



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 9th January, 2024**

Time:

**6.30 pm**

Venue:

**18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Ruth Bush (Chair)  
Nafsika Butler-Thalassis  
Jason Williams

Robert Rigby  
Paul Fisher  
Jim Glen



**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, Steven Clarke, Committee and Governance Officer.**

**Email: [sclarke1@westminster.gov.uk](mailto:sclarke1@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

**(Pages 5 - 8)**

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

1. **10-11 LANCASTER GATE, LONDON, W2 3LH**
2. **LUXBOROUGH TOWERS, LUXBOROUGH STREET,  
LONDON, W1U 5BW**

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106)**

**Stuart Love  
Chief Executive  
22 December 2023**

## Order of Business

At Planning Applications 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 (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 17th October, 2023**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Jason Williams, Paul Fisher, Robert Rigby and Jim Glen

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Ruth Bush explained that a week before the meeting, all six 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 email 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.

Councillor Paul Fisher declared an interest in respect to Items 1 and 2, that the applications are in his Ward.

Councillor Fisher also declared in respect of Item 1 that in 2022 he received a presentation from the Agent Gerald Eve LLP on the development, but he expressed no views on the merit of the application.

Councillor Fisher in respect of Items 1 and 2 declared that he knew many of the speakers personally but had not discussed the application or its merits with them.

Councillor Jason Williams declared an interest in respect of Item 1 that he knew one of the speakers but had not discussed the application with them.

### **3 MINUTES**

**RESOLVED:** That the minutes of the meeting held on 5<sup>th</sup> September 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

The Sub-Committee heard the applications in the following order: 2, 1.

#### **1 APPLICATION A: 2-4 DEAN STREET & 7 SOHO SQUARE, W1D 3QB; APPLICATION B: FRENCH PROTESTANT CHURCH, 8-9 SOHO SQUARE, W1D 3QD; APPLICATION C: 4-6 SOHO SQUARE, W1D 3PZ**

##### Application A:

Demolition of 2-4 Dean Street and 7 Soho Square and the erection of a replacement building on basement, ground and seven upper floors, (increasing depth of existing basement) for retail and/or restaurant purposes (Class E) on part basement and part ground floors, a multi-use space (sui generis)/pedestrian link between Dean Street and Soho Square on part ground floor; use of the remainder of the building as offices (Class E) with associated terraces at 5th, 6th and 7th floor levels; provision of roof plant/plant enclosures, cycle parking green roofs, photovoltaic panels and facade lighting.

##### Application B:

Removal and replacement of chimney including works to party wall between 2-4 Dean Street/7 Soho Square and The French Protestants Church, 8-9 Soho Square; other associated works.

##### Application C:

Dismantling and rebuilding of the chimney and works to the party wall, including underpinning, between 2-4 Dean Street & 7 Soho Square and 4-6 Soho Square; and other associated works.

Additional representations were received from Meard & Dean Steet RA (11.10.23), Hines UK (12.10.23) and four residents (9.10.23, 11.10.23, 11.10.23 and 12.10.23)

Late representations were received from Soho Business Alliance Ltd (13.10.23), on behalf of the French Protestant Church (7.3.23, 13.10.23, 16.10.23), Hat & Beaver Residents' Association (15.10.23), Councillor Patrick Lilley (16.10.23), The Soho Society (16.10.23 and 17.10.23), Antsey Horne (19.4.23), ten residents (11.10.23, 11.10.23, 11.10.23, 12.10.23, 13.10.23, 15.10.23, 15.10.23, 16.10.23, 16.10.23 and 17.10.23) and a petition signed by 211 people submitted by the Soho Society.

Robbie Pitman, representing Hines UK, addressed the Sub-Committee in support of the application.

Colin McColl, representing Orms Architects, addressed the Sub-Committee in support of the application.

Tim Lord, representing The Soho Society, addressed the Sub-Committee in objection of the application.

David Bieda, representing Meard & Dean Street Residents' Association, addressed the Sub-Committee in objection to the application.

Matthew Bennett addressed the Sub-Committee in objection to the application.

#### Application A 23/00484/FULL

**RESOLVED THAT THE APPLICATION BE REFUSED:** (Refused: Councillors Bush, Williams, Fisher and Butler-Thalassis: Agreed: Councillors Rigby and Glen)

Reason: the bulk, height, massing and design of the replacement building causing less than substantial harm to the Soho Conservation Area which are not outweighed by the public benefits.

The reason for refusal to be agreed under delegated powers in consultation with the Chair.

The planning application will have to be referred by to the Mayor of London(GLA) at Stage 2.

#### Application B 23/00373/LBC

**RESOLVED UNANIMOUSLY**

That conditional listed building consent be granted.

That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

#### Application C 23/00375/LBC

**RESOLVED UNANIMOUSLY**

That conditional listed building consent be granted.

That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## **2 HANOVER SQUARE, LONDON**

### Application 1:

Installation of temporary structures, including marquees, a Saddlespan tent, an ice rink, a bar with two pedestrian bridges, storage containers, 2 x ancillary offices, 2 x HVO generators; and associated works at Hanover Square in association with the

Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026.

Application 2:

Temporary display of hoarding and signage and associated works at Hanover Square in association with the Underbelly Skate West End event between Saturday 4th November 2023 - Monday 1st January 2024; Friday 1st November 2024 - Sunday 5th January 2025 and; Friday 31st October 2025 - Sunday 4th January 2026. Installation will take place over the following periods; Wednesday 18th October 2023 - Friday 3rd November 2023; 15th October 2024 - Thursday 31st October 2024; 14th October 2025 - Thursday 30th October 2025. Deinstallation will take place over the periods Tuesday 2nd January 2024 - Thursday 11th January 2024; Monday 6th January 2025 - Wednesday 15th January 2025; Monday 5th January 2026 - Wednesday 14th January 2026.

Additional representations were received from Great Portland Estates (11.10.23), Highways Planning Manager (12.10.23) and Arboricultural Officer (12.10.23).

A late representation was received from a resident (11.10.23).

Edward Bartlam, representing Underbelly, addressed the Sub-Committee in support of the application.

Mike Dunn, representing Residents Society of Mayfair and St James, addressed the Sub-Committee in objection to the application.

Application 1 : 23/06019/FULL

**RESOLVED THAT THE APPLICATION BE GRANTED** (Agreed: Councillors Bush, Williams, Butler-Thalassis, Rigby and Glen: Refused: Councillor Fisher)

That conditional permission for a limited period of 1 year only be granted.

Application 2: 23/06020/ADV

**RESOLVED THAT THE APPLICATION BE GRANTED** (Agreed: Councillors Bush, Williams, Butler-Thalassis, Rigby and Glen: Refused: Councillor Fisher)

That conditional advertisement consent for a limited period of 1 year only be granted.

The Meeting ended at 10.07 pm

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



# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 9th January 2024  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 23/04044/FULL & 23/04045/LBC  Lancaster Gate	10-11 Lancaster Gate London W2 3LH	Change of use from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04045/LBC)	Lancaster Gate Investments Limited
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional planning permission, subject to a s106 legal agreement to secure the following planning obligations:                             <ol style="list-style-type: none"> <li>(a) A financial contribution of £1,421,858 (index linked) towards the provision of Affordable Housing (payable on commencement &amp; associated early and late stage reviews)</li> <li>(b) A financial contribution of £43,653 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);</li> <li>(c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;</li> <li>(d) A financial contribution of £3,300.00 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);</li> <li>(e) Provision of lifetime car club membership (minimum 25 years) for all 11 flats</li> <li>(f) The costs of monitoring the S106 agreement.</li> </ol> </li>   <li>2. If the legal agreement has not been completed within 3 months of the date of the Committee resolution, then:                             <ol style="list-style-type: none"> <li>(a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</li>   <li>(b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the 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.</li> </ol> </li>   <li>3. Grant conditional listed building consent.</li>   <li>4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.</li> </ol>				
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s):</b> 23/04362/COFUL  Marylebone	Luxborough Towers Luxborough Street London W1U 5BW	Variation of Conditions 1, 7, 8, 14, 15, 17 and 30 of planning permission dated 19 November 2020 (Ref: 19/06451/COFUL) for: 'Redevelopment of existing play space to provide a new building comprising a flexible Class D1 (non-residential institutions) use at ground floor level, 14 x affordable house units (7 x 1-bed and 7 x 2-bed) on first to fifth floors with associated terraces/balconies (Class C3); associated access and other works including a subterranean rainwater harvesting tank; new plant, cycle parking, refuse storage and landscaping. Removal of existing boundary railings and brick wall base adjoining Paddington Street Gardens North and construction of	Westminster City Council

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 9th January 2024  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		<p>new boundary wall. (COUNCIL'S OWN DEVELOPMENT)'; NAMELY, to allow the installation of 1.1m guard railings to all flat roofs; repairs to existing dwarf wall with metal railing and inclusion of a screen; introduction of metal artwork panels (public art) on the rear boundary wall; relocation of emergency exit from Paddington Street Gardens boundary wall to Luxborough Tower gardens wall; replacement of gas boilers with 16 x ASHPs at main roof level; installation of privacy screens to rear balconies at 3rd 4th and 5th floor levels; reconfiguration of residential entrance door including a glazed panel to enable further daylight into the communal entrance hallway; relocation of ground floor vents; relocation of the community space kitchen extract duct at top roof level; reduction in height of the lift overrun and increase in height of smoke vent by 500mm; and tenure - social rent introduced. (Application under Section 73 of the Act).</p>	
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following:           <ol style="list-style-type: none"> <li>(a) The provision of 7 intermediate affordable housing units and 7 social rented housing units.</li> <li>(b) The provision of Lifetime car membership (minimum 25 years) in association with each of the proposed prior to first occupation.</li> <li>(c) A carbon offset contribution of £5,472 to address the shortfall in carbon savings.</li> <li>(d) Cost associated with the replacement of two street trees outside the site on Luxborough Street (5,000 per tree).</li> <li>(e) Highway works.</li> <li>(f) S106 monitoring costs.</li> </ol> </li>   <li>2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:           <ol style="list-style-type: none"> <li>(a) The Director of Town Planning &amp; Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning &amp; Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</li>   <li>(b) The Director of Town Planning &amp; Building Control shall consider whether 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 &amp; Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> </li> </ol>			

# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 <sup>th</sup> January 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved.</b> Lancaster Gate	
<b>Subject of Report</b>	<b>10-11 Lancaster Gate, London, W2 3LH</b>		
<b>Proposal</b>	Change of use from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04045/LBC)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Lancaster Gate Investments Limited		
<b>Registered Number</b>	23/04044/FULL& 23/04045/LBC	<b>Date amended/ completed</b>	16 November 2023
<b>Date Application Received</b>	15 June 2023		
<b>Historic Building Grade</b>	Grade II – (Currently on Historic England’s building at Risk Register)		
<b>Conservation Area</b>	Bayswater		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

<p>1. Grant conditional planning permission, subject to a s106 legal agreement to secure the following planning obligations:-</p> <ul style="list-style-type: none"> <li>a) A financial contribution of £1,421,858 (index linked) towards the provision of Affordable Housing (payable on commencement &amp; associated early and late stage reviews</li> <li>b) A financial contribution of £43,653 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development).</li> <li>c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.</li> <li>d) A financial contribution of £3,300.00 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development).</li> <li>e) Provision of lifetime car club membership (minimum 25 years) for all 11 flats</li> <li>f) The costs of monitoring the S106 agreement.</li> </ul>
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2.If the legal agreement has not been completed within 3 months of the date of the Committee resolution, then:

a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the 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.Grant conditional listed building consent.

4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes extensions and internal and external alterations to this Grade II listed building located within the Bayswater Conservation Area. The building, which has a chequered history as the Averard Hotel, has been vacant for a considerable time and is in very bad condition, as such it is on Historic England's Building at Risk Register. It is now under new ownership and this proposal seeks to bring the building back into use for residential purposes, by extending and restoring the building, balancing current day requirements for a sustainable and functional residential building with the protection of the heritage asset.

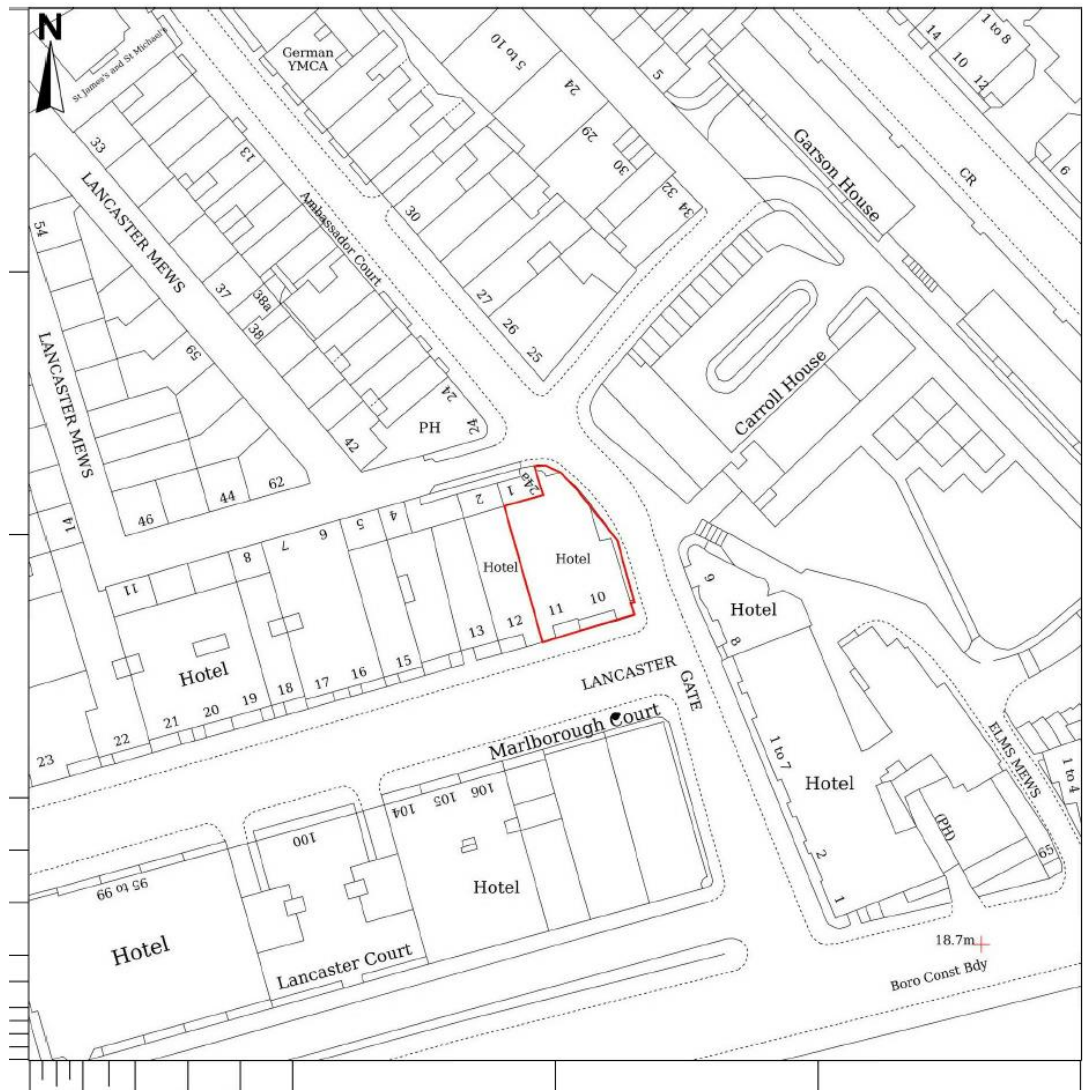
The key considerations in this case are:

- The acceptability of the large residential units
- The acceptability of the proposed affordable housing offer (financial contribution)
- The impact of the proposed extensions and external and internal alterations on the listed building, the character and appearance of the Bayswater Conservation Area and the setting of other nearby designated heritage assets.
- The acceptability of the energy performance of the building as proposed to be extended and altered.
- Whether the development has delivered sufficient biodiversity net gain.

The South East Bayswater Residents Association welcome the proposal to bring the building back into use, as does a resident, no other representations have been received. The proposal has been the subject of considerable discussions with officers in order to get to this position. A viability tested financial contribution towards the provision of affordable housing is proposed, together with early and late stage review mechanisms.

