlett Court facade, rear Crown Court facade and facades surrounding the internal glazed atrium; creation of new basement area and reconfiguration at roof level to accommodate plant; relocation of photovoltaics; reconfiguration of museum layout; and removal of the requirement for a themed element to the hotel'.</p> <p>Namely, to amend condition 14 to allow the Atrium Restaurant at basement level 1 to be used by non-residents of the hotel until 2am on Fridays and Saturdays (one additional hour).</p>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Bow Street Hotel Limited		
<b>Registered Number</b>	22/06929/FULL	<b>Date amended/ completed</b>	13 October 2022
<b>Date Application Received</b>	13 October 2022		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Covent Garden		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission subject to a Deed of variation to the S.106 legal agreement dated 4 February 2014 (RN: 12/12735) which was subsequently varied on 30 December 2014 (14/06785/FULL), 28 March 2018 (RN: 17/08881/FULL) and 20 March 2019.

## 2. SUMMARY & KEY CONSIDERATIONS

The Nomad Hotel opened in May 2021, following extensive refurbishment and extensions to the former grade II listed Bow Street Police Station and Magistrates Court. The hotel has 91 bedrooms and ancillary restaurants, bar and lounge facilities at ground and basement level 1. Condition 14 of the March 2019 permission requires that the restaurants and bars shall not be used by non-residents of the hotel except between the hours of 0700 to 0100 the next day.

This application relates to the Atrium Restaurant (also known as NoMad Restaurant and Fireplace Room) located at basement level 1, which is set within the central area of the hotel in a triple height space beneath a feature glazed roof. Permission is sought to amend condition 14 to extend the opening times of the restaurant for use by non-residents of the hotel until 2am on Friday and Saturdays (one additional hour). This would accord with their Premises Licence, where an extension of opening hours to the Atrium Restaurant to non-residents of the hotel on Fridays and Saturdays was recently approved. The opening hours of all other restaurant, bar and lounge areas within the hotel would remain unchanged.

Objections have been received from residents in Martlet Court to the rear on the grounds that the proposal will increase the level of activity of the hotel during night time hours and further erode the quality of life for residents.

The hotel is located within the CAZ and West End Retail and Leisure Special Policy Area (WERLSPA). Policy 1 of Westminster's City Plan 2019 – 2040, 'Westminster's Spatial Strategy' seeks to ensure that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. It acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods. Policy 2 relates to the WERLSPA and seeks to provide an improved retail and leisure experience; a diverse evening and night-time economy and enhanced cultural offer. Policy 16 requires proposals for food, drink and entertainment uses to be of a type and size appropriate to their location. It acknowledges that Westminster has a vibrant entertainment sector, including a huge range of food and drink uses and that the impacts of food, drink and entertainment uses on the surrounding area need to be carefully managed as they can have a negative impact on the functioning and use of an area and can negatively impact residential amenity.

The Atrium Restaurant is accessed by non-hotel guests, through the main entrance to the hotel on Bow Street, with a staircase leading down into the restaurant. The main dining area is located beneath the glazed roof, with a small ancillary bar at the bottom of the stairs and a private dining area to the side known as The Fire Place room. The applicant has confirmed that the space is primarily used for dining and that there is no vertical drinking.

The restaurant forms an integral part of the hotel and is governed by the hotels operational standards which seek to protect the amenity of both its guests and nearby residents, particularly at night.

Planning conditions attached to the March 2019 permission, which require that no music is played in the bar, restaurants and public areas of the hotel such as to be audible outside the premises (condition 15); and that the glazed atrium roof is fixed permanently shut (condition 33), will remain applicable and will ensure that there is no noise outbreak from the restaurant.

In addition to the planning conditions, the recent Premises License attached conditions to the Atrium Restaurant to ensure that guests shall enter/exit the restaurant via the main reception from Bow Street; that except for private/pre-booked events there should be no new entry or re-entry after midnight on Fridays and Saturdays and apart from private/pre-booked events, the number of people within the restaurant (excluding staff) should not exceed 200 after midnight on Fridays and Saturdays.

Given the licensing conditions in place, the additional hour will allow for a more gradual dispersal of customers, as the standard capacity of the restaurant of 350 customers will be reduced to 200 after midnight. All non-hotel residents will leave the restaurant on to Bow Street, a busy thoroughfare, away from the quieter residential streets to the rear, with easy access to public transport routes. The applicant has also confirmed that there will be security staff and a doorperson at all hours that the restaurant is open.

