



## City of Westminster

Title:

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

Meeting Date:

**Tuesday 12th December, 2023**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Ruth Bush (Chair)  
Barbara Arzymanow  
Md Shamsed Chowdhury  
Jason Williams

**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, Tristan Fieldsend, Senior Committee and Councillor Coordinator.**

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

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To note any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### 3. MINUTES

(Pages 5 - 8)

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

#### 4. PLANNING APPLICATIONS

Applications for decision

#### Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

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

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. 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. | <b>98 EBURY MEWS, LONDON, SW1W 9NX</b>   | (Pages 11 - 38)     |
| 2. | <b>3 BLENHEIM ROAD, LONDON, NW8 0LU</b>  | (Pages 39 - 74)     |
| 3. | <b>WESTMINSTER CATHEDRAL PRIMARY SCHOOL,<br/>BESSBOROUGH PLACE, LONDON, SW1W 3SE</b> | (Pages 75 -<br>102) |

**Stuart Love**  
**Chief Executive**  
**1 December 2023**

## **Order of Business**

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

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

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



CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (2)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 14th November, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 MINUTES

**RESOLVED:** That the minutes of the meeting held on 19<sup>th</sup> September 2023 be signed by the Chair as a correct record of proceedings.

#### 4 PLANNING APPLICATIONS

##### 1 1 CHILTERN STREET, LONDON, W1U 7PA

Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays.

Additional representations were received from a resident (8.11.23), Environmental Health Consultation Team (7.11.23), a copy of WCC License and Full Decision (8.4.22 and 2.2.22).

Late representations were received from Councillors Karen Scarborough and Ian Rowley (13.11.23), a resident (10.11.23) and Chiltern Firehouse (14.11.23).

Hamish Thompson, representing Chiltern Firehouse, addressed the committee in support of the application.

Richard Vivian, representing Big Sky Acoustics, addressed the committee in support of the application.

David Cook addressed the committee in objection of the application.

Janet Lee, member of the public and separately representing Wendover Court Management, addressed the committee in objection of the application.

**RESOLVED ON THE CHAIR'S CASTING VOTE THAT THE APPLICATION BE GRANTED** (Agreed: Cllrs Fisher and Arzumanov voted to grant in line with recommendation. Cllrs Lilley and Chowdhury voted to grant for a temporary period of one year only. Chair had the casting vote)

1. That conditional permission be granted, subject to a deed of variation to the existing legal agreement dated 24 November 2021 to ensure the continued provision of the previously secured planning obligations.
2. That if the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Town Planning and Building Control shall consider whether 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.

## **2 21A WARLOCK ROAD, LONDON, W9 3LP**

Demolition of garage and construction of new residential dwelling house (Class C3). (Application is for Outline Planning permission for access, scale and landscaping and with some matters reserved namely appearance and layout).

Additional representations were received from Environmental Health (2.11.23), Walterton & Elgin Community Homes (8.11.23) and a resident (8.11.23).

An amendment was recommended for the draft decision letter:

Additional condition 14

{b Construction works shall not begin} until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS. The SuDS scheme shall subsequently be implemented in accordance with the approved prior to occupation, and maintained and retained thereafter.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

Late representations were received from the JAS Design (14.11.23).

The Presenting Officer tabled the following amendment to the draft decision letter:

Additional condition 15

The roof of the building must not be used for sitting out or for any other purpose. The roof can however be used to escape in an emergency and for maintenance purposes.

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)

Simon Kaplan addressed the committee in objection of the application.

Gordon Quinlan, representing the Walterton & Elgin Community Homes, addressed the committee in objection of the application.

**RESOLVED UNANIMOUSLY**

That conditional outline permission be granted.

The Meeting ended at 8.13 pm

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

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

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# Agenda Annex

**CITY OF WESTMINSTER**  
**PLANNING APPLICATIONS SUB COMMITTEE – 12th December 2023**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 23/06593/FULL  Knightsbridge & Belgravia	98 Ebury Mews London SW1W 9NX	Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.	Mr & Mrs Pinto
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s):</b> 22/04886/FULL & 22/04887/LBC  Abbey Road	3 Blenheim Road London NW8 0LU	Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations.	Mr Meghdad Farrokhzad
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
3.	<b>RN(s):</b> 23/01473/COFUL  Pimlico South	Westminster Cathedral Primary School Bessborough Place London SW1V 3SE	Increase perimeter fence height to 2.5m along part of the Balnial Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place; and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.	Westminster City Council
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations.				