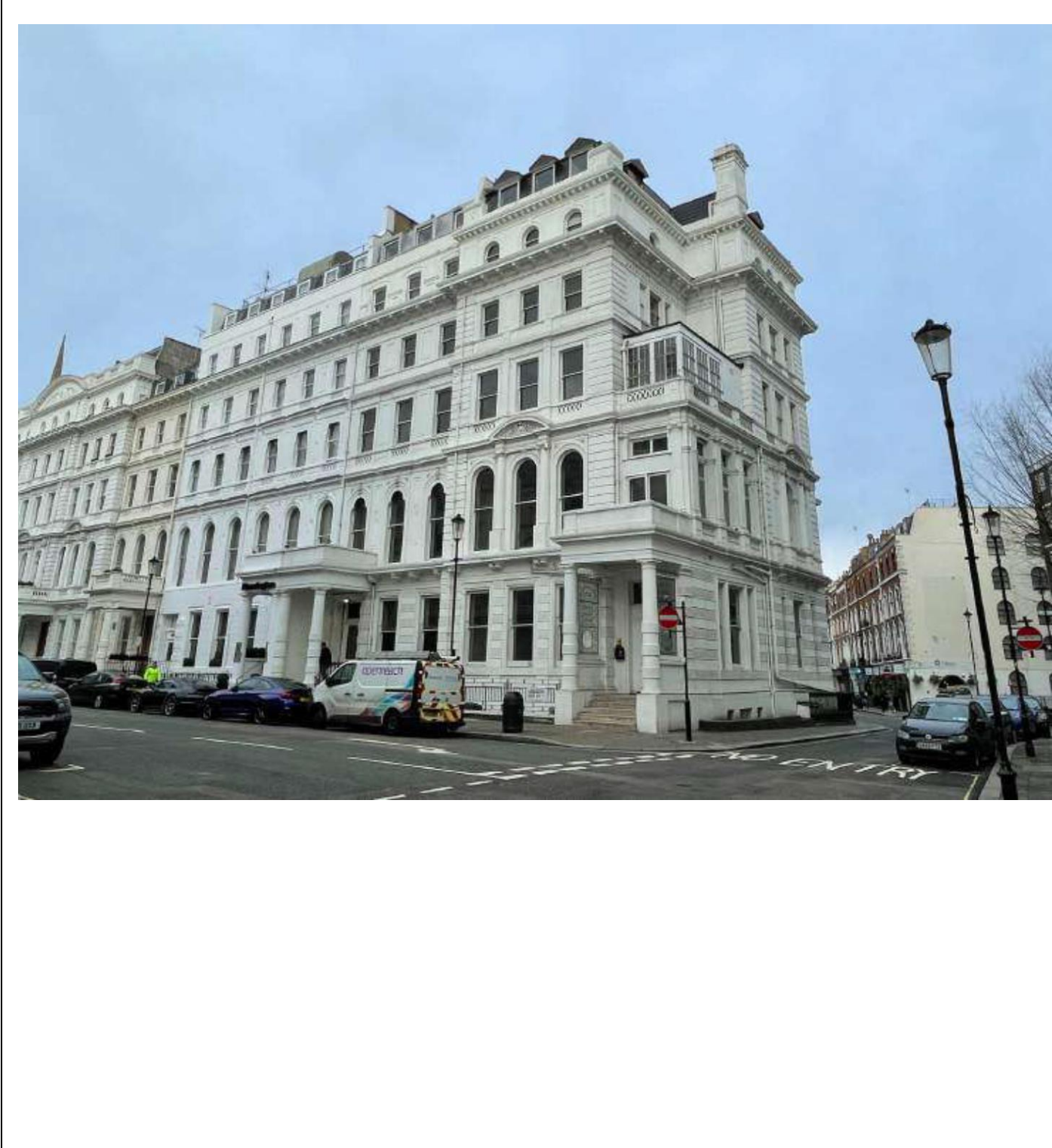
Whilst the proposal would result in some less than substantial harm to the heritage assets, there are also some benefits to the heritage assets together with the public benefits of bringing these buildings back into sound use, providing new residential accommodation and a payment in lieu of affordable housing. The proposal is considered to satisfy other relevant City Plan policies, taking into account any material considerations. As such a favourable recommendation is made, subject to the conditions set out in the draft decision letter and the obligations listed in the recommendation.

### 3. LOCATION PLAN

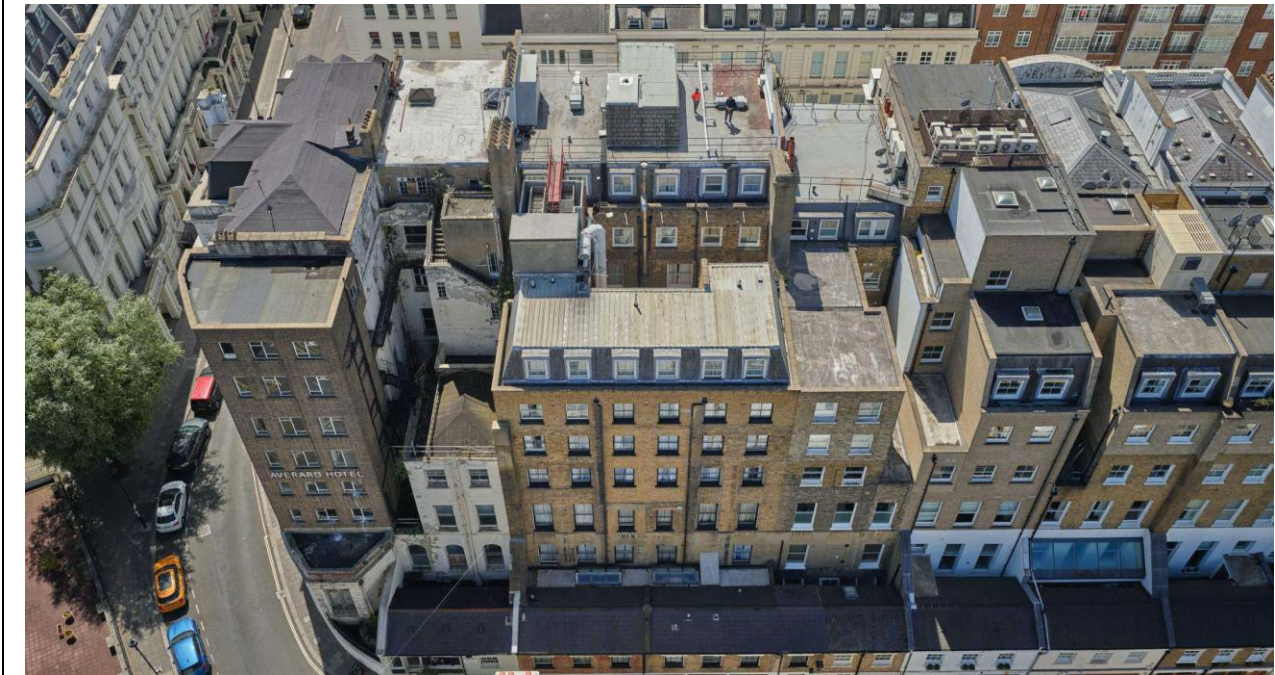


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**4. PHOTOGRAPHS**













**5. CONSULTATIONS**

**5.1 Application Consultations**

**HISTORIC ENGLAND**

Authorisation to determine the application for listed building consent.

**HISTORIC BUILDINGS AND PLACES**

Any response to be reported verbally.

**COUNCIL FOR BRITISH ARCHAEOLOGY**

Any response to be reported verbally.

**THE GEORGIAN GROUP**

Any response to be reported verbally.

**THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS**

Any response to be reported verbally.

**THE TWENTIETH CENTURY SOCIETY**

Any response to be reported verbally.

**THE VICTORIAN SOCIETY**

Any response to be reported verbally.

**HEALTH AND SAFETY EXECUTIVE (HSE)**

Any response to be reported verbally.

**AFFORDABLE HOUSING SUPPLY MANAGER**

Any response to be reported verbally.

**SUSTAINABILITY**

No objection.

**ENVIRONMENTAL HEALTH**

No objection, (following further information) subject to conditions (Code of construction, Land contamination, noise from plant and machinery and vibration).

**LEAD LOCAL FLOOD AUTHORITY**

Any response to be reported verbally.

**ARBORICULTURAL MANAGER**

No objection, subject to condition to require details of soft landscaping.

**HIGHWAYS PLANNING MANAGER**

No objection, subject to securing lifetime car club membership for residents & cycle storage.

**WASTE PROJECT OFFICER**

No objection (following revisions), subject to condition to requires provision of waste

storage in perpetuity.

**BUILDING CONTROL**

No objection.

**ECONOMY TEAM**

Comment. A financial contribution of £3,300 is required towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service. The proposal does not trigger a requirement for an employment and skills plan.

**PLANNING ENFORCEMENT TEAM (PET)**

PET currently have an investigation, 22/77044/N, into the poor condition of the rear elevation of the property. Correspondence has been sent to all parties requesting works be carried out to improve the property's appearance. However, it is noted that the submission of this application (and the linked LBC application) is for extensive remodelling works to the site, which would if granted, result in works to improve the appearance of the rear elevation of the property, alleviating the PETs concerns over the current poor condition. Please assess that application on its own merits.

**WARD COUNCILLORS FOR LANCASTER GATE**

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION**

No objection. We commend the thoroughness of this application and the consultations that have preceded it. We have no objections and look forward to this building finally being put back into use in its prominent location.

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

No. Consulted: 101  
Total No. of replies: 1  
No. of objections: 0  
No. in support: 1

Supports planning application.

**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, 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:  
In April 2022 the applicant appointed Kanda consulting, to undertake stakeholder engagement and consultation.

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Key stakeholder engagement with Cllrs and SEBRA, neighbours	18.03.2022-18.07.2022	yes	All matters
Public Exhibitions	21.11.2022 & 23.11.2023	52 people	All matters
Newsletters	15.11.2022	1,877	All matters
Cllr Burbridge (LG Ward at the time)	18.03.2022	yes	Rent Vs Sale, heritage justification for larger flats, regeneration.
SEBRA	05.04.2022	yes	Land use, Affordable housing, vacant building credit, rear elevation, access, lifts, car club.
Cllr Cunningham (LG Ward)	13.06.2022	yes	Rent Vs Sale, heritage justification for larger flats
Cllrs Ormsby and Jude ( LG Ward)	18.07.2022	yes	Affordable housing, heritage status, sustainability

In summary, across the range of engagement undertaken by the applicant the principal issues raised are set out in the table above.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has evolved in response to views and representations expressed during pre-application community engagement. Furthermore, significant pre-application discussions have taken place with officers.

## 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) (September 2023) 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 (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

10-11 Lancaster Gate is located at the intersection of Lancaster Gate and Craven Terrace and Lancaster Mews. It contains two, seven storey (plus first floor mezzanine) grade II listed buildings, located within the Bayswater Conservation Area. These buildings are currently vacant, but have been laterally converted historically and were last in use as a single hotel premises (Averard hotel) (Class C1) over basement, ground, first, first mezzanine, second, third, fourth and fifth floors. The retail use at 24a Lancaster mews, is not part of site.

Due to their poor condition, these buildings are also on Historic England's Heritage at Risk register (List Entry 1221694) The programme identifies those sites that are most at risk of being lost as a result of neglect, decay, or inappropriate development. The Heritage at Risk Register indicates " Grand terrace of houses dating from 1865, attributed to John Johnson. The building is three bays wide with four storeys plus attic and basement. It has fine classical detailing. The condition of the existing building is very poor, owing to water leakage and lack of maintenance over many years "The building has, however been temporarily secured following enforcement action, and discussions are ongoing with regards to its long-term use and repair". Condition is stipulated as "very bad" and priority C.

The site is located outside of the Central Activities Zone (CAZ) & Archaeological Priority Area and does not lie within an Air Quality Focus Area. It is however located within a Surface Water Flood Risk Hotspot.

### **7.2 Recent Relevant History**

#### **Planning Application History**

##### 2020

Display of non-illuminated estate agent board measuring 0.6m x 0.9m in the window at ground floor level for a temporary period of six months. (20/06956/AD7)  
Advertisement consent granted 18.11.2020.

##### 2017

Demolition of 1st and 2nd storey of existing rear extension and erection of new four storey rear extension with internal alterations and new lift associated with use of building as ten residential units and associated works. (15/11987/FULL & 15/11988/LBC)  
Application Withdrawn 21.02.2017. Listed building consent application was recommended favourably, but planning application was recommended for refusal on grounds of absence of a policy compliant affordable housing payment. The applicant did not agree to the payment of an affordable housing contribution of £3,611,520.00. This is despite viability testing demonstrating that the development could make the payment.

Vacant Building Credit was requested by the applicant, but officers did not consider it to be applicable.

### 2015

Part demolition and rebuild including rear extension, new stairs, and lift with overrun and new roof garden. Conversion of property from hotel to residential use (4 x 4 bed, 2 x 3 bed, and 2 x 2 bed). (15/01896/FULL & 15/01897/LBC)

Application Withdrawn – 28.07.2015.

### 2013

Demolition of rear extension to No. 11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, erection of single storey basement extension, opening up of existing vaults to increase covered outside space within front lightwells, installation of mechanical plant and satellite dishes at roof level, alterations to existing facades including replacement of windows and rendering of existing rear extension to No.10 and installation of a platform lift to the Craven Terrace elevation between ground and basement levels and associated external alterations in connection with refurbishment of existing hotel (Class C1). (11/01841/FULL & 11/01302/LBC)

Application Refused – 12.09.2013 - Five design and heritage reasons for refusal & inadequate waste and recycling facilities.

Use as 12 self-contained residential flats (Class C3) (1x1 bedroom flat, 8x2 bedroom flats, 2x3 bedroom flats and 1x4 bedroom flat), demolition of rear extension to No. 11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, alterations to existing rear extension to No. 11, erection of single storey roof extension to No. 11, installation of a platform lift to the Craven Terrace elevation between ground and basement levels, installation of glazed roof over front lightwells and associated external alterations. (11/12021/FULL & 12/00399/LBC)

Application Refused – 12.09.2013- Six designs and heritage reasons for refusal and lack of family sized units and lack of affordable housing provision.

Demolition of rear extension to No.11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, erection of plant enclosure and installation of mechanical plant at roof level, alterations to existing facades including replacement of windows and rendering of existing rear extension to No.10, installation of a platform lift to the Craven Terrace elevation between ground and basement levels, associated external alterations and use as 42 serviced apartments/ apart-hotel (Class C3) (12/00959/FULL & 12/01722/LBC). Application Refused – 12.09.2013-Five design and heritage reasons for refusal.

### **Planning Enforcement History**

2007\_Crumbling façade (07/38039/P)- Warning letters 25.02.2008, No further action as scaffolding erected, and façade repainted.

2009 -Poor condition of front façade (09/42765/P) 08.07.2009 No further action.

2010- Works to listed building (10/45912/D)- Unauthorised hoarding as no permission/consent granted for works- works subsequently approved under 10/07777/LBC & 10/07779/LBC)

2010- Internal works (10/46007/P)- 11.11.2010- No further action

2012- Poor condition of building (12/49522/N)- Warning letters issued 24.07.2012 and

remedial work undertaken.

2012- Unauthorised works to front of building (12/51467/P)- Paint stripping undertaken 07.09.2012- No further action

2017- Poor condition of building (14/56276/N)- Section 215 Notice served 29.03.2017, requiring a number of steps to be taken to repair the building.

2018- Use as fashion show/exhibition (18/67947/U)- PCN issued 18.09.2018- Unauthorised use ceased

2021-Poor condition of building (21/74326/N)- Warning Letter 07.06.2021 requiring list of issues to be remedied.

**Building Control**

2012- 12/000047/OTHER Dilapidated building, loose weathered rendering, broken windows liable to fall. Dangerous Structure Notice Issued 13.02.2012.

2015- 15/00039/OTHER- Loose entrance porch glazing- Liable to fall. Dangerous Structure Notice Issued.

**London Fire Brigade**

Enforcement Notice issued on 17.04.2009 requiring fire related works to be undertaken under the Regulatory Reform (Fire Safety) Order 2005. (Failing included inadequate fire detection, and alarm system, problems with external means of escape and inadequate and defective fire doors).

**8. THE PROPOSAL**

Planning permission and listed building consent are sought to extend and alter the buildings externally and internally, in connection with a change of use from vacant hotel to 11 residential flats. A summary of the proposal is set out below:-

- Change of use from Hotel to Residential
- Increase in floorspace of 176m2.
- Provision of 11 flats
- Remodelling and extension of 1930's and 1950's additions including roof extensions.
- External alterations
- Internal alterations

**Table 1: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	2,472.3	N/A	- 2,472.3
Residential	N/A	2,648.3	+176m2
Total		2,648.3	+176m2

During the course of the application, further discussions have taken place with respect to heritage, refuse and recycling, environmental, sustainability and viability in order to clarify matters and or address officer's concerns. A site visit was undertaken by the case officer, design and conservation officer, waste project manager and the City Council's independent viability consultants.