Objections were received to additional extensions to the hotel and associated construction noise, however, this does not form part of the proposal.

It is considered that one additional hour on Fridays and Saturdays will not negatively impact on residential amenity or local environmental quality. As such the proposal is considered acceptable in land use and amenity terms, in accordance with the relevant policies in the City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### COVENT GARDEN COMMUNITY ASSOCIATION

Any response to be reported verbally.

#### COVENT GARDEN AREA TRUST

Any response to be reported verbally.

#### CRIME PREVENTION DESIGN ADVISOR

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

No objection.

#### HIGHWAYS PLANNING OFFICER

No objection.

#### WASTE PROJECT OFFICER

No objection.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 85

No. Replies: 8

No. Objections: 8

No. Support: 0

#### Land use/Amenity

- The extension of opening hours will increase the level of activity of the hotel during night time hours and further erode the quality of life for residents.
- City Plan and London Plan policies seek to balance the competing functions between retail, leisure and residential uses, and ensure that the negative effects on amenity are minimised. They acknowledge that there is already a huge range of food and drink establishments in the area.
- The original planning constraints on the hotel were in place to ensure a balance between the commercial and residential facilities in this area. The application does nothing to ensure nearby residents benefit from a quiet environment during night-time hours.
- No evidence has been provided, for example, a record of diners who felt inconvenienced or rushed by the present hours, to substantiate the need for an additional hour.
- Potentially 200 diners exiting at 2am and staff thereafter, is significantly more invasive at 2am.

#### Other

- The substantial works for the hotel redevelopment was very disruptive and resulted in a reduction in the quality of life to surrounding residents over a long period of time. Object to another round of lengthy building works.
- Building additional storeys to an already large hotel is unacceptable Any further

extensions to the building will further deprive the Fletcher buildings of light.

PRESS NOTICE/ SITE NOTICE:  
Yes

**6. WESTMINSTER’S DEVELOPMENT PLAN**

**6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

**6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

The Nomad Hotel opened in May 2021 following the refurbishment and extension of the former Bow Street Police Station and Magistrates Court, which are grade II listed and lie within the Covent Garden Conservation Area. The hotel forms a whole street block with frontages to Bow Street, Broad Court, Crown Court and Martlett Court, the latter three streets are pedestrianised.

The site lies within the Central Activities Zone, the West End Retail and Leisure Special Policy Area and the West End Strategic Cultural Area.

## 7.2 Recent Relevant History

Planning permission and listed building Consent were granted for the refurbishment, extension and conversion of Bow Street Magistrate's Court and Police Station including part three/part six storey extension with plant enclosure over in rear courtyard, two storey extension above Martlett Court Wing, mansard roof extension to Broad Court and part of Bow Street ranges, excavation to create new second basement level and internal alterations to provide a 99 bedroom hotel with two restaurants, bar and associated facilities (Class C1) and Police museum (Class D1) on 4 February 2014 (RN:12/12735/FULL)

Various permissions and listed building consents have subsequently been granted for the variation of conditions attached to the February 2014 permission and consent to make amendments including:

- Alterations to the treatment of the rear of the building (host building and extensions); canopy to museum entrance; and internal alterations including one additional hotel bedroom at lower ground level, alterations to the layout of the hotel restaurant at lower ground floor level, alterations to the courtroom ceiling and entrances and installation of raised floors on 30 December 2014 (RN: 14/06785/FULL and 14/06784/LBC).
- Internal reconfiguration and alterations to reduce the total number of bedrooms to 91; reconfiguration and increase of ancillary restaurant, bar and associated facilities; infilling of the courtyard to create a covered non-openable glazed atrium; creation of additional door to Broad Court elevation; other associated minor internal and external alterations on 28 March 2018 (RN:17/08881/FULL and 17/09008/LBC).
- Design changes to the proposed new build additions: the upper floors of the Martlett Court facade, rear Crown Court facade and facades surrounding the internal glazed atrium; creation of new basement area and reconfiguration at roof level to accommodate plant; relocation of photovoltaics; reconfiguration of museum layout; and removal of the requirement for a themed element to the hotel on 20 March 2019 (RN:18/05723/FULL and ).

Planning permission and listed building consent were granted for the installation of external lighting to the Former Bow Street Magistrate's Court and Police Station facades and associated works on 29 July 2019.