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# Agenda Item 1

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CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b>	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b>	For General Release Knightsbridge & Belgravia
<b>Subject of Report</b>	<b>98 Ebury Mews, London, SW1W 9NX</b>		
<b>Proposal</b>	Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.		
<b>Agent</b>	Mr Michael Knight		
<b>On behalf of</b>	Mr & Mrs Pinto		
<b>Registered Number</b>	23/06593/FULL	<b>Date amended/completed</b>	
<b>Date Application Received</b>	22 September 2023		22 September 2023
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

98 Ebury Mews is a single-family dwellinghouse located within the Belgravia Conservation Area comprising ground, first and second floor levels. At the rear, the property has a small courtyard and an existing rear ground floor extension with a balcony terrace atop.

Permission is sought to extend the property with a front porch extension, rear ground floor extension, first-floor closet extension and excavation works to create a new basement. The proposal also includes works to form a roof terrace at main roof level.

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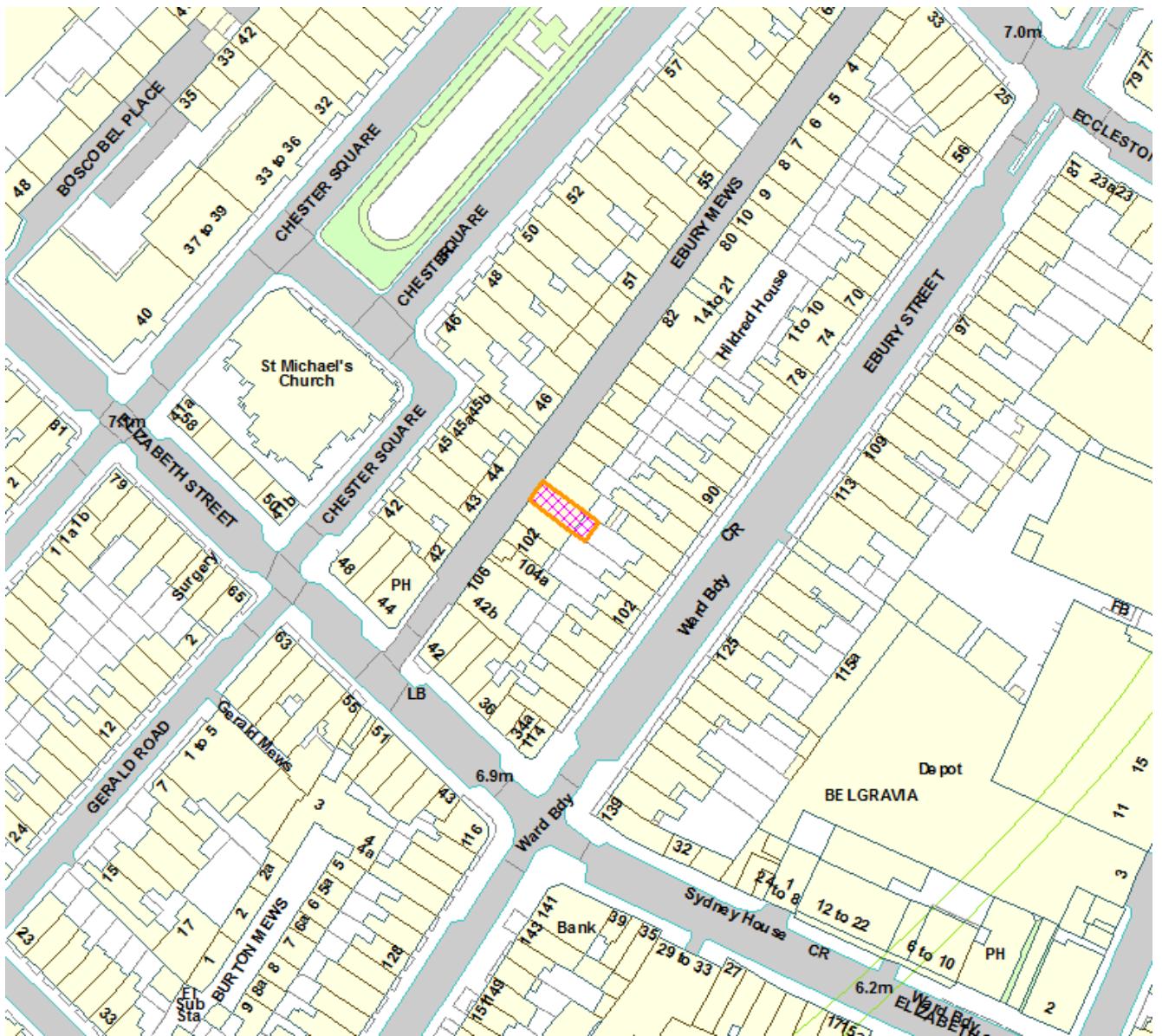
The key considerations in this case are:

- The impact of the proposed first floor extension and roof terrace upon the amenity of surrounding occupiers.
- The acceptability of the proposed basement extension in design, amenity and sustainability terms.
- The impact of the proposed extension, roof terrace and associated alterations upon the character and appearance of the Belgravia Conservation Area.
- The impact of the proposals upon protected trees.

Objections have been received from neighbouring occupiers and the Belgravia Neighbourhood Forum (BNF) which consider the proposed extensions would harm the character and appearance of the mews and infringe upon privacy whilst the proposed roof terrace would result in an unacceptable increase in overlooking and noise. Objection comments also raise concerns over the construction impacts of the proposed development upon amenity, protected trees and potential structural and infrastructure damage associated with the basement development. The BNF also consider the proposed basement as contrary to Net Zero goals, draft design and sustainability policies within the Belgravia Neighbourhood Plan and is unacceptable from a sustainability perspective.

As set out in this report, the submitted Arboricultural Impact Assessment, signed Appendix A for the Code of Construction Practice and Construction Methodology Statement demonstrate that the proposed basement development is unlikely to result in harm to surrounding trees and would comply with City Plan basement policy requirements. Assessment of the size, position and relationship of the proposed roof terrace and rear extensions towards neighbouring occupiers and the submitted site-line diagrams demonstrate that, whilst there would be some limited impact upon neighbouring occupiers, on balance the proposals are not considered harmful to residential amenity to an extent to warrant refusal of planning permission. With recommended conditions the proposed development is considered acceptable in amenity and design terms and would accord with relevant policies within the adopted Westminster City Plan (April 2021).

### 3. LOCATION PLAN



**4. PHOTOGRAPHS****98 Ebury Mews Existing Rear Elevation**

(Yellow, existing rear ground floor extension which is proposed to be extended.  
Red, approximate position of proposed first-floor closet extension)

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**Rear Courtyard of 98 Ebury Mews (As viewed from existing rear first-floor terrace balcony)**



**Area of Proposed First-Floor Closet Extension**

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**Views from main roof level**

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## 5. CONSULTATIONS

### 5.1 Application Consultations

#### BUILDING CONTROL

No objection.

#### ARBORICULTURAL SECTION

No objection subject to recommended tree protection conditions.

#### ENVIRONMENTAL SCIENCES

No objection, however, recommends condition to secure Land Contamination Assessment, to include assessment of Radon.

#### BELGRAVIA NEIGHBOURHOOD FORUM

Objects, as the proposals are considered contrary to draft design and sustainability policies within the Belgravia Neighbourhood Plan. The massing of the proposed extensions is considered overdevelopment, harmful to the character of the mews and the reduction in open courtyard space and the proposed basement construction contrary to net zero goals and would result in loss of permeable drainage soil. It's noted that previous permissions for basements pre-date current sustainability goals and policies and so should not be considered acceptable precedent.

#### THE BELGRAVIA SOCIETY

No response to date.

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

No. Consulted: 12

Total No. of replies: 6

No. of objections: 5 (of which four letters from one address)

No. in support: 1

PRESS NOTICE/ SITE NOTICE: Yes.

#### OBJECTION

Residential amenity

- The proposed ground and first-floor extensions would result in a loss of privacy, harm to aspect and are considered overdevelopment.
- The proposed roof terrace would result in a loss of privacy due to increased overlooking and would create an unfortunate precedent.
- Construction impacts of the proposed development would result in unacceptable disruption, disturbance and blocking of the mews.

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### Design impacts

- The proposed extensions would not be in keeping with the host building nor would it be characteristic of the surrounding mews and the conservation area.