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Land Use Overview

##### Loss of Hotel

The Existing hotel is vacant and has been for some considerable time, over 10 years. Its previous use as a hotel and the consequential internal alterations have had an impact on the special interest of these listed buildings, as has the lack of use and maintenance of the buildings over this period of time. The buildings do not have any provision for off-street servicing and nor could this be provided given the impact this would have on the character and appearance of the grade II listed buildings. The buildings were originally built as two large townhouses and not as a purpose built hotel premises and new hotels are directed to the CAZ and District Centres. For these reasons, the loss of the hotel use is acceptable in land use terms in accordance with Policy 15 (Visitor Economy).

##### Proposed Residential

The principle of returning these listed buildings to permanent residential use is supported in principle in land use terms under Policy 8 (Housing Delivery) in order to deliver new homes in Westminster. This is expected to be achieved by, among other things optimising site densities and permitting appropriate upward extensions.

**Table 2:- Residential mix, floorspace, quality.**

Apartment number	Floor level	Number of bedrooms	Floorspace m2	Aspect	Fully meets BRE for daylight and sunlight	External amenity
1	Ground & basement	2 bedrooms	194.3m2	Single	No	No
2	Ground & basement	3 bedrooms	234.5m2	Dual	No	yes
3	First floor	3 bedrooms	319.1m2	Triple	No	Yes
4	Second floor	2bedrooms	169.2m2	Triple	Yes	No
5	Second & mezzanine floor	2 bedrooms	105.9m2	Single	Yes	No
6	Second floor	1 bedroom	60.2m2	Single	Yes	No
7	Third floor	2 bedrooms	153.7m2	Triple	Yes	No
8	Third floor	2 bedrooms	140.2m2	Dual	No	No
9	Fourth	2bedrooms	154.50m2	Triple	No	No
10	Fourth	2 bedrooms	141.0m2	Dual	Yes	No
11	Fifth floor	3 bedrooms	177.8m2	Triple	Yes	Yes

##### Optimisation

Eleven residential units are proposed within the buildings as proposed to be extended. The mix of unit sizes is 1x1 bed, 7x2bedroom; 3x3bedroom. 27.7% units are proposed as family sized, which satisfies our 25% policy requirement under policy 10 (Housing for

Specific Groups).

Two of the residential units (flats 2 &3, a duplex at ground and basement and a single unit at first floor) would exceed our 200m2 size threshold for new homes. These two units are both family sized units. This matter has been the subject of significant pre-application discussions with officers, where various options were considered. Officers are now content that there is justification in this particular case to exceed this threshold. The ground and first floors are the most significant areas of the listed buildings, containing the principal reception rooms, largely in their original form with decorative form and character. The larger flats proposed respect and protect this, rather than seeking to create further flats by subdividing the space which would be harmful to the listed buildings. Furthermore, the existing basement floor, particularly the area to the rear of the building, receives limited daylight. The two larger units are considered to protect the listed building whilst creating a good standard of residential accommodation and are considered to meet the criteria for the exception allowed under policy 8 (Housing Delivery) and the residential use of the building is considered to have been satisfactorily optimised.

#### Quality of residential accommodation

All 11 flats would meet or exceed the internal floorspace requirements of the Nationally Described Housing Standards. Three would be single aspect, three dual aspect, and five are triple aspect. Three of the units would benefit from private external terraces ( flat 2 at basement, flat 3 at first and flat 11 at fifth floor level).

Given the listing of the building, there are limited opportunities to provide external amenity space and the three terraces are therefore welcome. Hyde Park is in close proximity and will help alleviate the lack of amenity space for occupants and provide alternative access to public green space.

In terms of daylight and sunlight, some rooms within the flats would not meet the BRE guidelines for new dwellings. However, there are a number of factors to be taken into account;- this is an existing listed building, the existing basement is compromised in terms of receiving daylight and sunlight, flats 1 and 2 are duplex flats and so would receive better daylight from ground floor, the rooms to the front are deep floorplates. Taking these factors into account, the daylight and sunlight levels for the proposed flats are considered to be acceptable.

#### **Daylight and sunlight:- rooms which do not meet BRE guidelines for daylight and sunlight.**

Flat	Location	Room/2	Room number	Comments
Flat 1	Basement( front)	2 Bedrooms & study	R1,R2,R3	Basement Duplex flat
Flat 2	Basement (rear)	2 bedrooms	R4, R5	Basement Duplex flat
	Ground (rear)	Kitchen	R5	Small kitchen to rear
Flat 3	1 <sup>st</sup> floor ( front & side)	Kitchen/dining & study/entrance	R1, R4	Deep room to front.
Flat 8	3 <sup>rd</sup> floor front	Living/Dining	R1	Deep room to front
Flat 9	4 <sup>th</sup> floor	Living room	R2	Deep room to front



Taking into account the size, layout, aspect, high ceilings and architectural features of the flats. Overall, notwithstanding the lower levels of light to some rooms (set out in the table above) the internal residential environment to be provided for future occupiers is considered to be of good quality. The flats are also well-designed and energy efficient and are provided with provision for storage of cycles and access to car club membership. Overall, the quality of the residential accommodation is considered to satisfy Policy 12 (Housing quality).

#### Affordable Housing

As the proposal would provide over 10 new residential units within over 1,000m<sup>2</sup> of floorspace, it triggers Policy 9 (Affordable Housing), and the proposal would be required to provide 35% of the residential units as affordable housing on-site. The policy allows, in exceptional cases, for affordable housing provision to be made off site in the vicinity of the site. This will only be accepted where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. As a last resort a payment in lieu (PIL) to the City Council's Affordable Housing Fund may be accepted.

It is considered that it is not entirely practicable to provide affordable housing on site, due to the site constraints of the listed buildings (given the current proposed optimisation of 11 units) and the potential heritage impact of providing a separate access with a lift as is often required by Registered Providers. The applicant has confirmed that they do not own any sites in the vicinity of the site or wider area. As such a PIL of affordable housing is considered to be the appropriate option in this particular case.

#### Viability & Payment in Lieu

The City Plan at paragraph 9.14 states that the value of payments in lieu will be based on the Planning Obligations and Affordable Housing SPD. As such the City Council's Draft Planning Obligations & Affordable Housing SPD (WCC, July 2023) is a material consideration when calculating Affordable Housing contributions. The SPD has been consulted on and is at an advanced stage of preparation, as it is expected to be adopted in 2024. Furthermore, there is no other available guidance to use to calculate payments in lieu.

Based on the formula in the draft SPD, for this proposed development, a fully compliant Payment in Lieu would be **£8,899,200** (Calculation of 35% of 2468.3m<sup>2</sup> = 864m<sup>2</sup> x £10,300 = £8,899,200 Based on GIA:- 2468.3m<sup>2</sup> – 11 units- 100% private on site within Area B (Core residential)). The applicant submitted a viability report which concluded in offering a PIL of affordable housing of £587,326. However, the City Council's independent consultant advised that the development could viably provide a Pil of affordable housing of £1,421,858. The applicant has subsequently agreed to this higher contribution. Furthermore, both early and late stage review mechanisms are recommended to be secured via an obligation within a S106 legal agreement, in order to ensure that any potential to secure further Pil of affordable housing is realised and secured. Therefore, whilst the current Pil of affordable housing is not fully policy compliant, it has been robustly assessed by an independent consultant and the requirements of policy 9 are considered to have been met.

## 9.2 Environment & Sustainability

The proposal is to retain, extend, refurbish and retrofit these listed buildings for residential use.

### Sustainable Design

A summary of the sustainability measures incorporated are set out below:-

- Savings in upfront embodied carbon from refurbishment & retrofit scheme.
- Energy efficiency on-site, an all-electric energy strategy, and a green power purchase agreement.
- 68% reduction in CO2 emissions beyond the Part L baseline.
- Water efficiency measures & fixed water metres.
- Bespoke upgrading of external walls, floors, roof and windows.
- Air Source Heat Pumps for domestic hot water use and thermal comfort requirements.
- Photovoltaics to serve communal areas.
- Low energy LED lighting.
- BREEAM Excellent, with potential to reach Outstanding.
- Sustainable materials procurement policy.
- Biodiversity measures.
- Cycle storage.
- Provision for waste and recycling.

As sensitive listed buildings containing considerable internal historic fabric of importance, the proposed sustainable design principles and sustainability measures included have been sensitively incorporated and the proposal is considered to satisfy policy 38 of the City Plan.

### Energy Performance

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

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	37.5	68
<b>Be Clean:</b> Savings from heat network.	0.0	0
<b>Be Green:</b> Savings from renewable energy	2.3	4
Cumulative on-site savings	39.9	72
Carbon shortfall	460	-
	Tonnes CO <sub>2</sub>	
Cumulative savings for offset. payment	460	
Cash-in-lieu contribution	£43,653	

The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 has been met and surpassed reducing emissions through the Energy Hierarchy and the requirements of policy 36 satisfied.

### **Circular Economy**

Consideration of the minimisation of waste from construction has been given and the applicant is intending to mitigate in the following ways in accordance with policy 37:-

- Contractor following environmental management system processes
- Training and site induction of all site operatives.
- Monitoring of energy, water and transport to and from site during construction.
- Management of waste on site.
- Following best practice pollution guidance from the Environment Agency.
- Ensuring all site timber is responsibly sourced in line with the UK Government's Timber Procurement Policy.
- Appropriate orientating of material stockpiles.
- Covering vehicles carrying dry soil and other wastes.
- Providing suitable site hoarding.

The scheme will also adopt the principles of the Considerate Constructors Scheme (CCS). The CCS scheme aims to recognise and encourage construction sites that are managed in an environmentally and socially considerate, responsible and accountable manner.

### **Air Quality**

The applicant has provided an Air Quality Assessment and the City Council's Environmental Health officer is content that the proposed development is air quality neutral in accordance with Policy 32 (Air Quality), based on the following:-

- The development is car free.
- Heat and hot water will be provided via an all-electric system.
- Air Quality matters such as Non-Road Mobile Machinery and best practice during development/construction would be required as the development qualifies for the Councils Code of Construction Practice condition to be imposed.

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

The site falls within Flood zone 1 (low probability of flooding) and within a Surface Water Risk Hotspot. A Flood Risk Assessment has been submitted in order to satisfy policy 35. This states that there has been no history of flooding at the site and with respect to Sustainable urban drainage (SUDs) that records indicate that there is an existing gravity combined drainage system which discharges to the main sewers in the roads. The surface water from the development will be discharged into the basement combined gravity below ground drainage system. Anti-flood valve gullies are proposed to take surface water from the lightwells, the drainage will then discharge, via existing combined sewer connections to Thames Water Sewers. The City Council's Lead Local Flood Risk officer has been consulted and any response will be reported verbally. Otherwise matters will be dealt with through building regulations.

### **Light Pollution**

Given the nature of the proposal and its relationship with surrounding properties, it is not considered to raise issues of light pollution under policy 33.

### **Odour**

Given the nature of the proposal and its relationship with surrounding properties, it is not considered to raise issues of odour under policy 33.

### **Land Contamination**

On the basis that the application is for a change of use with a more sensitive end user and the application includes use of a basement, the City Council's Environmental Health officer has recommended that our standard contaminated land condition is imposed to make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future, in accordance with Policy 33.

### **Environment & Sustainability Summary**

For the reasons set out above, the proposal is considered to be policy compliant having regard to the particular circumstances of the site. Conditions are recommended including to secure ongoing compliance.

## **9.3 Biodiversity & Greening**

Greening is proposed in three areas of the building.

- Two basement lightwells- ivy screens in raised planters.
- Two first floor balconies – planting pots of various sizes
- Fifth floor terrace for planting pots, raised planter/green wall screening with rainwater crates with flow control to facilitate filtration and attenuation.

Whilst the proposed planting is minimal (Urban Greening factor of 0.0025), it is recognised that this is a challenging site in which to sensitively, and appropriately incorporate such features. As such, the proposal is considered to have incorporated as much as possible within the constraints to satisfy policy 34 of the City Plan, by contributing to the greening of Westminster and results in biodiversity net gain. Full details are recommended to be required by condition.

## **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*

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*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.”*

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

**Existing building:**

These two grand terraced properties date from the mid-19th century and form an integral part of the planned Lancaster Gate development of that time. They rise through basement, ground and five principal upper floors, and are both Grade 2 listed and are located within the Bayswater Conservation Area. Both buildings have rear wings on the north side of the site.

The buildings have been vacant for a considerable period of time, and are in notably poor condition, especially internally. They are included on Historic England's Heritage at Risk Register, which describes their condition as very bad.

**New Rear Wing of no. 10 Lancaster Gate:**

When originally constructed the rear part of the site of no. 10 appeared to be an open courtyard garden, with a bay extension then added in the late 19th century at lower ground and ground floor levels. In the 1950's a full height extension in quite uncompromising design was constructed above the 19th century ground floor wing, though with floor levels not aligned with those in the main building.

The application seeks the retention of the 19th century lower sections of the wing and the rebuilding of the 1950's extension above, the removal of which is not contentious in terms of historic fabric. The new extension is lower in height and more appropriately follows the curved line of the retained 19th century bay to ground floor. The design approach is modern, though one considered respectful of the 19th century character of the main listed building, incorporating fluted detailing between floor levels, a decorative cornice to higher level and other features and modelling to give it an attractive appearance, and it will also allow for more appropriate level access with the remainder of the main building. The render facing will more closely harmonise with the original main building. Overall, this aspect of the proposals is welcomed in design terms, and will notably improve the overall appearance of the building.

**Alterations to Rear Wing of no. 11 Lancaster Gate:**

The age of the existing two storey, white painted brickwork extension at the rear of no. 11 is not certain, though whilst evidently a relatively long standing addition to the

building, it is quite simple in form and detailing, with no important fabric internally, and its replacement will not involve the loss of important historic fabric. Other alterations to the rear of no. 11 over the years have been harmful, including the more recent full height closet wing and staircase structures added at higher level, and the sheer rear elevation to the top floor mansard and their removal is also considered acceptable.

The main body of the new rear extension is a considerable increase in scale from the existing brickwork structure, and it will rise through four floors with a further mansard floor above. This will integrate closely with the pattern of development to the remainder of the rear elevations of this terrace however, which over the years have all incorporated four storey plus mansard brickwork extensions facing towards Lancaster Mews.

Notwithstanding that, the extension still represents a full height and full width extension, fully enclosing the remaining open parts of the rear of this listed building impacting on the fabric and particularly character and appearance of the building.

Above the mansard is a 3m high green wall in front of the plant screen, with balustrading closer to the rear elevation line. Officers queried the size and arrangement of the screening; however, the applicants have clarified that this is required for acoustic reasons in association with the plant behind. The incorporation of greening and bio-diversity provision is supported under City Plan policies 7 and 34, and the lower carbon approach to servicing from the air source heat pumps are welcomed from a sustainability perspective and in line with City Plan policies 36 and 38. This greening and sustainability provision helps mitigate the impact, as does the anticipated limited view from street level, and that they are considered in context with other not dissimilar structures at this level on the terrace.

Overall, this work is considered to give rise to less than substantial harm to the listed building and conservation area and would not normally be supported. As set out below however, and mindful of the guidance within the NPPF, this work must be considered as part of the application as a whole, including public benefits, for a holistic assessment of the merits of the submission.

**Other External Works:**

Other repairs to external stucco and metalwork are to be secured by condition, and those refurbishment works are welcomed in principle and will improve the appearance of the building. The reinstallation of new railings to match the lost originals on the main front elevation is strongly welcomed, as is the re-introduction of lost stucco balustrading to locations on the upper floors including entrance porches. The refurbishment of the mansards will also improve their appearance and ensure they are watertight.

The existing sash windows are largely being retained, though with some replacement principally to upper floors. The minor loss of historic windows is regretted, however follows a detailed condition survey of the building and is considered justified in the circumstances of this case. The window frames to be retained are to be retrofitted with slimline double glazing to improve their thermal performance. Overall, the approach to windows is supported.

The solar panels to main roof level of no. 11 would provide a minor cluttering element to the building, though one seen only in limited private views and the impact would be overcome through the sustainability benefits.

### **Installation of Lift and Internal Fire Safety Measures**

London Plan policy D12 covers fire safety in development, and the change of use of the building to residential is noted, albeit these considerations are assessed in light of other relevant planning policies including those relating to listed buildings and conservation areas.