Planning permission and listed building consent were granted for the relocation of three grade II listed telephone boxes and use of an area of public highway measuring 10.7m X 3.0m on the Broad Court frontage for the placing of 9 tables, 26 chairs, 8 barriers and 6 parasols in connection with the hotel use.

## 8. THE PROPOSAL

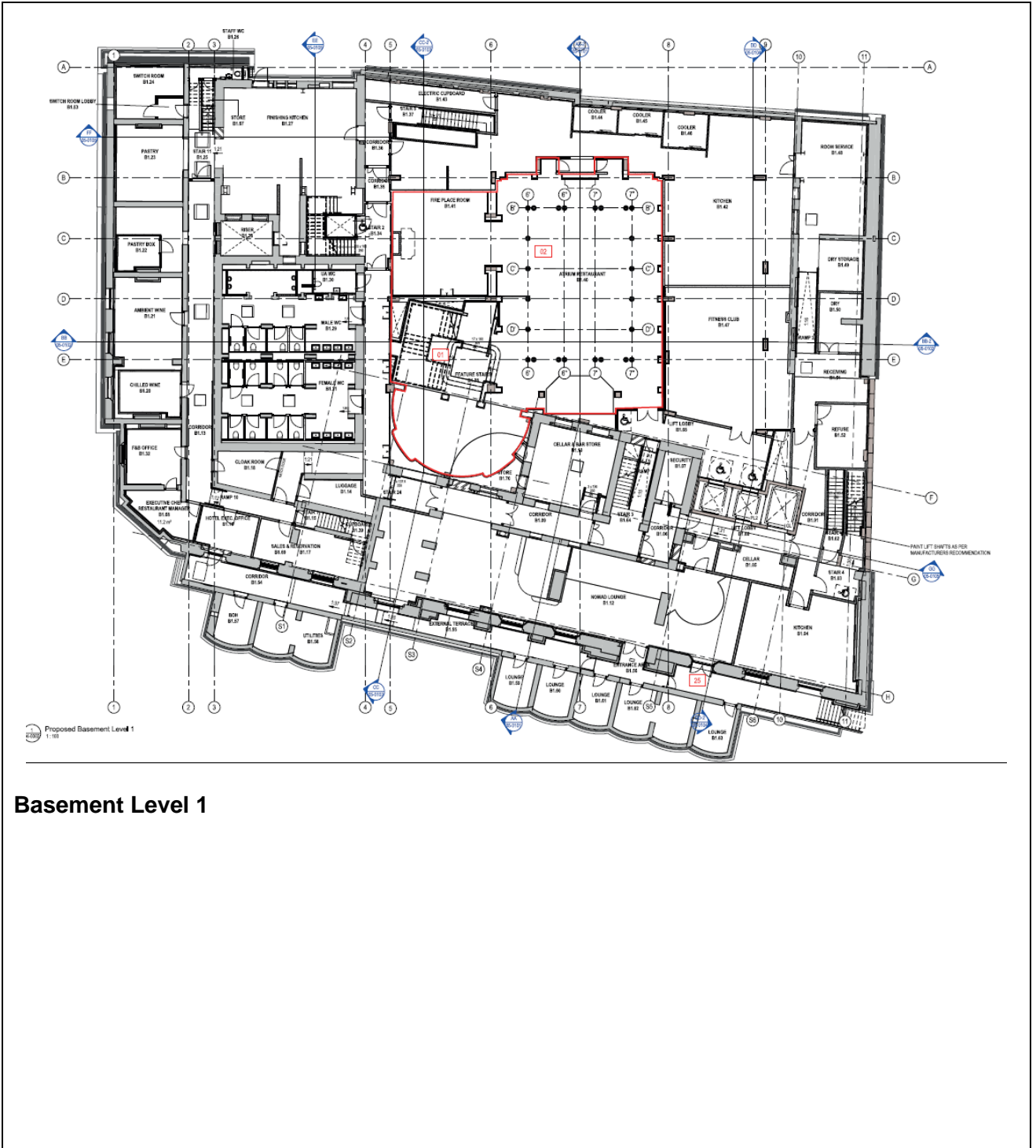
Permission is sought to amend condition 14 of planning permission dated 20 March 2019 to allow 'The Atrium Restaurant' at basement level 1 to be open to non-residents of the hotel until 2am on Fridays and Saturdays (one additional hour). The condition would read as follows:

Item No.
<b>6</b>

"The two restaurants and bars shall not be used by non-residents of the hotel except between the hours of 0800 to 0100 the next day, with the exception of the Atrium Restaurant marked in red on drawing No:10605-EPR-00-B1-TP-A-02-1099/1 on Fridays and Saturdays which shall not be used by non-residents of the hotel except between the hours of 0800 to 0200 the next day".