### Sustainability & Open Space

- The proposed ground floor extension and basement would reduce the amount of soil for drainage as well as the amount of valuable open space. This also concerns flood risk.
- The proposed extensions could also harm protected trees of visual and ecological value.

### Other Matters

- It should be clarified whether the proposals would have implications on subsidence or result in structural issues and consideration of the implications for insurance.
- Concern that the proposed basement excavation could disturb or damage historical lead pipe systems, and the potential impacts of this upon the wider ecology of the area.
- Concern over potential for water ingress from roof level planters associated with the roof terrace and roof level access and structures.

### SUPPORT

- The owner should be able to fully exercise their property rights, therefore the proposals are supported.

## 5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to small scale householder development, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application. However, it should be noted that the current application follows a withdrawn application for similar proposals in July 2023 (RN: 23/03653/FULL). The current re-submission has reduced the extent of the proposed basement, incorporated permeable paving and included an Arboricultural Impact Assessment, in response to concerns raised in previous objections to the previous application.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full

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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 Belgravia Neighbourhood Plan includes policies on a range of matters including character, heritage, sustainability, monuments and public art, workspaces, late night uses and trees and greening.

The Belgravia Neighbourhood Plan was subject to public consultation between 2<sup>nd</sup> June 2023 and 24<sup>th</sup> July 2023 under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012. The Plan is currently under Examination, to determine whether the Plan meets the 'Basic Conditions'. Paragraph 48 of the NPPF outlines that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree to which emerging policies conform with the NPPF. As the Neighbourhood Plan is currently at Examination and the Examiner's Report has not yet been published, limited weight can be afforded to the 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**

98 Ebury Mews is a single-family dwellinghouse located within the Belgravia Conservation Area comprising ground, first and second floor levels. At the rear, the property has a private courtyard and an existing rear ground floor extension with a balcony terrace atop.

## **7.2 Recent Relevant History**

23/03653/FULL

Erection of ground floor front and rear extensions; first floor rear closet addition; formation of roof terrace with balustrading and planters, single storey basement addition and associated external alterations. Application withdrawn on 25 July 2023 following concerns over the extent of the proposed basement level and the potential impact upon the roots of protected trees in the property to the rear of the application site. The current

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application is a re-submission which has been amended in response to these issues.

## **8. THE PROPOSAL**

To the rear of the application site permission is sought to extend the existing ground floor extension and to erect a first-floor closet extension. At main roof level, permission is sought for the formation of a roof terrace with associated balustrading and planters. Permission is also sought for a basement extension and a partial infill extension of the front porch area at ground level.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

Policies 8, 10 and 12 of Westminster's City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally. The proposed basement extension would provide utility, living and gym rooms to provide additional living space for the family home. It would receive borrowed natural light from an internal rooflight within the ground floor living room. The proposed rear first-floor extension would provide additional storage space. From a land use perspective, the proposals would provide a well-designed, high-quality living environment for future occupiers.

### **9.2 Environment & Sustainability**

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

Policies 36 and 38 of Westminster's City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster's 'Environmental Supplementary Planning Document' (February 2022) provides support for measures to improve energy efficiency of existing buildings.

The Belgravia Neighbourhood Forum (BNF) has objected to the proposed basement noting that due to the need for artificial lighting, lack of natural ventilation and the carbon intensive nature of basement development, the proposals are contentious from a sustainability and net-zero perspective and contrary to the Belgravia Design Codes and design policies of the draft Belgravia Neighbourhood Plan.

As stated above, given the current stage of the Belgravia Neighbourhood Plan, only limited weight can be afforded to its policies. However, many of the concerns relating to the carbon impacts, energy efficiency and net-zero are also considered within City Plan policies. Whilst basement extensions are a more carbon intensive form of extension, the City Plan does not preclude such extensions, but it does limit the extent and depth of basements to a single-storey, thereby limiting the amount of construction and in turn the carbon impact. It is noted that the proposals are confined to a single storey with an appropriate floor to ceiling height.

The design statement notes that currently the external facing walls of the property do not benefit from insulation, but as part of the overall development a more efficient heating

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and hot water system will be installed, as well as additional insulation to all external facing walls and roof insulation. These measures will improve the energy efficiency of the building and are supported.