A lift is proposed to rise through the building within the original footprint of no. 10. The applicants advise this is to ensure compliance with building regulations which seek a firefighting lift through the building, and to provide level access through the building. To lower ground, and from first floor and above, the spaces affected by the lift have either been significantly altered in the past or are small rooms of limited contribution to the significance of the listed building. To ground floor level however the room affected was one of the grand reception rooms within the building with decorative ceiling and other features of interest. To this room however the plasterwork has been significantly affected by the water ingress to the building including particular loss to the area where the lift is proposed, and the floor joists below and ceiling joists above ground floor level in the proposed lift location are amongst those that the applicant's specialist consultants advise are decayed beyond repair. As such, though projecting through historic fabric of importance, much of this fabric is heavily degraded or already lost.

Notwithstanding this, the lift would have a significant detrimental impact on the appreciation of the original volume and plan form of principally the ground floor level room, and would prejudice its fuller restoration and appreciation of a complete decorative scheme to the room. A ground floor bathroom proposed sited adjacent to the lift would also affect the room in these ways, though conditions are imposed to ensure it remains below ceiling height and is detailed to minimise its impact.

A lift projecting through a listed building would be work not normally considered acceptable. Officers sought a greater justification for the work through a study of other lift locations more sensitive to the listed building, though the applicants have responded with 5 options each of which they consider would not be appropriate on grounds of other separate heritage impact (through other fire control measures required by lifts in other locations), through other locations not complying with fire escape travel distances in building regulations, and through associated concerns that other locations may require a reduced number of flats and with associated increase of flats exceeding 200sqm.

With regards to the externally sited dry riser inlet, whilst this would not be work typically accepted within a conservation area, in this case it replaces a long standing box structure on the side elevation and with a black colour to minimise its impact and associated improvements to this area to be secured through condition the approach is acceptable in this particular case. The internal riser route sits immediately adjacent to the lift, and raises similar issues to those noted above, though with the lift considered acceptable as part of the scheme, the additional works for the internal riser adds limited further harm. During the course of the application process officers sought clarification on other internal upgrading work for fire safety, and the report submitted demonstrates a more limited impact on the listed building.

Overall, this work, and particularly for the installation of the lift, gives rise to less than substantial harm, though at the mid or upper end of that scale.

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**Heritage Justification for Larger Apartments:**

Two of the apartments proposed in the application are over 200sqm, and these include grand rooms within both ground and first floors. City Plan policy 8 states that no new homes should exceed this size, except where necessary to protect a heritage asset. On site, the principal reception rooms at ground and first floor levels are largely in their original form and, notwithstanding the poor internal condition of the building, retain much of their decorative form and character. The applicants have presented a case seeking to justify these two large flats on grounds that were the flats smaller than principal grand reception rooms would need to be subdivided for subsidiary accommodation such as kitchens and bathrooms, which would harm the heritage significance of the listed building and prejudice the full restoration of these spaces as part of the scheme.

The applicants have set out example arrangements of the first floor level containing two apartments, and this demonstrates a subdivided arrangement within the grand and highly decorative rooms found to that floor level. Similar studies in terms of the heritage impact on the ground floor have also been set out, concluding that this would also require a subdivision of grand rooms and additional staircase within no. 10 linking lower ground and ground floors, with harmful impact on the significance of the building.

The approach is also sought to be justified in other ways (notably daylighting of the lower ground floor level), as set out elsewhere in the report. In heritage terms there is considered an appropriate justification for the two larger flats and as such a departure from the normal approach set out in City Plan policy 8.

**Other Internal Alterations:**

The applicants have submitted a report from a specialist conservation practice looking at the condition of the plasterwork to the building, which concludes that considerable sections are already missing from the longer term water ingress to the building, and considerable other parts are in poor condition. Further sections will have to be removed to remedy those areas of timber floor joists that the practice has also advised require replacing due to damage from water ingress. This work is of considerable regret from a heritage perspective, though the applicants seek to restore these areas as part of the refurbishment works with full details to be secured by condition and mindful of the condition of the building this approach is considered acceptable.

The installation of a new staircase descending from ground to lower ground floor level within no. 11 gives rise to less than substantial harm, though this is mitigated as clear evidence exists of a staircase having been previously included to this location, and therefore the fabric impacted is more modern. This is balanced through the removal of the staircase projecting through the grand first floor ballroom in no. 11, which is work strongly welcomed in restoring this grand room to more like its original form.

The other works to internal partitioning and other refurbishment work has been considered on site and is acceptable in the circumstances of this case.

**Summary conclusion of Design and Conservation Issues:**

From a design and heritage perspective, some aspects of the application proposals, as set out above, give rise to harm to the significance of the designated heritage assets of the listed building and Bayswater Conservation Area. Mindful of the considerations of the



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NPPF with regards to harm to heritage assets, the level of harm is considered to be less than substantial.

The installation of a lift through no. 10 Lancaster Gate is considered to give rise to considerable degree of harm (though still within the assessment of it being less than substantial harm), as does the removals of some sections of internal floor structure where these are related to areas within the original body of the building and particularly where historic plasterwork remains. The remainder of the works highlighted above are considered to give rise to a more modest degree of less than substantial harm.

There are also heritage benefits of the scheme as set out above, with considerable weight given to the existing condition of the buildings and that they are on Historic England's Heritage at Risk Register and that the refurbishment for flats will bring the buildings back into sound condition and active use, and allow for the restoration of the interior of the listed buildings.

Overall, subject to the conditions on the draft decision letters, the applications are recommended for approval notwithstanding the harm caused. This is considered in line with relevant policy and guidance, and the approach set out in the NPPF. The recommendations on the applications are considered in line with the statutory duties set out above.

### **Fire Safety**

A fire strategy has been provided which sets out the measures and procedures for escape from the building in the event of a fire. Measures include two protected staircases and ventilated lobbies with dry riser, a firefighting evacuation lift and a natural smoke shaft. The Health and Safety Executive (HSE) have been consulted on the strategy, as this is considered to be a relevant building for the purpose of Planning Gateway One, and any response will be reported verbally. Notwithstanding this, the matter would need to be formally dealt with under building regulations. For these reasons London Plan Policy D12. Fire Safety is considered to have been addressed for the purpose of planning.

### **Archaeology**

The application site is located outside of any designated Archaeological Priority Area, and as such no further consideration of archaeological matters is necessary under Policy 39 Westminster's heritage.

## **9.5 Residential Amenity**

Given the location of the extensions to the rear and roof and the relationship with surrounding properties, the proposed extensions are not considered to result in any material impact on daylight & sunlight, sense of enclosure or loss of privacy to neighbours, in accordance with Policy 7. Managing development for Westminster's people, Policy 33. Local environmental impacts and Policy 38. Design principles.

### **Daylight & Sunlight**

A Daylight and sunlight survey by BEHAN has been submitted, which has assessed the potential impact of the proposal on the daylight and sunlight received by the following surrounding properties:-

- 62 Lancaster Mews 21

- 41 Lancaster Mews
- 42 Lancaster Mews
- 24 Craven Terrace PH
- 25-26 Craven Terrace 54
- Carroll House Craven Terrace

All residential properties tested, meet with the BRE guidelines and would not see any loss of daylight or sunlight. In fact, Carroll House would experience some improvements to daylight and sunlight.

#### **Sense of Enclosure & Privacy**

Given the location of the extension to roof and rear and the relationship and distance to surrounding residential properties, the proposal would not result in any material increase in sense of enclosure or loss of privacy to the occupiers of neighbouring properties.

Whilst external amenity space is proposed at basement, first and fifth floors, these are small domestic areas and given their location and distance to surrounding properties, are not considered to result in any material loss of privacy to those neighbours or any unacceptable levels of noise disturbance.

#### **Noise & Vibration**

The roof level Air Source Heat Pumps have been assessed for noise and the City Council's Environmental Health Officer is satisfied that they will be able to operate in accordance with our standard noise conditions to protect the noise environment. Conditions are recommended to ensure ongoing compliance.

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

#### **Highway Impact**

The proposal is not considered to adversely impact on the highway and no concerns have been raised by our Highways Planning Manager.

#### **Accessibility**

The site is in a location with a Public Transport Accessibility Level of Ptal 6 "Excellent" with bus routes along Bayswater Road, Lancaster Gate and Paddington London Underground stations & Paddington Railway station all in close proximity.

With respect to the access into and within the existing buildings, access into the building is stepped and this is to be retained. Whilst options for providing step free access have been considered, these were not considered practical due to the heritage impact. Once in the building, stair and lift access to all floors is available and the dwellings are designed as far as possible to meet building regulations for accessible and adaptable dwellings. The design has balanced the requirements for accessibility against preserving the heritage assets.

#### **Servicing and Waste & Recycling Storage**

Servicing of the site including the collection of waste will take place from on-street, as is the current situation.

Provision for the storage of waste and recyclables is indicated within the building at basement level. Following significant discussions and a site visit, the City Council's

Waste Project Manager is now satisfied that the current strategy is the best way of meeting Policy 37. Waste management.

**Cycling & Cycle Storage**

Provision for storage of 24 cycles is indicated within the building in two stores at basement level, which exceeds the London Plan requirement of 21 and meets the requirement of Policy 25 (Walking and Cycling).

**Parking**

No on-site parking is proposed as part of this application. The provision of residential accommodation without off street car parking is supported to encourage more sustainable modes of transport. However, to mitigate for the anticipated demand for on-street parking demand from the proposed flats, lifetime (25 years) car club membership is recommended to be secured as an obligation via a s106 agreement in accordance with policy 27 (Parking).

**9.7 Economy including Employment & Skills**

Based on the 11 residential units proposed, this scheme requires a financial contribution of £3,300.00, towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service. Given the nature and scale of the development it does not trigger the threshold to require an Employment and skills plan. The proposal has therefore addressed the requirements of *Policy 13. Supporting Economic Growth* and *Policy 18(D). Education and skills*

**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**

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

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- a) A financial contribution of £1,421,858 (index linked) towards the provision of Affordable Housing (payable on commencement & associated early and late stage reviews
- b) A financial contribution of £43,653 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development).
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.
- d) A financial contribution of £3,300.00 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development).
- e) Provision of lifetime car club membership (minimum 25 years) for all 11 flats
- f) The costs of monitoring the S106 agreement

The estimated Westminster CIL payment is £1, 388,077.20, whilst the estimated Mayoral CIL payment is £210.857.02. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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.

The applicant has been advised of the following pre-commencement conditions and any response will be reported to committee: -

- City Council's Code of Construction Practice (condition 16)
- Whole life carbon (condition 12)
- Land contamination (condition 17)

#### **9.11 Assessment of Planning Balance**

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Bayswater Conservation Area and to the listed buildings. The harm would be caused by some of the external and internal alterations to the listed building. The level of harm caused would be at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

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When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- The refurbishment for flats will bring the buildings back into sound condition and active use, and allow for the restoration of the interior of the listed buildings, which will hopefully result in the buildings being removed from Historic England's Heritage at Risk Register.
- Benefits to the listed building
- Creation of 11 private flats
- Payment in lieu of affordable housing

The public benefits identified in this report and summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

## **10. Conclusion**

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

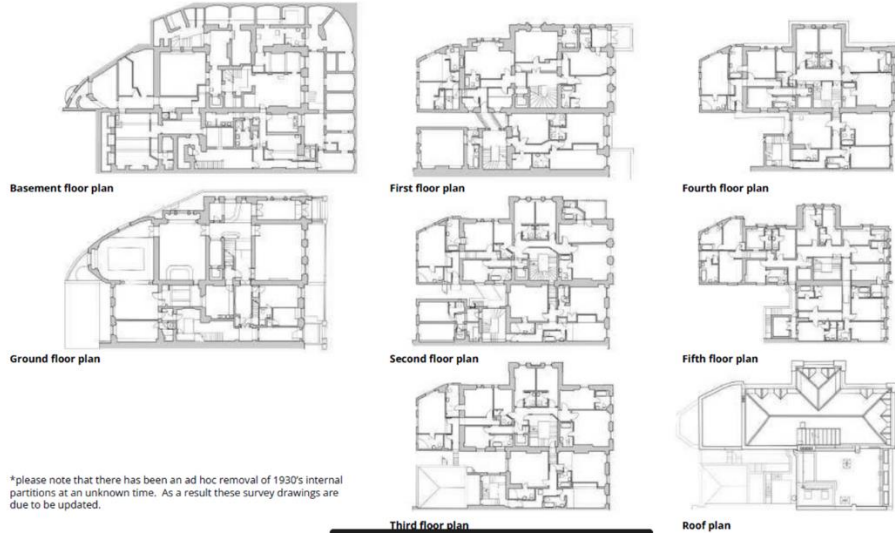
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified Sections 1, 9.10 and 9.11, which are necessary to make the development acceptable.

(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: SARAH WHITNALL BY EMAIL AT <a href="mailto:swhitnall@westminster.gov.uk">swhitnall@westminster.gov.uk</a> .
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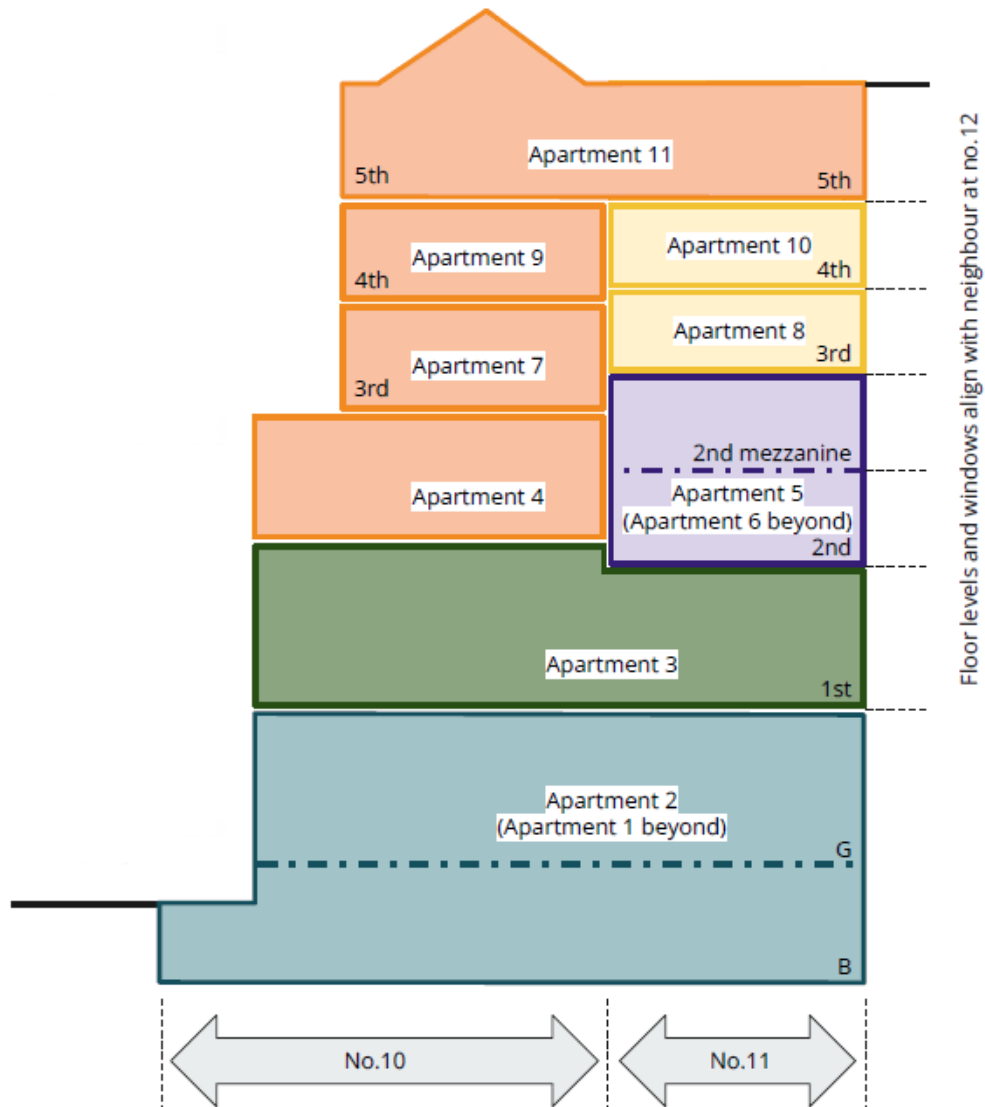
**11. KEY DRAWINGS**

**Existing**  
General Arrangement Plans



**Proposed Layout**  
General Arrangement Plans





Diagrammatic section to describe unit mix  
Please note that apartments 1 and 6 are not shown, as they aren't cut through by this section





Existing front and side elevations



Proposed front and side elevations





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**DRAFT DECISION LETTER**

**Address:** 10-11 Lancaster Gate, London, W2 3LH

**Proposal:** Change of use from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04045/LBC)

**Reference:** 23/04044/FULL

**Plan Nos:** EXISTING , Location Plan, Site Plan , 100B, 101B, 102B, 103B, 104B, 105B,106B, 107B., 300A, 301A, 302A, 201A,

DEMOLITION , 400C, 401B, 402B, 403B,404B,405B,406B,407B, , 420A, 421B, 422B, SEC410.