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

9. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** The Nomad Hotel London, 28 Bow Street, London, WC2E 7AW

**Proposal:** Variation of condition 14 of planning permission dated 20 March 2019 (RN:18/05723/FULL) (which varied permissions dated 4 February 2014 RN:12/12735/FULL, 30 December 2014 RN:14/06785/FULL and 28 March 2018 RN:17/08881/FULL) for 'Refurbishment, extension and conversion of Bow Street Magistrates Court and Police Station including part three part six storey extension with plant enclosure over in rear courtyard, two-storey extension above Martlett Court Wing, mansard roof extension to Broad Court and part of Bow Street ranges, excavation to create new second basement level and internal alterations to provide a 91 bedroom hotel with restaurants, bar and associated facilities (class C1) and police museum (Class D1), to allow design changes to the proposed new build additions: the upper floors of the Marlett Court facade, rear Crown Court facade and facades surrounding the internal glazed atrium; creation of new basement area and reconfiguration at roof level to accommodate plant; relocation of photovoltaics; reconfiguration of museum layout; and removal of the requirement for a themed element to the hotel'. Namely, to amend condition 14 to allow the 'Atrium Restaurant' at basement level 1 to be used by non-residents of the hotel until 2am on Fridays and Saturdays (one additional hour).

**Reference:** 22/06929/FULL

**Plan Nos:** Documents approved under RN:18/05723/FULL dated 20 March 2019: 10605-EPR-00-B2-TP-A-02-1098 1; 10605-EPR-00-B1-TP-A-02-1099 1; 10605-EPR-00-GF-TP-A-02-1100 1; 10605-EPR-00-01-TP-A-02-1101 1; 10605-EPR-00-02-TP-A-02-1102 1; 10605-EPR-00-03-TP-A-02-1103 1; 10605-EPR-00-04-TP-A-02-1104 1; 10605-EPR-00-05-TP-A-02-1105 1; 10605-EPR-00-06-TP-A-02-1106 1; 10605-EPR-00-WE-TP-A-04-0101 1; 10605-EPR-00-SO-TP-A-04-0102 1; 10605-EPR-00-EA-TP-A-04-0103 1; 10605-EPR-00-NO-TP-A-04-0104 1; 10605-EPR-00-EL-TP-A-04-0105 1; 10605-EPR-00-EL-TP-A-04-0106 1; 10605-EPR-00-AA-TP-A-05-0101 1; 10605-EPR-00-BB-TP-A-05-0102 1; 10605-EPR-00-CC-TP-A-05-0103 1; 10605-EPR-00-DD-TP-A-05-0104 1; 10605-EPR-00-XX-TP-A-05-0105 1; and 10606-EPR-00-01-TP-A-14-1101 Rev 1., , 10605-EPR-00-B1-DR-A-32-0100rev. 4; 10605-EPR-00-GF-DR-A-32-0101 rev. 3; 10605-EPR-00-XX-DR-A-32-0102rev. 3; 10605-EPR-00-04-TP-A-27-0412rev.1; 10605-EPR-00-04-TP-A-27-0413rev. 1; 10605-EPR-00-XX-DR-A-41-0201rev. 6; 10605-EPR-00-XX-DR-A-41-0203rev. 3; 10605-EPR-00-XX-DR-A-41-0220rev. 2; 10605-EPR-00-XX-DR-A-41-0221rev. 3; 10605-EPR-00-01-DR-A-41-0222rev. 3; 10605-EPR-00-XX-DR-A-41-0300rev. 3; 10605-EPR-00-XX-DR-A-41-0305rev. 2; 10605-EPR-00-XX-DR-A-41-0306rev. 2; 10605-EPR-00-XX-DR-A-41-0307rev. 2; 10605-EPR-00-XX-DR-A-41-0308rev. 2; 10605-EPR-00-XX-DR-A-41-0309rev. 3; 10605-EPR-00-XX-DR-A-41-0310rev. 4; 10605-EPR-00-XX-DR-A-41-0311rev. 2; 10605-EPR-00-XX-DR-A-41-0312rev. 2; 10605-EPR-00-B1-DR-A-31-0110rev. 4; and 10605-EPR-00-01-DR-A-31-0400 rev. 3., , 10605-EPR-00-01- DR-A 42-00.23 1; 10605-EPR-00-01- DR-A 42-03.10 8;, 10605-EPR-00-01- DR-A 42-03.11 8 and 10605-EPR-00-01- DR-A 42-05.10 8., , Design and Access Statement dated July 2018; Roof Plant Design Statement; Archaeology Statement by Compass Archaeology dated 5 July 2018.