### **9.3 Biodiversity & Greening**

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs and other green features where possible. The policy also seeks to increase biodiversity and protect open spaces and requires that trees of amenity, ecological and historic value will be protected. Objections have been raised that raise concern over the loss of open space as well as concerns that the proposed extensions would result in harm to protected trees.

The existing paved rear yard is approximately 18sqm. As a result of the proposed ground floor extension the rear yard would be reduced to approximately 9sqm. Whilst the proposals would see a reduction in garden land, the proposals would see a net increase in soil planting through the provision of raised plant bedding areas either side of the courtyard, as well as provision of permeable paving. At main roof level, the proposals would provide sedum green roofs and planters. Therefore, on balance, the proposals provide opportunities for increased urban greening and biodiversity beyond the current situation.

Within the previously withdrawn application the basement was proposed to extend to the rear boundary wall with no undeveloped land retained and officers were concerned that excavation works would result in harm to surrounding tree roots. The current application has been revised to reduce the extent of the basement, maintaining 1.85m of undeveloped land and is supported by an Arboricultural Impact Assessment which has identified surrounding trees and their root protection areas (RPA). The revised proposals ensure excavation is largely avoided from the RPA and whilst there is a very small incursion into this area, in this instance it is considered very minimal and unlikely to harm the trees. The Arboricultural Officer raises no objection to the proposals, however, a condition is recommended to secure a more detailed Tree Protection Methodology Statement.

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

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

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

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

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. Given the proposals relate to alterations and extension of a building within the Belgravia Conservation Area the proposals are considered within the context of policies 38, 39 and

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40 of Westminster's City Plan (adopted April 2021).

## Considerations

98 Ebury Mews is of a mid-20th century character with the adjoining mews properties at nos. 92 to 96 and is located within the Belgravia Conservation Area. Objection comments have been received which consider that the proposed extensions would be out of keeping and that the scale and massing of the extensions would be harmful to the appearance of the building and wider area, with the Belgravia Neighbourhood Forum also commenting that basements are not historically typical within smaller-scale mews buildings.

The proposed remodelling of the ground floor front elevation would serve to match it with that at no. 94, to which this property shares a grouping, and on this basis is considered acceptable in terms of design, subject to details.

To the rear the proposed ground floor extension would occupy approximately half of the existing courtyard. Typically, rear courtyards form an important space in terms of the relationship of the mews houses with the main houses to which they would once have been associated and provide both a sense of separation between the properties and provide areas decompression of built-form within the wider conservation area. Whilst infilling rear courtyard space is generally considered contentious in principle, given the highly contained nature of the existing courtyard with its tall boundary walls it is considered that the proposed extension into this area is acceptable and the proposals would retain an area of meaningful outdoor space. The design approach of a brick extension with portal inset with a multipaned glazed wall and inward opening doors is considered an appropriate response, subject to details.

At rear first floor level the proposals would seek to extend the building outwards onto the existing terrace. The extension adopts the typology of a masonry closet wing style extension approximately half the width of the existing property, sitting above but set back from the rear extension at ground floor level. Whilst not a typical feature on this terrace grouping, the expression of a single storey shallow closet wing extension has precedent elsewhere in the conservation area and maintains the primacy of the main rear elevation which can still be read. The resultant masonry projection protrudes no further out than those to the rear of other properties along the wider stretch of Ebury Mews and is considered an appropriate response in terms of design.

The host property is a completed composition and exhibits a mansard roof form at second floor level. The proposals seek to introduce a terrace on top of the mansard roof, set back from the roof edges behind railings, and in between the existing masonry roof accretion to no. 100 and a raised boundary parapet wall with no. 96. It is considered that given both its setback and the adjacency to no. 100 which exhibits a taller - almost single storey high roof accretion - a roof terrace on top of this building would not be so incongruous so as to require refusal of permission on these grounds. Indeed at the other side of the mews, to the rear of 45 Chester Square, an elevated roof terrace can be seen and there are various examples of a similar elevated amenity spaces in the immediate vicinity. A condition is recommended to require that the railings are metal painted black and maintained as such and that no parasols or other equipment shall be placed on the terrace.

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The basement would have no external manifestation and therefore in terms of design would not affect the appearance of the conservation area. Whilst it is noted that basement levels are not historically typical to mews properties, the site is not a listed building and the proposal would not be harmful to the building's hierarchy.