PROPOSED, 110F, 111D, 112D, 113D, 114D, 115D, 116D, 117D, 310D, 311C, 312D,211C

INTERNAL , 250A, 251A, 252A, 253B, 254A,255A,256A,260A,261A,262A,263A.

DOCUMENTS, Planning Statement DP9 June 2023, Design and Access Statement Prest Vale Architects June 2023, Photographs and Accurate Visual Representations RockHunter June 2023, Heritage Statement including Building Condition and Heritage Surveys, Walled Garden Heritage & Hutton + Rostron, June 2023, Schedule of proposed works to the listed building Prest Vale Architects June 2023, Fire Statement Socotec June 2023, Access Statement David Bonnett Associates June 2023, Air Quality Assessment Air Quality Consultants June 2023, Affordable Housing Statement DS2 June 2023, Affordable Housing Viability Assessment DS2 June 2023, Daylight, Sunlight and Overshadowing Report Behan Chartered Surveyors May 2023, Energy Strategy Thornton Reynolds May 2023, Whole Life Carbon Assessment Eight versa June 2023, Sustainable Design Statement Eight versa June 2023, BREEAM Pre-Assessment Eight versa May 2023, Sustainable Drainage (SuDs) Design Strategy Axiom Structures June 2023, Foul Sewage and Utilities Assessment Thornton Reynolds May 2023, Structural Methodology Statement Axiom Structures June 2023, Landscape Strategy Bradley- Hole Schoenaich Landscape May 2023, Transport Assessment TTP Consulting May 2023, Noise Impact Assessment Anglia Consultants June 2023, Code of Construction Practice, signed Appendix , A Checklist including Section 61 Application, Heriot UK December 2022, Construction Site Environmental Management Plan, Heriot UK December 2022, Flood Risk Assessment UK Flood Risk June 2023, Biodiversity Survey Report Schofield Lothian December 2022, Statement of Community Involvement Kanda April 2023Waste Referral Response DP9 July 2023, Noise Impact Assessment (updated) Anglia Consultants September 2023, Sustainability Response Cover Letter DP9 October 2023, WCC Sustainability - Thornton Reynolds response document, Thornton Reynolds September 2023, Revised Executive Summary - Thornton Reynolds - September 2023, Thornton Reynolds September 2023, GLA Reporting spreadsheet in excel Thornton Reynolds September , 2023, M100 Pipework Schematic - DHN future connection indicated, Thornton Reynolds

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September 2023, M199 Basement Drawing - DHN area indicated, Thornton Reynolds September 2023, M206 Roof Drawing - PV and roof plant area identified, Thornton Reynolds September 2023, Energy Strategy U-Value Mark up Thornton Reynolds September 2023, ASHP Manufacturers selection information, Emicon September 2023, Preliminary Maximum demand electrical calculation, Thornton Reynolds September 2023, DNO - UKPN formal connection offer UKPN September 2023, Response to Conservation Officer Comments, Prest Vale Architects October 2023, Conservation Response Report Prest Vale Architects October 2023, BRUKL Output Document Thornton Reynolds May 2023, Energy Statement Addendum Thornton Reynolds October 2023, Conservation Response Report - Internal Fire Protection, Prest Vale Architects and Socotec November 2023

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

**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 , onot 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 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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 The development shall be carried out in accordance with the following details and maintained as such:
- A. The new external metalwork shall be painted and permanently maintained in a black colour.
  - B. The new balustrading to the south elevation on the front entrance porches, and to first, third and fifth floor levels shall be painted to match the existing external render colour adjacent.
  - C. Any new slates required to the pitched roof structures at fifth floor level and including the mansard to the rear of no. 11 Lancaster Gate shall be natural slates matching the colour and size of the existing slates to the existing pitched roof structures.
  - D. The new sash windows shall operate only in a vertically sliding manner, and the sash frames and putty detailing shall be painted and permanently maintained in a white 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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 Notwithstanding the submitted drawings, you must apply to us for approval of:-
- A. Detailed drawings, or example photographs showing each element of the installation, for the new lightwell railings and associated plinth.
  - B. Proposed elevation and section drawings showing the new sash windows at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing, and shall show the incorporation of putty detailing externally to the framing.
  - C. Existing and proposed section drawings through the sash windows being retained and retrofitted with slimline double glazing at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) showing on the existing section the extent of timber routing required to accommodate the new glazing, and showing on the proposed section the integration of the new glazing with the timber framing and also showing the incorporation of putty detailing externally to the framing.
  - D. Detailed elevation and section drawings showing the new front entrance door at ground floor level including side and transom light windows.
  - E. A methodology and schedule of works for any external repair works to existing plaster or metal railings.
  - F. Detailed elevation/section/plan/axonometric/visuals (as appropriate) showing the detailing of the new elevation to the rear wing of no. 10 Lancaster Gate, including window openings, cornices/projections beyond the elevation line, and bands between

floor levels.

G. Plan/elevation/manufacturers specifications (as appropriate) and confirmation of colouring of the External elements of dry riser system and adjoining boundary railings., , H. Detailed elevation drawing of the balustrade to the rear roof area above the mansard to no. 11 Lancaster Gate, showing it formed as black metal railings., , 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/ drawings and/or photographs/specifications.

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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 You must apply to us for approval of samples (including photographs of the samples) of the facing materials you will use for the new work on the rear wing to no. 10 Lancaster Gate, 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 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 Bayswater 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 apply to us for approval of a sample of brickwork to be used on the new rear wing to no. 11 Lancaster Gate, and clarification of the bond pattern and mortar detailing. 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 samples/clarifications. The bricks shall remain unpainted or rendered, or otherwise covered over.

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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 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 Bayswater 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 not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Bayswater 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 apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof and green wall to rear roof level of no. 11 Lancaster Gate, to include construction method, layout, species and maintenance regime, and to include the design of the wall itself. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 11 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 wall and adjoining green roof to rear roof level of no. 11 Lancaster Gate. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment and 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 Bayswater Conservation Area, as set out Policies 34, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 12 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:

- (a) Prior to commencement of any work on site including all works of deconstruction and demolition.
- (b) Prior to commencement of any construction works.
- (c) Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 266.2 kgCO<sub>2</sub>e/m<sup>2</sup> and Whole Life Carbon (A1-C4 excluding B6 & B7) above 513 kgCO<sub>2</sub>e/m<sup>2</sup>, which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be

minimised. You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved. The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). (C17AB)

**Reason:**

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 13 The development shall be carried out in accordance with the approved Energy Strategy and Sustainability Statement and shall achieve regulated carbon dioxide emission savings of not less than 72% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021. The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

**Reason:**

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 14 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. Solar panels to roof of no. 10 Lancaster Gate, , 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)

- 15 You must apply to us for approval of detailed drawings of a planting 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 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 that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30BC)

Reason:

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

- 16 **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)

- 17 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.,  
Phase 1: Desktop study - full site history and environmental information from the public records.  
Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.  
Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.  
Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

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 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)



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- 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 0.2m/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)

- 20 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)

- 21 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)

- 22 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 110F 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 building. (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 With regards to condition 5, You are strongly advised to consider the design and detailing of the more convincingly original front entrance doors to the western end of Lancaster Gate, You are advised that the restoration works to the boundary railings on the Craven Terrace elevation of the building should include the restoration of missing finials to those railings, The external equipment must be black in colour, and you should seek to extend the run of existing boundary railings around to meet the building line, and set the equipment behind that line and seek to develop a scheme with the equipment as integrated behind railings and discreet as is possible.
- 3 With regards to condition 7, you are advised that the brickwork should follow the yellow stock brickwork of the rear wings along the terrace, including their toned down, soot stained appearance (and as such, soot staining the brickwork may be required), and that the bond should be confirmed as Flemish bond and with flush pointing
- 4 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)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).
- 6 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.

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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).

- 8 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 9 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 10 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 11 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).
- 12 The applicant will likely need technical approval for the 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 applicant for works to the highway., , The developer will be required to obtain additional licences for the hoarding and any other temporary structure or skip prior to installation. Advice on this process can be found at <https://www.westminster.gov.uk/apply-for-temporary-structure-licence>.
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides

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the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.), , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 14 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)
- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to . (I55AA)

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:** 10-11 Lancaster Gate, London, W2 3LH

**Proposal:** Conversion of the property from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04044/FULL)

**Reference:** 23/04045/LBC

**Plan Nos:** EXISTING , Location Plan, Site Plan , 100B, 101B, 102B, 103B, 104B, 105B,106B, 107B., 300A, 301A, 302A, 201A  
 DEMOLITION , 400C, 401B, 402B, 403B,404B,405B,406B,407B, , 420A, 421B, 422B, SEC410.  
 PROPOSED, 110F, 111D, 112D, 113D, 114D, 115D, 116D, 117D, 310D, 311C, 312D,211C  
 INTERNAL , 250A, 251A, 252A, 253B, 254A,255A,256A,260A,261A,262A,263A.  
 Heritage Statement including Building Condition and Heritage Surveys, Walled Garden Heritage & Hutton + Rostron, June 2023, Schedule of proposed works to the listed building Prest Vale Architects June 2023

**Case Officer:** Sarah Whitnall **Direct Tel. No.** 020 7641 07866036375

**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 building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 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 Bayswater

Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 The new external metalwork shall be painted and permanently maintained in a black colour

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings, or example photographs showing each element of the installation, for the new lightwell railings and associated plinth. 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 drawings and/or photographs. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 The new balustrading to the south elevation on the front entrance porches, and to first, third and fifth floor levels shall be painted to match the existing external render colour adjacent and maintained as such

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 Any new slates required to the pitched roof structures at fifth floor level and including the mansard to the rear of no. 11 Lancaster Gate shall be natural slates matching the colour and size of the existing slates to the existing pitched roof structures

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 Notwithstanding the submitted drawings, you must apply to us for approval of:- , , A) Proposed elevation and section drawings showing the new sash windows at scale 1:5

and 1:10 (as appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing, and shall show the incorporation of putty detailing externally to the framing. , , B) Existing and proposed section drawings through the sash windows being retained and retrofitted with slimline double glazing at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) showing on the existing section the extent of timber routing required to accommodate the new glazing, and showing on the proposed section the integration of the new glazing with the timber framing and also showing the incorporation of putty detailing externally to the framing., , 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 drawings. (C26DB)

Reason:

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

- 8 The new sash windows shall operate only in a vertically sliding manner, and the sash frames and putty detailing shall be painted and permanently maintained in a white colour

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 Notwithstanding the submitted drawings, you must apply to us for approval of detailed elevation and section drawings showing the new front entrance door at ground floor level including side and transom light windows. 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 drawings. (C26DB)

Reason:

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

- 10 You must apply to us for approval of samples (including photographs of the samples) of the facing materials you will use for the new work on the rear wing to no. 10 Lancaster Gate, 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 You must provide, maintain and retain the following feature before you start to use any part of the development, as set out in your application., , Green wall and adjoining green roof to rear roof level of no. 11 Lancaster Gate, , You must not remove any of these features. (C43FA)

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 12 You must apply to us for approval of a sample of brickwork to be used on the new rear wing to no. 11 Lancaster Gate, and clarification of the bond pattern and mortar detailing. 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 samples/clarifications. The bricks shall remain unpainted or rendered, or otherwise covered over.

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 13 You must apply to us for approval of a methodology and schedule of works for any external repair works to existing plaster or metal railings. 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 the submitted information. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 14 Notwithstanding the submitted drawings, you must apply to us for approval of elevation/section/plan/axonometric/visuals (as appropriate) showing the detailing of the new elevation to the rear wing of no. 10 Lancaster Gate, including window openings,



cornices/projections beyond the elevation line, and bands between floor levels. 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 submitted 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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 15 Notwithstanding the submitted drawings, you must apply to us for approval of internal elevations, a reflected ceiling plan, and also room sections showing the design approach for wall and ceiling decorations in room L-0-3 (as stated on drawing 101-B). 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 drawings (and with other relevant conditions related to internal plaster detailing). (C26DB)

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)

- 16 Notwithstanding the submitted drawings, you must apply to us for approval of:- , , A) Plan drawings, reflected ceiling plan drawings and internal elevations showing those areas to the walls and ceilings in each room where existing plaster is currently missing, and also those areas where plaster is proposed for replacement;; , B) Justification for the replacement of any existing plaster on grounds of its condition;; , Then subject to the agreement of A) and B), you must submit:- , , C) Plan drawings, reflected ceiling plan drawings and internal elevations showing the overall approach to plasterwork in each location, including the decorative approach for wall and ceiling plaster, , , D) A methodology for the new plaster including the number, composition and materials proposed for the coats of new plaster and including details of the construction method for new cornicing and ceiling decorations,, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved document. (C26DB)

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)

- 17 Notwithstanding the submitted information, you must apply to us for approval of plan/elevation/section drawings (as appropriate of any replacement or installation of timber skirting, wall panelling and decorations, and internal doors. You must not start

any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved document. (C26DB)

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)

- 18 You must apply to us for approval of detailed plan and internal elevation drawings, and specifications for the materials and design of the works, for any restoration works of internal chimney breasts and adjoining hearths. 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 drawings and specifications. (C26DB)

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)

- 19 Notwithstanding the submitted drawings, you must apply to us for approval of plan/elevation/manufacturers specifications (as appropriate) and confirmation of colouring of the following parts of the development:- , , External elements of dry riser system and adjoining boundary railings, , 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 drawings/specifications. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 20 You must apply to us for approval of details of any new internal lighting to the building including details of fittings and their relationship to the ceilings and any associated alterations to fabric. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

- 21 You must scribe all new partitions around the existing ornamental timber or plaster decorative features/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)

- 22 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)

- 23 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 building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 25 You must apply to us for approval of a sample panel (no larger than 300mm x 300mm) of a colour sample and also include a statement of justification for the colour chosen for any repainting of any external render in a differing colour to the existing external render. 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 the colour sample submitted. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 26 You must apply to us for approval of a schedule (or annotated plan drawings) cross-referenced to example elevation and section drawings to show the design of new internal doors and surrounding architraves to the building, and in addition any works to existing door openings at ground, first and second floor levels. 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 drawings. (C26DB)

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)

- 27 You must apply to us for approval of detailed drawings and images (as appropriate) cross-referenced to plans of the building showing the location and nature of any works to floor finishes within the building. 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 drawings and images (C26DB)

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)

- 28 Notwithstanding the submitted drawings, you must apply to us for approval of a detailed schedule of removal of any timber joists to the ceiling above ground floor, first floor and/or second floor levels, including justification for the removal based on photographs and a written description describing their condition. 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 drawings and submitted details. (C26DB)

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)

**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)
  
- 3 With regards to condition 10, you are strongly advised to consider the design and detailing of the more convincingly original front entrance doors to the western end of Lancaster Gate
  
- 4 With regards to condition 12, you are advised that the brickwork should follow the yellow stock brickwork of the rear wings along the terrace, including their toned down, soot stained appearance (and as such, soot staining the brickwork may be required), and that the bond should be confirmed as Flemish bond and with flush pointing
  
- 5 With regards to condition 13, you are advised that the restoration works to the boundary railings on the Craven Terrace elevation of the building should include the restoration of missing finials to those railings
  
- 6 With regards to condition 18, you are advised that several chimney breasts internally to the building have been truncated in the past below the level of former suspended ceilings, and the strong desire is for these to be reinstated to floor level in brickwork appropriately toothed into the existing adjoining building fabric and with appropriate stone hearths included to restore these internal features to their original condition.
  