Condition Discharges:

RN:14/12033/ADFULL dated 24.03.2015 Condition 27  
RN:19/00343/ADFULL dated 05.04.2019 Condition 28  
RN:19/01266/ADFULL dated 26.03.2019 Condition 5  
RN:19/01267/ADFULL dated 26.03.2019 Condition 17  
RN:19/04014/ADFULL dated 25.02.2020 Condition 26,  
RN:19/09619/ADFULL dated 19.12.2019 Condition 31  
RN:20/02631/ADFULL dated 18.05.2020 Condition 11

As amended:

10605-EPR-00-B1-TP-A-02-1099/1 and letter from Gerald Eve  
Ref:NJB/GBR/CMCM/J7991 dated 12 October 2022.

**Case Officer:** Julia Asghar

**Direct Tel. No.** 020 7641  
07866037964

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only: \* between 08.00 and 18.00 Monday to Friday; \* between 08.00 and 13.00 on Saturday; and,\* not at all on Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)



- 4 You must undertake works in accordance with the following detailed drawings: i) New external doors - 10605-EPR-00-B1-DR-A-32-0100 rev. 4; 10605-EPR-00-GF-DR-A-32-0101 rev. 3; 10605-EPR-00-XX-DR-A-32-0102 rev. 3, ii) New windows and dormers - 10605-EPR-00-01-DR-A-41-0222 rev. 3; 10605-EPR-00-04-TP-A-27-0412 rev.1; 10605-EPR-00-04-TP-A-27-0413 rev. 1; 10605-EPR-00-XX-DR-A-41-0201 rev. 6; 10605-EPR-00-XX-DR-A-41-0203 rev. 3; 10605-EPR-00-XX-DR-A-41-0220 rev. 2; 10605-EPR-00-XX-DR-A-41-0221 rev. 3., iii) Framework to glazed links and screens at rear - 10605-EPR-00-XX-DR-A-41-0300 rev. 3; 10605-EPR-00-XX-DR-A-41-0305 rev. 2; 10605-EPR-00-XX-DR-A-41-0306 rev. 2; 10605-EPR-00-XX-DR-A-41-0307 rev. 2; 10605-EPR-00-XX-DR-A-41-0308 rev. 2; 10605-EPR-00-XX-DR-A-41-0309 rev. 3; 10605-EPR-00-XX-DR-A-41-0310 rev. 4; 10605-EPR-00-XX-DR-A-41-0311 rev. 2; 10605-EPR-00-XX-DR-A-41-0312 rev. 2., iv) Glazed atrium - 10605-EPR-00-B1-DR-A-31-0110 rev. 4; 10605-EPR-00-01-DR-A-31-0400 rev. 3. You must carry out work according to these details unless otherwise agreed in writing.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must carry out the development according to the samples of the facing materials, including glazing, approved under RN: RN:19/01266/ADFULL dated 26.03.2019; or in accordance with other details subsequently submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 Where new brickwork is to match existing, it must match the existing original work in terms of colour, texture, face bond and pointing.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must paint the new ducts at roof level in a colour to match the walls or roof surfaces next to them and keep them that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make

sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 The new mansard roof must be clad in natural slate on the lower slope and lead on the upper slope.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 You must paint the new metal railings at the rear black and keep them that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 10 You must only use the part of the property we have approved for museum use as a police museum. You must not use it for any other purposes, including an alternative type of museum or any use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

Reason:

We cannot grant planning permission for unrestricted museum use or unrestricted use within Class D1 because of the history of the building and because an unrestricted D1 use would not meet Policy 2 and 17 of the City Plan 2019-2040 (April 2021), and because of the special circumstances of this case. (R05BC)

- 11 You must operate the Museum in accordance with the details approved under RN:20/02631/ADFULL dated 18.05.2020; unless other details are subsequently submitted to and approved by the City Council. You must not change it without our permission.