The above considered, with recommended conditions the proposals are considered acceptable in design terms and in line with relevant policy and planning guidance and the statutory duties set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9.5 Basement Development**

Policy 45 of Westminster's City Plan requires basements to incorporate measures to address flood risk and safeguard structural stability, be designed to minimise the impact of construction on neighbours, protect heritage assets and conserve and preserve the character of the building and surrounding area. The policy also limits the depth and extent of basements.

Objection comments have raised concerns over structural stability and infrastructure and implications for insurance as well as concerns over the noise and disruption during construction works.

In terms of the extent and depth of basements, Policy 45 states that on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building, must not exceed a single-storey and must leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden. The proposed basement would be within the proposed footprint of the building, be of a single-storey and would leave a significant, and acceptable, area of undeveloped land at the rear, complying with policy requirements on extent and depth.

In accordance with the policy requirements, applications must be accompanied by a detailed structural methodology statement, a flood risk assessment and a signed Appendix A proforma to demonstrate that the applicant will comply with the council's Code of Construction Practice and that a Construction Management Plan will be provided to the council prior to the commencement of development. The applicant has submitted these documents, to which Building Control have raised no objection. A condition is also attached to require the applicant to abide by the Code of Construction Practice.

The applicant's structural methodology report has been reviewed by Building Control, and they consider it to be acceptable. It should be noted that the purpose of such a structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report.

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Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision notice. In terms of insurance requirements and Party Wall issues and agreements raised by objectors, these are civil issues beyond the remit of planning.

Policy 35 requires that all developments should be safe for their lifetime from the risk of flooding and incorporate Sustainable Drainage Systems (SuDS) whilst Policy 45 requires a Flood Risk Assessment for basement extensions. Objection comments have noted concerns pertaining to increased flood risk due to the proposed basement and loss of soil.

The site is not within a Flood Zone nor an identified Surface Water Flood Risk Hotspot, therefore flood risk is low. However, as the proposal includes basement development a Flood Risk Assessment has been provided to support the application. The current rear courtyard has impermeable paving across its entirety. The proposals would retain approximately 1.85m of undeveloped land at the rear and incorporate raised soil planting areas and replace the current paving with permeable paving. Therefore, on balance, whilst some undeveloped land would be lost because of the proposals, the improvement to the permeability of the rear area compared to existing and with regard that a significant area of undeveloped land would be maintained, this is considered acceptable.

The above considered, with recommended conditions the proposed basement extension is considered compliant with Westminster's City Plan basement Policy 45.

## **9.6 Residential Amenity**

Policy 7 of Westminster's City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light. Policy 38 of the City Plan states that development will place people at the heart of design...and ensure a good standard of amenity for new and existing occupiers.

Objections have been received from neighbouring occupiers and residents of Ebury Street to the rear of the application site. Concerns are raised that the proposed ground and first-floor rear extensions will harm aspect and result in a loss of privacy whilst concern is raised that the proposed roof terrace will result in increased overlooking and a loss of privacy, whilst establishing an unfortunate precedent.

### **Daylight & Sunlight & Sense of Enclosure**

To the front elevation, a small partial infill extension is proposed within the front porch area. This would be confined to within the building footprint and recessed porch area, it is therefore unlikely to result in any unacceptable impact upon neighbouring occupiers.

The rear courtyard is enclosed by tall, rendered brick boundary walls which rise above ground level. The proposed rear ground floor extension would not rise above these boundary walls and would look into the enclosed courtyard area. Therefore, the proposed ground floor extension would not have any impact upon the amenity of surrounding occupiers by way of increased sense of enclosure, loss of light or privacy.

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The proposed first-floor closet extension would be in the same approximate position as the existing rear balcony terrace. Given this, there is already a degree of overlooking from this terrace to the rear and therefore the proposed extension (and its rear window) would not result in any harmful increase in overlooking beyond the existing situation.

There is a brick boundary wall on the terrace that separates the application property with its neighbour at No. 96 Ebury Mews to the north east. The proposed extension would increase the height of this wall by approximately 50cm and extend its depth by approximately 25cm. Although the proposed increase in height and depth along the boundary with No. 96 is likely to be noticeable, the increase is modest and is not considered likely to result in an unacceptable increase in sense of enclosure, loss of daylight or overshadowing, beyond that caused by the current boundary wall. Given the extension would not be full width, it would not have any unacceptable impact on 100 Ebury Mews given the separation distance.