- 7 With regards to condition 19, the external equipment must be black in colour, and you should seek to extend the run of existing boundary railings around to meet the building line, and set the

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equipment behind that line and seek to develop a scheme with the equipment as integrated behind railings and discreet as is possible

- 8 With regards to condition 20, you are advised that for a positive outcome to be made on the application, only either pendant lights and/or wall lights will be supported to non-bathroom rooms at ground, first, second or third floors, or in locations where rooms retain or are having restored back lath and plaster finishes to ceilings

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 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 09 January 2024	<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>Luxborough Towers, Luxborough Street, London, W1U 5BW</b>		
<b>Proposal</b>	Variation of Conditions 1, 7, 8, 14, 15, 17 and 30 of planning permission dated 19 November 2020 (Ref: 19/06451/COFUL) for: 'Redevelopment of existing play space to provide a new building comprising a flexible Class D1 (non-residential institutions) use at ground floor level, 14 x affordable house units (7 x 1-bed and 7 x 2-bed) on first to fifth floors with associated terraces/balconies (Class C3); associated access and other works including a subterranean rainwater harvesting tank; new plant, cycle parking, refuse storage and landscaping. Removal of existing boundary railings and brick wall base adjoining Paddington Street Gardens North and construction of new boundary wall. (Council's Own Development)'; NAMELY, to allow the installation of 1.1m guard railings to all flat roofs; repairs to existing dwarf wall with metal railing and inclusion of a screen; introduction of metal artwork panels (public art) on the rear boundary wall; relocation of emergency exit from Paddington Street Gardens boundary wall to Luxborough Tower gardens wall; replacement of gas boilers with 16 x ASHPs at main roof level; installation of privacy screens to rear balconies at 3rd 4th and 5th floor levels; reconfiguration of residential entrance door including a glazed panel to enable further daylight into the communal entrance hallway; relocation of ground floor vents; relocation of the community space kitchen extract duct at top roof level; reduction in height of the lift overrun and increase in height of smoke vent by 500mm; and tenure - social rent introduced. (Application under Section 73 of the Act).		
<b>Agent</b>	Rapleys LLP		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	23/04362/COFUL	<b>Date amended/ completed</b>	28 June 2023
<b>Date Application Received</b>	28 June 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		
<b>Neighbourhood Plan</b>	None		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, and subject to a S106 legal agreement to secure the following:

- a) the provision of 7 intermediate affordable housing units and 7 social rented housing units.
- b) The provision of Lifetime car membership (minimum 25 years) in association with each of the proposed prior to first occupation.
- c) A carbon offset contribution of £5,472 to address the shortfall in carbon savings.
- d). Cost associated with the replacement of two street trees outside the site on Luxborough Street (5,000 per tree).
- e) Highway works.
- f) S106 monitoring costs.

If the S106 legal agreement has not been completed within 3 MONTHS from the date of the Committee's resolution then:

- (a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
- (b) The Director of Town Planning & Building Control shall consider whether 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 & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes alterations to a scheme that was approved 19 November 2020 for the development on an open area of play space to provide a new building of ground and 5 upper floors for use as a creche on the ground floor and 14 affordable housing units on the upper floors. The changes proposed relate to the change in tenure mix of the affordable housing, the removal of gas boilers from the development and provision of ASHPs at roof level, a number of minor design changes and the relocation of a fire exit route.

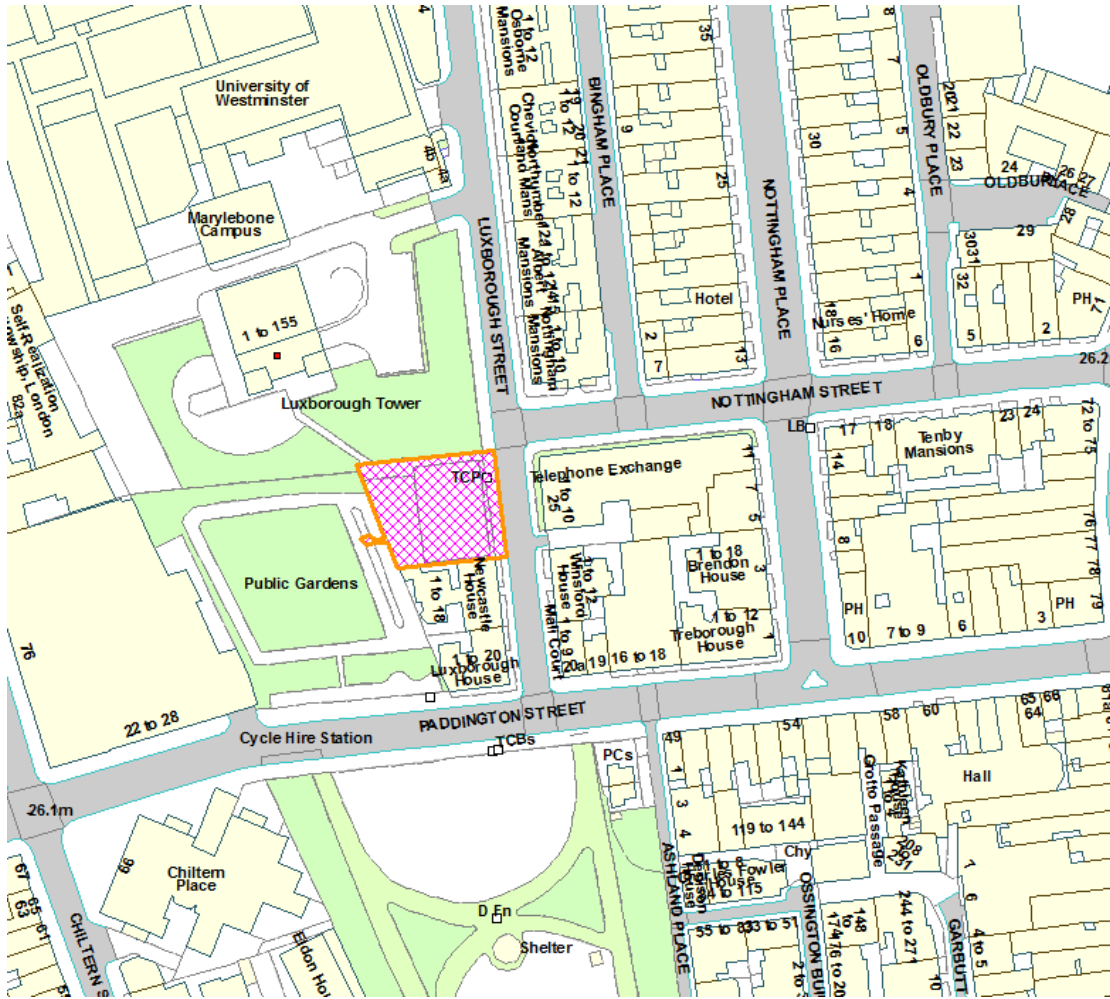
The key considerations in this case are:

- The acceptability of the proposed change to the tenure of the on-site affordable housing.
- The acceptability of the changes to the energy performance of the building.
- The acceptability of the proposed alterations to the approved building in design terms.
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in the main body of the report, the proposal is considered acceptable in accordance with development plan policies.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### MARYLEBONE WARD COUNCILLORS

Cllr Scarborough commenting on behalf of the Ward Councillors agreeing with the comments made by the St Marylebone Society.

#### THE ST MARYLEBONE SOCIETY

Objection for the following reasons:

- The cocoa matting as screening is not appropriate,
- Boundary design should consider view from Paddington Garden North Side, and original wall/railings should be reinstated.
- The 'art' does not contribute to the conservation area character.
- Noise from additional roof plant should not impact residents,
- Concern the reduction in the area of green roof,
- Proposed balustrades will make building look bigger and may encourage residents to use flat roofs for amenity area,
- Tree work needs checking as some trees look to be cut back extensively and are now asymmetric.

#### MARYLEBONE ASSOCIATION

Comment that their previous concerns that the proposals should provide greater community benefit remain.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No further assessment of conditions is required given previous condition being fulfilled.

#### HIGHWAYS PLANNING

No objection subject to conditions.

#### ENVIRONMENTAL SCIENCES

No objection subject to conditions.

#### ARBORICULTURAL SECTION

No objection subject to condition.

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

No. Consulted: 1167

Total No. of replies: 7

No. of objections: 7

7 objections have been received, including a letter from the Chairman of the Residents' Association of Newcastle House on some or all of the following grounds:

#### Amenity:

- Noise impact from ASHPs,
- ASHPs should be located as far as possible away from Newcastle House,
- Ensure all necessary attenuation measures for ASHPs are installed,
- Query the accuracy of the submitted noise report

Design and Conservation:

- New guard rails and other works at roof level will exceed agreed height of the building and be unsightly, and increase visual impact,
- Support replacement of railings if they align with historic railings,
- Cocoa matting out of keeping with area.

Other:

- Query the costs associated with running ASHPs, for the occupants of affordable housing units.
- Support relocation of fire escape.
- Impact on trees.

PRESS NOTICE/ SITE NOTICE:

Yes

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

An extensive programme of community engagement was carried out by the applicant prior to submission of the the original application for development of the site, which was permitted in November 2020.

Given that this application is submitted under S73 of the Act and seeks to vary conditions and details of the already approved development the same pre-application community engagement was not required. Extensive consultations have however been undertaken on the application with 1167 neighbour notification letters sent. The results of this consultation exercise are summarised in section 5 of this above.

**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) (September 2023) 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 and the London Plan, which was adopted by the Mayor of London in March 2021.

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 (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

This application relates to a play space in the grounds of Luxborough Tower, which is a 1960s, 23 storey residential development (155 flats) on Luxborough Street, set within extensive grounds.

On 19<sup>th</sup> November 2020 permission was granted for the erection of a building on the hard surface play space of ground and 5 upper floors (RN 19/06451/COFUL). Works have commenced on site, implementing this permission (see history below). Prior to this the playing surface had been in a state of disrepair for a number of years.

The wider area is characterised by a mixture of residential and commercial uses although there are significant residential concentrations in the immediate vicinity. Luxborough Tower is bounded by the University of Westminster to the north, and two residential blocks (Newcastle House and Luxborough House), to the south. The opposite side of Luxborough Street comprises residential mansion blocks (Nottingham Mansions and Winsford House) and a telephone exchange with flats above (25 Luxborough Street).

Luxborough Tower is located outside of, but adjacent to, the Portman Estate Conservation Area which boundary is at the rear of the play space and includes PSGN, and opposite the Harley Street Conservation Area. The site lies within the wider Marylebone and Fitzrovia CAZ and within the Marylebone Village Archaeological Priority Area and a Surface Water Flood Risk Hotspot.

### **7.2 Recent Relevant History**

As already stated permission was granted on 19 November 2020 (RN: 19/06451/COFUL) for the following development:

Redevelopment of existing play space to provide a new building comprising a flexible Class D1 (non-residential institutions) use at ground floor level, 14 x affordable house units (7 x 1-bed and 7 x 2-bed) on first to fifth floors with associated terraces/balconies (Class C3); associated access and other works including a subterranean rainwater harvesting tank; new plant, cycle parking, refuse storage and landscaping. Removal of existing boundary railings and brick wall base adjoining Paddington Street Gardens North and construction of new boundary wall. (Council's Owen Development).

This permission was granted subject to a s106 planning obligation to secure the following:

- a) the provision of 14 intermediate affordable housing units.

- b) The provision of Lifetime car membership (minimum 25 years) in association with each of the proposed prior to first occupation.
- c) A carbon offset contribution £24,824 of to address the shortfall in carbon savings.
- d). Cost associated with the replacement of two street trees outside the site on Luxborough Street (5,000 per tree).
- e) Highway works.
- f) S106 monitoring costs.

On 10<sup>th</sup> January 2023 a lawful development certificate was issued confirming that works undertaken constitute the implementation of the above planning permission (RN: 22/08250/CLEUD).

## **8. THE PROPOSAL**

The applicant seeks to vary the following conditions of the 2020 planning permission

- 1 (compliance with approved drawings),
- 7 (amending condition regarding boundary wall),
- 8 (securing details of public art),
- 14 (tree protection method statement),
- 15 (tree root protection areas),
- 17 (provide biodiverse features) and
- 30 (fire escape through rear boundary wall).

Varying these conditions will allow the following alterations to the scheme:

- Installation of 1.1m guard railings to all flat roofs to enable safety at work for maintenance staff;
- Relocation of rear boundary wall and its replacement with a dwarf wall with metal railing and a cocoa matting screen;
- Introduction of metal artwork panels (public art) on the rear boundary wall;
- Relocation of emergency exit from Paddington Street Gardens boundary wall to Luxborough Tower gardens wall;
- Replacement of gas boilers with 16 x ASHPs at main roof level;
- Installation of privacy screens to rear balconies at 3rd, 4th and 5th floor levels;
- Reconfiguration of residential entrance door including a glazed panel to enable further daylight into the communal entrance hallway;
- Relocation of ground floor vents;
- Relocation of the community space kitchen extract duct at top roof level;
- At roof level, reduction in height of the lift overrun and increase in height of smoke vent by 500mm; and
- Affordable Housing tenure – the provision of 50% of the units to be social rented accommodation.

No changes are proposed to the approved floorspace which is being implemented.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

## **Affordable Housing**

London Plan Policy H4 advises that the strategic target is for 50% of all new homes delivered across London to be genuinely affordable and requires public sector land to deliver at least 50% affordable housing on each site. The approved scheme (2020 permission) provides 100% affordable housing and therefore exceeds the levels of affordable housing required. This application proposes no amendments to the number of affordable housing units but seeks to change the tenure of that affordable housing.

London Plan Policy H6 requires residential development to provide the following:

- A minimum of 30% low-cost rented homes as either London Affordable Rent or Social Rent.
- A minimum of 30% intermediate products, including London Living Rent and London Shared Ownership.
- The remaining 40% to be determined by the borough as either low-cost rented homes or intermediate projects (as defined above).

Westminster City Plan 9 requires 60% of the affordable units to be intermediate affordable housing for rent or sale and 40% to be social rent or London Affordable Rent.

In October 2022 the City Council approved a change to its affordable housing provision strategy, to provide mainly social rented affordable housing (70%). This application seeks to amend the tenure mix from all 14 units being intermediate rent, to 7 x intermediate rent and 7 x social rent units. The change in tenure would bring this development more in line with the approved strategy, which is welcomed.

### **9.2 Environment & Sustainability**

The proposals will result in the replacement of the approved gas boilers with 16 x ASHPs which will be located at main roof level. The changes at roof level will result in the loss of some solar panels. The roof space lost to solar panels has been allocated to heat rejection units for the ASHPs. Replacing the approved gas boilers is welcomed and will improve the sustainability credentials of the scheme.

Improvements in the energy performance and the subsequent reduction in carbon emissions has resulted in a reduction in the carbon shortfall with a lower carbon offset payment now required. The previous carbon offset payment of £24,824 is reduced to £5,472. This will be secured as part of revised legal agreement.

### **9.3 Biodiversity & Greening**

The enlarged plant area at roof level to accommodate the ASHPs will result in a reduction in the area of green living roof. Objections have been raised to this aspect of the application. Whilst these concerns are noted, the reduction in the size of the green roof is attributed removing gas boilers and sustainability improvements. The scheme will still provide a reasonably sized green roof. In the circumstances this is considered acceptable and it is recommended that condition 17 is amended to reflect this change.



## **Arboricultural Considerations**

The applicant is also seeking to vary conditions 14 (tree protection method statement) and 15 (tree root protection areas) to refer to the most up to date document relating to arboricultural works at the site.

Comments have been received in response to consultations that tree pruning should be carefully assessed as works completed look excessive and trees have an asymmetric appearance. The Arboricultural Officer has confirmed that the works undertaken are in line with approvals. It is recommended that the conditions are revised as proposed.

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

### **Legislative & Policy Context**

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The site is on the west side of the street towards its southern end and, although not in a conservation area, the opposite side of the street is in the Harley Street Conservation Area and to the rear is the Portman Estate Conservation Area. The site is in the Marylebone Area of Special Archaeological Priority. Paddington Street Gardens are to the west of the site and the grounds of Luxborough Tower adjoin the site to the north.

Across Paddington Street Gardens are the rear facades of properties in Chiltern Street, a portion of which is a recent redevelopment of a car park. The rear of No.78 Chiltern Street is also visible, and this is a grade II listed building. The site is located within a Tier II Archaeological Priority Area and stands within the former site of the eighteenth century St Marylebone workhouse with its chapel, infirmary and burial ground. As regards the archaeological potential of the site, an archaeological recording condition (Condition 10) was attached to the original planning permission and has since been fulfilled (in February 2021 (RN: 21/00622/COGADF) and September 2021 (21/04327/COGADF)). Historic England have therefore advised that no further assessment or conditions are necessary.

Until recently, the site was an open area of playscape and had been in that form since the early 1970s. Previously, it was a terrace of houses. The remaining historic buildings in the street are predominantly to be found on the east side and are a mix of designs making attractive use of brick, stone, and painted metalwork. The adjoining building to the south of the site is similarly designed. In contrast, the University of Westminster buildings and Luxborough Tower are white-finished, overtly modern, and of an entirely different, greater, scale.



Objections have been received on several design and heritage grounds including to the height of the building, to the addition of guard rails, and to the appearance of the boundary treatment.