Reason:

To ensure that the Museum is completed and used as agreed; and ensure that it contributes to the character and function of this part of Covent Garden and the Central Activities Zone. This is in line with Policy 2 and 17 of the City Plan 2019-2040 (April 2021).

- 12 The hotel use allowed by this permission shall not be occupied until the museum has been completed and made ready for occupation, unless otherwise agreed in writing by

us.

Reason:

Developing the site without the museum use would not meet Policy 2 and 17 of the City Plan 2019-2040 (April 2021).

- 13 No additional areas (other than those shown on the drawings hereby approved) shall be created for hotel restaurant and hotel bar, unless otherwise agreed in writing by us.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 14 The two restaurants and bars shall not be used by non-residents of the hotel except between the hours of 0800 to 0100 the next day, with the exception of the Atrium Restaurant marked red on drawing No:10605-EPR-00-B1-TP-A-02-1099/1 on Fridays and Saturdays which shall not be used by non-residents of the hotel except between the hours of 0800 to 0200 the next day.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 15 No music shall be played in the bar, restaurants or other public areas of the hotel such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 16 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and museum use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and museum use 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 permitted hours of use. The activity-

specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

**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 Environmental Supplementary Planning Document (February 2022), 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. (R47AC)

- 17 The design, construction and insulation of the whole ventilation system and any associated equipment shall be carried out in accordance with the details approved under RN:19/01267/ADFULL dated 26.03.2019; unless other details are subsequently submitted to and approved by the City Council. You must not change it without our permission.

**Reason:**

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

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

machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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)

- 19 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 20 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 21 You must provide the waste store shown on drawing 10605-EPR-00-B1-TP-A-02 1099/1 and 10605-EPR-00-B2-TP-A-02 1098/1 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 22 You must not use the roof of the extensions at first and fourth floor level for sitting out. You can however access the roofs for maintenance purposes, to escape in an emergency and the first floor flat roof 'herb garden' can be accessed by the hotel chef. (C21BA)

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). (R21BD)

- 23 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises. (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out

for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 24 You must hang all doors or gates so that they do not open over or across the road or pavement except in an emergency.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 26 Copies of the written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme approved under RN:19/04014/ADFULL dated 25.02.2020 must be sent to Historic England and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 27 You must carry out the development in accordance with the submitted Construction Management Plan by Rise dated 16.02.2015 (revision 2) approved under RN: 14/12033/ADFULL dated 24 March 2015, unless you apply to us and we approve an alternative construction management plan prior to commencement of development. If we approve an alternative construction management plan you must then carry out the development in accordance with the alternative construction management plan we approve.

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)

- 28 You must carry out the development in accordance with the Servicing and Waste Management Plan approved under RN:19/00343/ADFULL dated 05.04.2019, unless other details are subsequently submitted to and approved by the City Council. You must not change it without our permission.,

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 29 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application: \* Development wide community heating system; \* Combined heat and power units \* Solar PV modules. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 30 The development shall achieve a BREEAM New Construction (hotel) (2014 ed.) very good rating. A post construction certificate shall be issued by the Building Research Establishment or other independent certification body confirming this standard has been achieved and submitted for approval by the Local Planning Authority within 3 months of completion on site.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 31 The traditional light at the entrance to the museum approved under RN:19/09619/ADFULL dated 19.12.2019 shall be permanently retained and maintained in good working order.

Reason:

To ensure that the Museum entrance is appropriately illuminated given the history of the building and to ensure that it contributes to the character and function of this part of Covent Garden and the Central Activities Zone.

- 32 You must only use the door on Crown Court to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 33 The glazed atrium roof shall be fixed permanently shut.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)



- 34 The new door to the north elevation shall match the existing adjacent door in all respects.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

**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 This permission is governed by a Deed of Variation to the original legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: (i) Financial contribution of £696,129 towards the Council's Affordable Housing fund; (ii) Financial contribution of £603,871 towards public realm works in the vicinity; (iii) The police museum to be fully fitted out and ready for occupation prior to the occupation of the hotel, the setting up of a trust to run and manage the museum and provided at a peppercorn rent; (iv) Highway works to Bow Street, including changes to on-street traffic orders, to secure the servicing, and (v) Financial contribution of £446,100 towards Crossrail.

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.

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