The ASHPs are proposed for installation at main roof level where they will have a minimal, and acceptable, visual impact. They are sited alongside the photovoltaic panel installation and below the level of the proposed perimeter railings. The top storey of the building is set-back from the street façade and is metal-clad to differentiate it from the rest of the building. The rooftop railings are also slightly set back and will be seen as an addition that is not unduly prominent or excessively tall. The top floor of the building, including the mechanical plant, flues, and railings are appropriate in design and heritage asset terms and the building will sit comfortably in its surroundings. Therefore, the objections to the ASHP installation and height of the building and railings cannot be supported in design or heritage asset terms.

Privacy screens are proposed to the rear balconies at third, fourth, and fifth floor, levels to address previous concerns about potential overlooking. These screens are acceptable in design and heritage asset terms.

The reconfiguration of the residential entrance door which will include a glazed panel to enable further daylight into the communal entrance hallway and the relocation of ground floor vents to the rear elevation are acceptable in design and heritage asset terms.

The open aspect of the site is important and allows views to and from the adjoining Paddington Street Gardens which is in the Portman Estate Conservation Area. The conservation area audit identifies local views including some in Paddington Street Gardens (paragraph 3.53 and figure 5), as well as the importance of boundary walls (paragraph 3.55). These two factors are important when considering the objections to the proposed boundary wall treatment.

The original boundary railings are to be reinstated, and set behind them is to be a cocoa-mat fence incorporating metal artwork panels that are proposed to illustrate aspects of the local area including Paddington Street Gardens; Marylebone High Street Scene; Marylebone Arts & Education; and The Home of Cricket. While the principle of these alterations are considered to be acceptable, objections have been received to cocoa matting and the detailed design of the artwork. Therefore, given the importance of these items in design and heritage asset terms to the local community, it is recommended that amending conditions are imposed which require a revised design of the Paddington Street Gardens boundary wall including the omission of the cocoa matting, and a revised scheme of Public Art to be approved.

Subject to these conditions the revised proposals accord with City Plan policies 38, 39 and 40. They are acceptable in design and heritage asset terms and cause no harm to any designated heritage assets for the reasons set out above.

## **9.5 Residential Amenity**

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, and preventing unacceptable impacts such as loss of daylight and sunlight, sense of

enclosure, overshadowing, privacy and overlooking, as well as protecting local environmental quality.

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

Council records indicate that there are a number of residential properties surrounding the site. Immediately next door to the site is a residential block, Newcastle House, with residential flats within. The building opposite the site (The Telephone Exchange building at 25 Luxborough Street) also has residential flats within it. Luxborough Towers is located to the northwest of the site and is a 22 floor residential tower block. 1-10 Nottingham Mansions is located to the north east of the site, on the corner of Nottingham Street and Luxborough Street.

### **Daylight & Sunlight**

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2022). This report takes into account the changes to the scheme proposed in this submission, i.e., the additional plant and enclosures at rooftop level, which add a very modest amount of massing to the scheme.

The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closest properties to the site namely; Luxborough Tower, 1 - 10 Nottingham Mansions, Telephone Exchange (25 Luxborough Street), 1 - 12 Winsford House and Newcastle House.

The report demonstrates that the impacts of the proposed development as put forward here are not materially worse than those resulting from the consented scheme which is currently being implemented. While there are some minor differences in the impacts on daylight and sunlight to a small number of windows, these are considered to be acceptable.

### **Privacy**

The amendments include the addition of privacy screens to the rear balconies at 3rd, 4th and 5th floor levels. These will be positioned on the ends of the balconies closest to Newcastle house and will be 1.8m high above the finished floor level. The applicant advises that these have been included to address some neighbours' previous concerns about potential overlooking from rear balconies and the screens have been introduced at the request of Newcastle House residents. The addition of these screens is welcomed

as it will serve to further reduce the previously assessed impact on amenity.

An objection has been received stating that the proposed balustrades may encourage residents to use flat roofs for amenity area. While this is noted, the previous consent included a condition (29) which prohibited the use of the flat roofs for sitting out or for any other purpose other than maintenance and escape. This condition will remain on this permission and as such this objection cannot be upheld.

### **Noise & Vibration**

An acoustic report has been submitted in support of the proposed installation of the 16 ASHPs at roof level.

Objections have been received in relation to the plant on the following grounds;

- Assurances are sought that additional plant wouldn't result in noise nuisance,
- That a post installation condition should be imposed to ensure compliance with noise criteria;
- Commenting that the noise report does not take into account other approved plant, or future changes in noise levels to possible future reductions in background noise as the use of electric vehicles increases, and that the report does not account for the proposed units becoming noisier as they age.

The noise report has been assessed by Environmental Sciences who raise no objections advising that the plant is likely to comply with the Council's noise and vibration criteria. The normal noise conditions are recommended which are compliance conditions with an ongoing requirement for all the plant meet the noise criteria for the lifetime of the plant. Subject to these conditions (No's 31 and 32), the proposed plant is considered to be acceptable.

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

The conditions which the application seeks to vary raise no highways issues.

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

Not applicable to application.

### **9.8 Other Considerations**

#### **Relocation of Fire Exit**

The applicant proposes to relocate the fire exit from the currently approved position which exits out into Paddington Street Gardens North (to the west of the site), to a position that exits out directly to Luxborough Tower Gardens (to the north of the site). This is considered acceptable and accordingly it is recommended that condition 30 is amended to facilitate this.

#### Community Benefit

The Marylebone Association have commented that their previous concerns that greater

community benefits should be provided remain.

This application does not require the principle of the development to be re-assessed. The scope of a section 73 application requires a Local Planning Authority (LPA) to consider the conditions subject to which permission should be granted. The conditions application must be assessed in accordance with the development plan and other material considerations. The previous permission has been lawfully implemented, the extent of community benefits provided is not a relevant consideration in this application.

## 9.9 Environmental Impact Assessment

Not Applicable.

## 9.10 Planning Obligations & Pre-Commencement Conditions

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The Planning permission granted for the redevelopment of this site on 19 November 2020 (RN: 19/06451/COFUL) was granted subject to a s106 planning obligation to secure the following:

- a) the provision of 14 intermediate affordable housing units
- b) The provision of Lifetime car membership (minimum 25 years) in association with each of the proposed prior to first occupation .
- c) A carbon offset contribution of £24,824 to address the shortfall in carbon savings.
- d). Cost associated with the replacement of two street trees outside the site on Luxborough Street (5,000 per tree)
- e) Highway works
- f) S106 monitoring costs

Having regard to the tests set out above, the above planning obligations are still considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a variation to the previously agreed S106 legal agreement.

The terms of this variation will change slightly (to the wording of (a) and (c)), as set out in the officer recommendation in Section 1, and will secure:

- a) the provision of 7 intermediate affordable housing units and 7 social rented housing units.
- b) The provision of Lifetime car membership (minimum 25 years) in association with each of the proposed prior to first occupation .

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- c) A carbon offset contribution of £5,472 to address the shortfall in carbon savings.
- d). Cost associated with the replacement of two street trees outside the site on Luxborough Street (5,000 per tree)
- e) Highway works
- f) S106 monitoring costs

**10. Conclusion**

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions as set out in the draft decision notice.

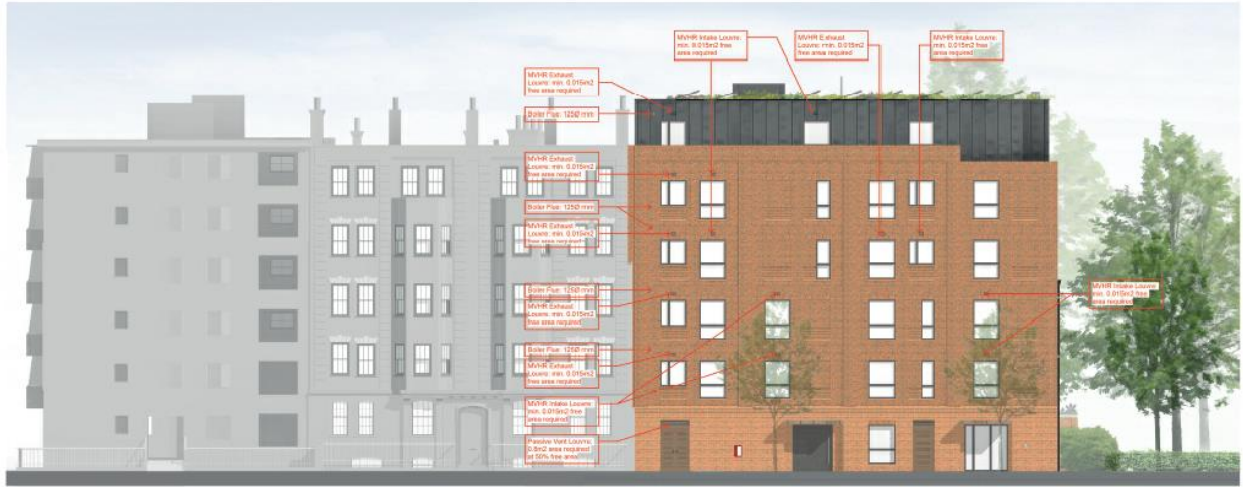
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT <a href="mailto:mwalton@westminster.gov.uk">mwalton@westminster.gov.uk</a>
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**Permitted East (Front) Elevation**



**Front Elevation**  
1:100

**Proposed East (Front) Elevation**



**1 Planning - East Elevation**  
1:100



**Permitted Side (North) Elevation**



**Proposed Side (North) Elevation**



**Permitted Rear (West) Elevation**



**Proposed Rear (West) Elevation**



**Permitted South Section**



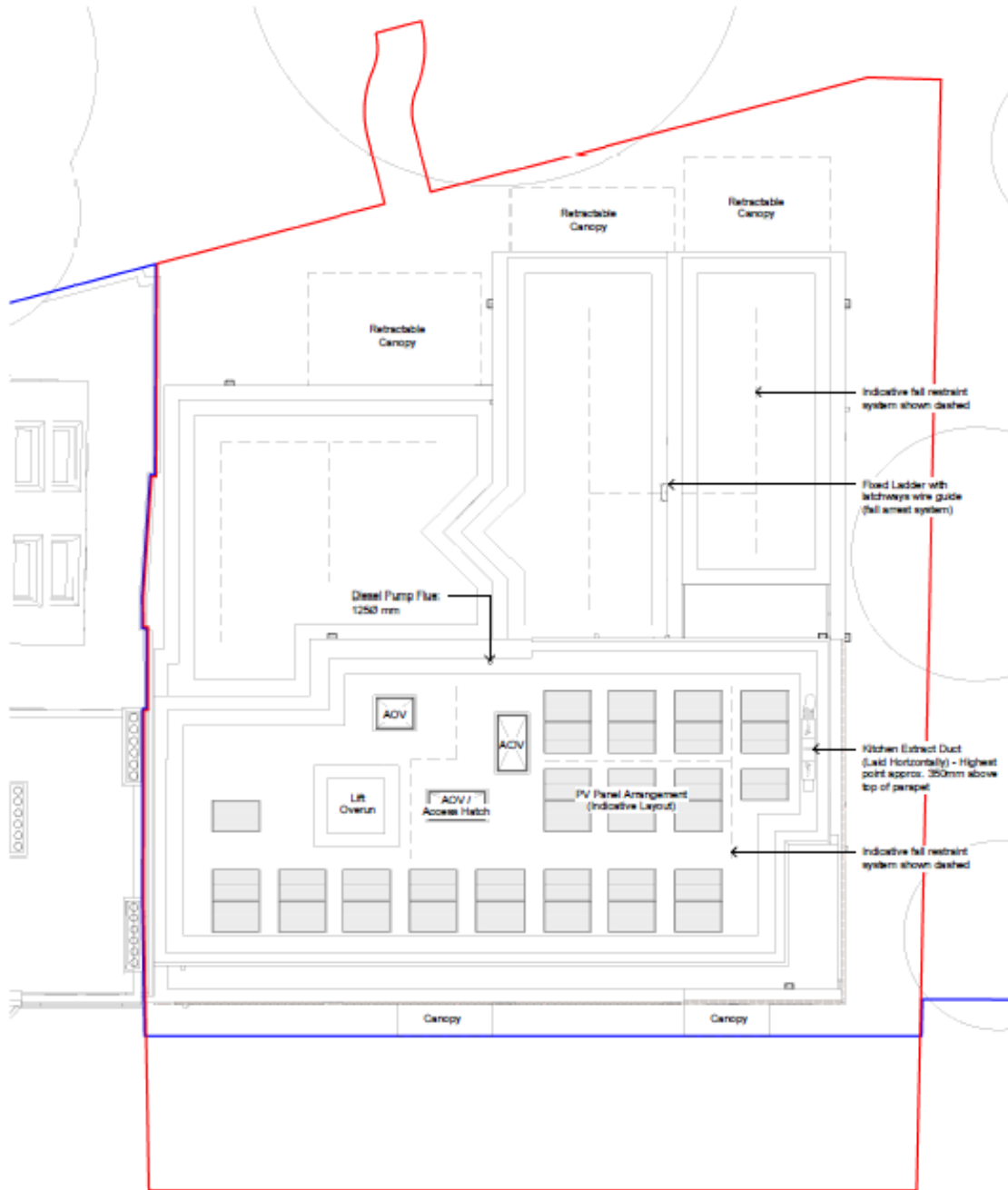
**South Section 1**

**Proposed South Section**

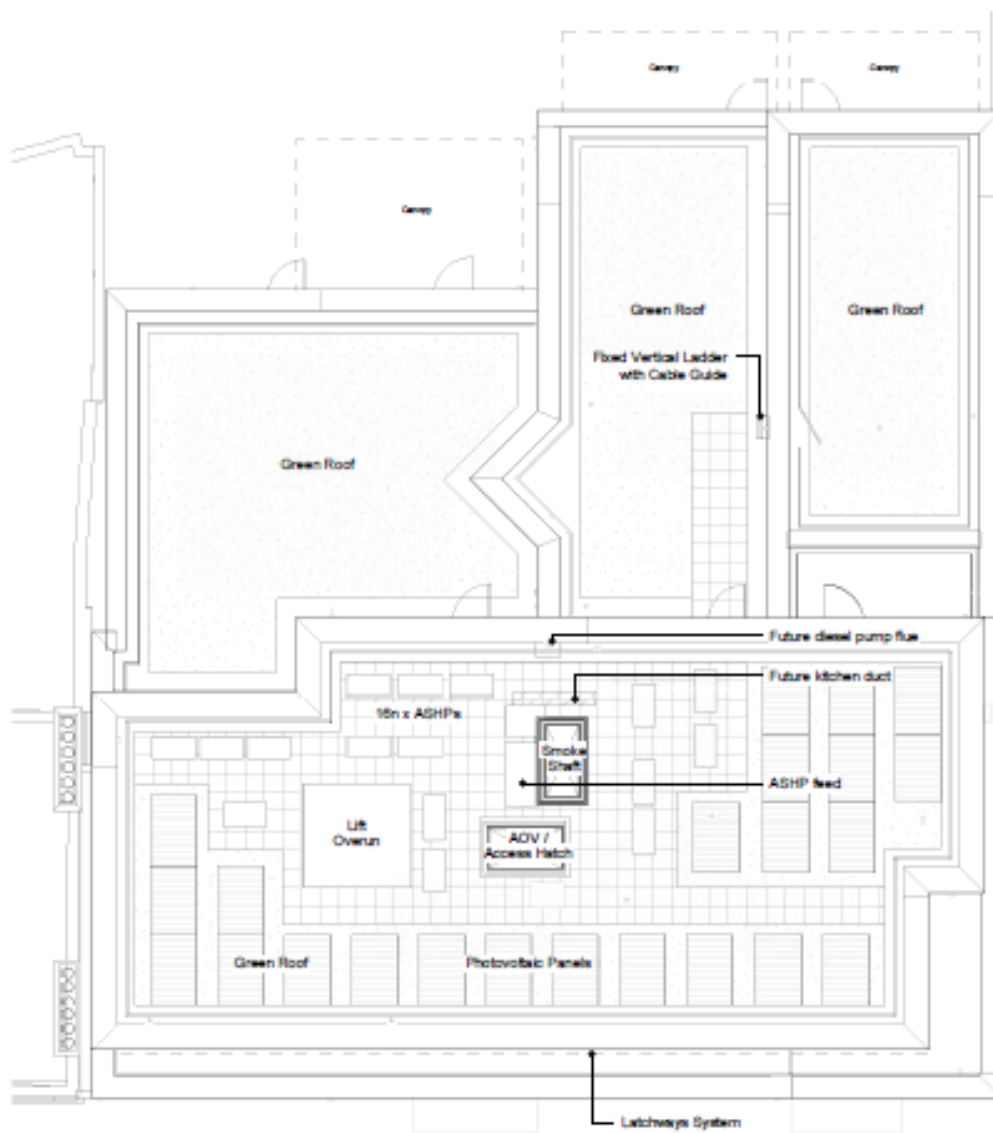


**Planning - South Section 1**

**Permitted Roof Plan**



### Proposed Roof Plan





### Permitted Landscaping Plan



Proposed Landscaping Plan



**Permitted Boundary Wall**



**Proposed Boundary Wall**





**DRAFT DECISION LETTER**

**Address:** Luxborough Towers, Luxborough Street, London, W1U 5BW

**Proposal:** Variation of Conditions 1, 7, 8, 14, 15, 17 and 30 of planning permission dated 19 November 2020 (Ref: 19/06451/COFUL) for: 'Redevelopment of existing play space to provide a new building comprising a flexible Class D1 (non-residential institutions) use at ground floor level, 14 x affordable house units (7 x 1-bed and 7 x 2-bed) on first to fifth floors with associated terraces/balconies (Class C3); associated access and other works including a subterranean rainwater harvesting tank; new plant, cycle parking, refuse storage and landscaping. Removal of existing boundary railings and brick wall base adjoining Paddington Street Gardens North and construction of new boundary wall. (COUNCIL'S OWN DEVELOPMENT)'; NAMELY, to allow the installation of 1.1m guard railings to all flat roofs; repairs to existing dwarf wall with metal railing and inclusion of a screen; introduction of metal artwork panels (public art) on the rear boundary wall; relocation of emergency exit from Paddington Street Gardens boundary wall to Luxborough Tower gardens wall; replacement of gas boilers with 16 x ASHPs at main roof level; installation of privacy screens to rear balconies at 3rd 4th and 5th floor levels; reconfiguration of residential entrance door including a glazed panel to enable further daylight into the communal entrance hallway; relocation of ground floor vents; relocation of the community space kitchen extract duct at top roof level; reduction in height of the lift overrun and increase in height of smoke vent by 500mm; and tenure - social rent introduced. (Application under Section 73 of the Act).

**Reference:** 23/04362/COFUL

**Plan Nos:** 05010 Rev. PL2 ; 05502 Rev. PL2 ; 05504 Rev. PL2 ; 05506 Rev. PL3 ; , 05300 Rev. PL2 ; 05301 Rev. PL2 ; 05500 Rev. PL3 ; 05200 Rev. PL2 ; , 4148/P11 Rev. H ; 4148/P12 Rev. E ; 4148/P16 Rev. C ; Arboricultural Method Statement (TWG/LXB/AMS/01c) dated 19th December 2022 ; Concise Arboricultural Impact Assessment Report (WTS/LXB-ANC/AIA/02b) dated 03 August 2023.

As permitted under application 23/05001/NMA:  
Document reference WTS/LXB-ANC/AIA/02b by Landmark Trees titled "Concise Arboricultural Impact Assessment Report for Land at Luxborough Tower." dated 03 August 2023 ; Cover Letter from Rappleys dates 19 July 2023.

As permitted under application 22/08250/CLEUD:  
Statement dated 3 November (Ref: 5.6.11\_L01) from Jim Collett (Wates) including pile location drawings and dated photographs (August to October 2022).

As permitted under application 22/06526/COFUL:  
Addendum Arboricultural Impact Assessment Report WTS/LXB-ANC/AIA/01 dated 27.09.2022 (Landmark Trees); Arboricultural Method Statement dated 19 December 2022 (Landmark Trees) TWG/LXB/AMS01C.

As permitted under application 22/03826/NMA;,  
0407-ECD-00\_XX-DR-A-1605\_PL10.

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As permitted under application 22/01568/COGADF:  
Plant Noise Assessment 10645.RP03.PNA.3, Dated 28 February 2022 ; External Building Fabric Assessment, Dated 28 February 2022, 10645.RP01.EBF.1.

As permitted under application 22/00092/COGADF:  
Drawings: EAST ELEVATION Rev P02, NORTH ELEVATION Rev P02, SOUTH ELEVATION Rev P02, WEST ELEVATION Rev P02, LUXBOROUGH EXTERNAL MATERIAL SCHEDULE.

As permitted under application 21/07993/NMA:  
0407-ECD-00-XX-DR-A-/1605 PL9, 1606/PL9.

As permitted under application 21/06757/COGADF:  
Code of Construction Practice - Appendix A - completed 18/11/2021.

As permitted under application 21/04327/COGADF:  
Report on an archaeological evaluation, dated June 2021, by Museum of London Archaeology for "LUXBOROUGH TOWER, Luxborough Street " London W1U 5BU." Document references Site Code LXB21, NGR 528152 181856, OASIS reference molas1-419717.

As permitted under application 21/03094/COGADF:  
Programme for public engagement (MOLA) dated May 2021 v1.

As permitted under application 21/01877/COGADF:  
Documents:  
o Ground Investigation Final Report from Harrison Group Environmental Limited reference GL16990 GI dated 27th March 2013,  
o Site investigation report from Harrison Group Environmental Limited reference GL22687\_SI dated August 2019,  
o Desk Study and Ground Investigation Report from TEC reference: 2008010.001.01 dated March 2021,  
o Remediation Strategy and Verification Plan from TEC reference 2008010.002.01 dated March 2021.

As permitted under application 21/01450/COGADF (as amended by 22/06526/COFUL):  
ARBORICULTURAL METHOD STATEMENT for Luxborough Tower Gardens by Landmark Trees, report ref TWG/LXB-NBS/AMS/01b, dated 26.08.2021 ;  
Construction Method Statement & Risk Assessment for Luxborough Tower by Halsted Rain Ltd, dated 03.03.2021.

As permitted under application 21/00622/COGADF:  
Written Scheme of Investigation for an Archaeological Investigation dated 02/02/2021.

As permitted under application 19/06451/COFUL:,  
0407-ECD-00-00-DR-A-1051-PL1 (demolition site plan);, 0407-ECD-00-00-DR-A-1100 PL4, 0407-ECD-00-00-DR-A-1200-PL10, 0407-ECD-00-01-DR-A-1201-PL10, 0407-ECD-00-ZZ-DR-A-1202-PL6, 0407-ECD-00-ZZ-DR-A-1204-PL6, 0407-ECD-

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00-06-DR-A-1206-PL7, 0407-ECD-00 -XX-DR-A-1605-PL7, 0407-ECD-00 -XX-DR-A-1606-PL8 £, 0407-ECD-XX-XX-DR-A-1705-PL3; 4148/ P11F, 12D, 14D; 4148/D01A; 0407/LON-V1-00-DR-C-8000 Rev P03, 0407/LON-V1-XX-DR-C-8200 Rev P02 (proposed).

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641  
07779431391

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

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

Reason:

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

- 2 You must carry out the development in accordance with the samples approved by the City Council as Local Planning Authority on 14.01.2022 under reference 22/00092/COGADF, or in accordance with other samples as submitted to approved by the City Council.

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)

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

Reason:

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

- 4 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies

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)

- 6 You must carry out the development in accordance with the sample panel of brickwork approved by the City Council as Local Planning Authority on 14.01.2022 under reference 22/00092/COGADF, or in accordance with another sample panel of brickwork as submitted to approved by the City Council.

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)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- i) A revised design for the Paddington Street Gardens North boundary wall which includes omission of the cocoa matting, designed in consultation with the local community and amenity society and you must provide written evidence of this consultation.

You must not start on this wall until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must then carry out the work according to the approved drawings.

Reason:

To ensure that the appearance of the wall is suitable and that it will maintain the setting of the neighbouring Portman Estate Conservation Area. This is as set out in Policies 38, 39, and 40 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- i) A revised scheme of public art for the Paddington Street Gardens North boundary wall, designed in consultation with local community and amenity society and you must provide written evidence of this consultation.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings and fully implement the approved scheme of public art before anyone moves in to the development. You must thereafter maintain the approved scheme of public art and keep it on this site. You must not move or remove it.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in Policy 43(E) of the City Plan 2019 - 2040 (April 2021).

- 9 All vents in the external walls must be finished to match the colour of the surrounding brickwork and be maintained that colour.

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)

- 10 You must carry out the development in accordance with the stage 1 written scheme of investigation (WSI) approved by the City Council as Local Planning Authority on 24.02.2021 under reference 21/00622/COGADF, or in accordance with a new written scheme of investigation (WSI) as submitted to approved by the City Council.

You must carry out the development in accordance with the details set out in the report on an archaeological evaluation approved by the City Council as Local Planning Authority on 24.09.2021 under reference 21/04327/COGADF, or in accordance with a new report on an archaeological evaluation as submitted to approved by the City Council.

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)

- 11 You must carry out the development in accordance with the programme of public engagement approved by the City Council as Local Planning Authority on 19 November 2020 under reference 21/03094/COGADF, or in accordance with another programme of public engagement as submitted to approved by the City Council. The approved programme must be implemented in accordance with a timetable set out in the programme.

Reason:

To secure public interpretation and presentation of the site's archaeology in line with London Plan Policy HC1(D) and Policy 39P of the City Plan 2019 - 2040 (April 2021).

- 12 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)

- 13 You must carry out the development in accordance with the Code of Construction Practice approved by the City Council as Local Planning Authority on 24.11.2021 under reference 21/06757/COGADF, or in accordance with another Code of Construction Practice as submitted to approved by the City Council.

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)

- 14 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in your Arboricultural Method Statement (TWG/LXB/AMS/01c) dated 19th December 2022 and your Concise Arboricultural Impact Assessment Report (WTS/LXB-ANC/AIA/02b) dated 03 August 2023. You must undertake the arboricultural supervision as set out within the method statement and you must send us a written report (to the Council's Arboricultural Officer) within 5 days of each visit by the arboricultural consultant. If you need to revise any of these tree protection provisions, you must apply to us for approval of revised details, and you must not carry out work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 15 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in your Arboricultural Method Statement (TWG/LXB/AMS/01c) dated 19th December 2022 and your Concise Arboricultural Impact Assessment Report (WTS/LXB-ANC/AIA/02b) dated 03 August 2023. You must undertake the arboricultural supervision as set out within the method statement and you must send us a written report (to the Council's Arboricultural Officer) within 5 days of each visit by the arboricultural consultant. If you need to revise any of these tree protection provisions, you must apply to us for approval of revised details, and you must not carry out work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of the site and the Portman Estate conservation area, by ensuring that the trees are not harmed by landscaping works or a lack of natural drainage, as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021).

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roofs to include construction method, layout, species and maintenance

regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 17 You must provide, maintain and retain the following bio-diversity features shown on drawing 4148/P11 Rev H, before you start to use any part of the development:

living roofs, rope coils, log pile, ladybird barn

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

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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

- i) photovoltaic panels
- ii) living roofs
- iii) rainwater harvesting tank

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)

- 19 You must carry out the development in accordance with the Construction Methodology Statement for the underground rainwater harvesting tank approved by the City Council as Local Planning Authority on 13.09.2021 under reference 21/01450/COGADF, or in accordance with Construction Methodology Statement for the underground rainwater harvesting tank as submitted to approved by the City Council.

Reason:

As requested by the applicants and to protect the party walls and structural integrity of the neighbouring building

- 20 Before anyone moves into the property, you must provide the separate stores for waste and

materials for recycling shown on drawing number 0407-ECD-00-00-DR-A-1200-PL-10. You must clearly mark them and make them available at all times to everyone using the flats and the ground floor use. No waste shall be stored on the public highway. (C14FB)

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)

- 21 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)

- 22 You must provide a minimum of 24 cycle storage spaces for the residential use and a minimum of 6 spaces for the ground floor use, as 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.

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)

- 23 In the event that the ground floor unit is occupied as a nursery or creche, prior to the commencement of the use you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:
- A comprehensive survey of all users of the nursery/creche;
  - Details of local resident involvement in the adoption and implementation of the Travel Plan;
  - Targets set in the Plan to reduce car journeys to the nursery/creche;
  - Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the date of the nursery/creche being occupied.

At the end of the first and third years of the life of any of the approved Travel Plans, where the same user remains in occupation, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R45AC)

- 24 Any structure over the highway must maintain a minimum 2.6m vertical clearance from the footway surface at all times and shall not extended closer than 1 metre from the kerb edge; when within 1 metre of the kerb edge and over the carriageway, a minimum 5.3m vertical



clearance must be maintained by any structure including building overhangs, canopies and awnings, signage, flags and public art.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 25 You must only use the ground floor unit as a children's nursery, creche, exhibition hall or public hall. You must not use it for any other purpose, including any uses within Class E or Class F1 of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason:

To prevent use of the property for any unsuitable purpose, to safeguard the amenity of neighbouring residential properties and to ensure highway safety and safeguard the operation of the highway network as set out in Policies 7, 17, 24 and 25 of the City Plan 2019 - 2040 (April 2021).

- 26 Prior to the occupation of the ground floor use you must apply to us for approval of a management plan including full details of the proposed use, including hours of use, premises capacity and servicing hours, and details of the use of the rear courtyard (hours of use and customer capacity and use and management of the courtyard canopies, including the use of the courtyard in the event of failure of the courtyard canopies) to show how you will prevent customers/visitors using the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not start ground floor use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises are in use.

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes and to protect neighbouring residents from noise disturbance. This is as set out in Policies 7 and 17 of the City Plan 2019 - 2040 (April 2021).

- 27 Visitors shall not be permitted within the nursery premises before 07.00 or after 19.00 hours on Monday to Friday only and the rear courtyard shall not be used in association with the nursery use before 08.00 or after 19.00 hours on these days.

Reason:

To protect neighbouring residents from noise nuisance, Policies 7 and 17 of the City Plan 2019 - 2040 (April 2021).

- 28 All servicing for the ground floor use hereby approved must take place between 0800 and 1900 hours on Monday to Friday only. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, Policies 7 and 17 of the City Plan 2019

- 2040 (April 2021).

- 29 You must not use the ground, first or second floor roofs of the building for sitting out or for any other purpose other than for maintenance purposes or as a means of escape in case of emergency.

Reason:

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

- 30 You may use the door in the northern boundary wall (leading to Luxborough Tower Gardens), shown on the drawings hereby approved, only in an emergency or for maintenance purposes.

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)

- 31 (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)

- 32 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)

- 33 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)

- 34 The design and structure of the development 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

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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.

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)

- 35 (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)

- 36 You must apply to us for approval of detailed drawings and full specifications of the courtyard canopies before the ground floor use is occupied. The canopies must be constructed from materials with a minimum sound reduction value (Rw) of 16 dB. You must then carry out the work according to these approved details and specifications and the canopies must be installed prior to the commencement of the ground floor use(s) hereby approved and the courtyard must not be used in association with the ground floor use unless the courtyard canopy/canopies are fully deployed.

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in Policies 7 and 17 of the City Plan 2019 - 2040 (April 2021). (R10AD)

- 37 You must carry out the development in accordance with the supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 31 and 35 of this permission, approved by the City Council as Local Planning Authority on 06.04.2022 under reference 22/01568/COGADF, or in accordance with a new supplementary acoustic report as submitted to approved by the City Council.

**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)

- 38 You must carry out the development in accordance with the desktop study, site investigation and remediation strategy approved by the City Council as Local Planning Authority on 06.05.2021 under reference 21/01877/COGADF, or in accordance with another desktop study, site investigation and remediation strategy as submitted to approved by the City Council.

When the development has been completed but before it is occupied, you must apply to us for approval of details of a Validation Report, which summarises the action you have taken during the development and what action you will take in the future, if appropriate.

**Reason:**

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 39 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

**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). (R14AD)

- 40 The plant/machinery hereby permitted in association with the ground floor use (excluding the emergency generator) shall not be operated except between 0700 and 23.00 hours daily.

**Reason:**

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

**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 Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to the provision of affordable house; Lifetime car club membership; the replacement of trees on Luxborough Street; a carbon offset payment and s106 monitoring costs.
  
- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets).

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 4 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).
  
- 5 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)

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- 6 The submitted Unexploded Ordnance Report confirms the possibility of unexploded ordnance on this site. You are reminded of the need to take appropriate safety measures with regard to construction works in this regard.
  
- 7 Works affecting Paddington Street Garden North will require the approval of the Church Faculty/Diocese of London. You are reminded of the need to obtain the appropriate approvals before undertaking any works requiring this authority.
  
- 8 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
  
- 9 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)
  
- 10 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).
  
- 11 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.

- 12 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).

- 13 With reference to condition 13 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.

- 14 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.
- 15 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.**

- 16 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.
- 17 Conditions 31, 32, 35, 37 and 40 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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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