Taking the modest increase in bulk proposed and the existing boundary treatment into account, the proposed first-floor closet extension is unlikely to cause harm to residential amenity that would justify a refusal.

### **Roof Terrace - Privacy**

There are objections to the proposed roof terrace at main roof level in terms of loss of privacy due to increased overlooking. The objector notes that there are no roof terraces at this level to the south side of the mews and that the proposals, if permitted, would establish an unfortunate precedent.

In terms of precedent, each case planning application is assessed on its own merits. Whilst there do not appear to be examples of roof terraces to the southern side of this part of the mews, there are examples of roof terraces to buildings on the northern side, though it is not clear whether these benefit from planning permission or are indeed lawful.

The proposed roof terrace would incorporate set-backs from the roof edges of approximately 2.7m at the front and 2.3m at the rear. When facing Ebury Mews at the front, given the proposed planters and set-back, it is unlikely that direct views would be possible into windows of properties on the opposite side of the mews. This is supported by sight-line diagrams that accompany the application. Whilst some limited views towards the upper-level windows of adjacent properties may be possible these would be in part interrupted by the roof dormers and would be at oblique angles and therefore overlooking into the depths of these windows would be unlikely. It is also noted that some of these adjacent properties benefit from similar roof terraces as currently proposed.

At the rear, given the proposed set-back of the terrace, overlooking towards the rear gardens of Nos. 96 and 100 Ebury Mews is unlikely to be possible. Further afield, the proposed roof terrace would be separated from the rear facing windows of Ebury Street by approximately 14m. Whilst some long-distance views towards Ebury Street properties would be possible, these would generally be interrupted by the existing (protected) trees. Overall given the separation distance, privacy would be maintained.

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Given the small and constrained size of the terrace and its use in connection with a single-family home, it is unlikely to be used in an intensive way to an extent that would result in unacceptable noise disturbance beyond what may be experienced from the existing rear first-floor balcony terraces and gardens which the properties currently benefit from.

Objection comments have noted the potential for water ingress from the proposed planters and the potential need for agreements with neighbouring occupiers. The proposed planters would be atop the area of existing flat roof which itself should be waterproof and watertight, designed to deal with surface water from rain. On the latter point, it appears the elements pertaining to the roof terrace are contained within the owner's demise. In any case, Party Wall agreements or issues are a civil issue beyond the remit of planning.

On balance, with the above considered, the proposals would not result in an increase sense of enclosure, loss of light, privacy or excessive noise disturbance that would be harmful to neighbouring residential amenity to justify refusal of planning permission.

#### **9.7 Transportation, Accessibility & Servicing**

The property is currently a family-sized, single-family dwellinghouse and will continue to be used as such. The proposed extensions would provide additional shared living space. Given the minimal increase in floorspace and that the property will continue to be used in the same way, no transportation, accessibility or servicing issues are raised. Objection comments note concern regarding the impacts of construction traffic and works upon the mews road. It is noted that works would be monitored by the Council's Environment Inspectorate and an informative is recommended to remind the applicant that separate highways licenses may be required during construction works.

#### **9.8 Economy including Employment & Skills**

Not relevant for the nature and scale of proposed development.

#### **9.9 Other Considerations**

Policy 33 (E) requires assessment of potential for land contamination and appropriate remediation measures, where necessary. As the proposals include basement development to provide habitable accommodation, Environmental Sciences have recommended a condition to secure a Land Contamination Assessment to include consideration for the potential for Radon.

#### **9.10 Environmental Impact Assessment**

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

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

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

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## **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. The proposed ground, first and basement extensions would provide additional residential floorspace improving the quality of the existing single-family home whilst the roof terrace would provide private amenity space. The proposals would preserve the character and appearance of the Belgravia Conservation Area, whilst improving the energy efficiency of the building and incorporating urban greening measures. Whilst the proposals would have some impact on residential amenity of neighbours, on balance, and with recommended conditions, the proposed extensions and roof terrace would not result in undue harm to the amenity of surrounding occupiers by way of overlooking, sense of enclosure or loss of light to an extent to justify refusal. Mindful of policies within the development plan, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [MMASON@WESTMINSTER.GOV.UK](mailto:MMASON@WESTMINSTER.GOV.UK)

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## **11. KEY DRAWINGS**

## Existing Elevation & Section



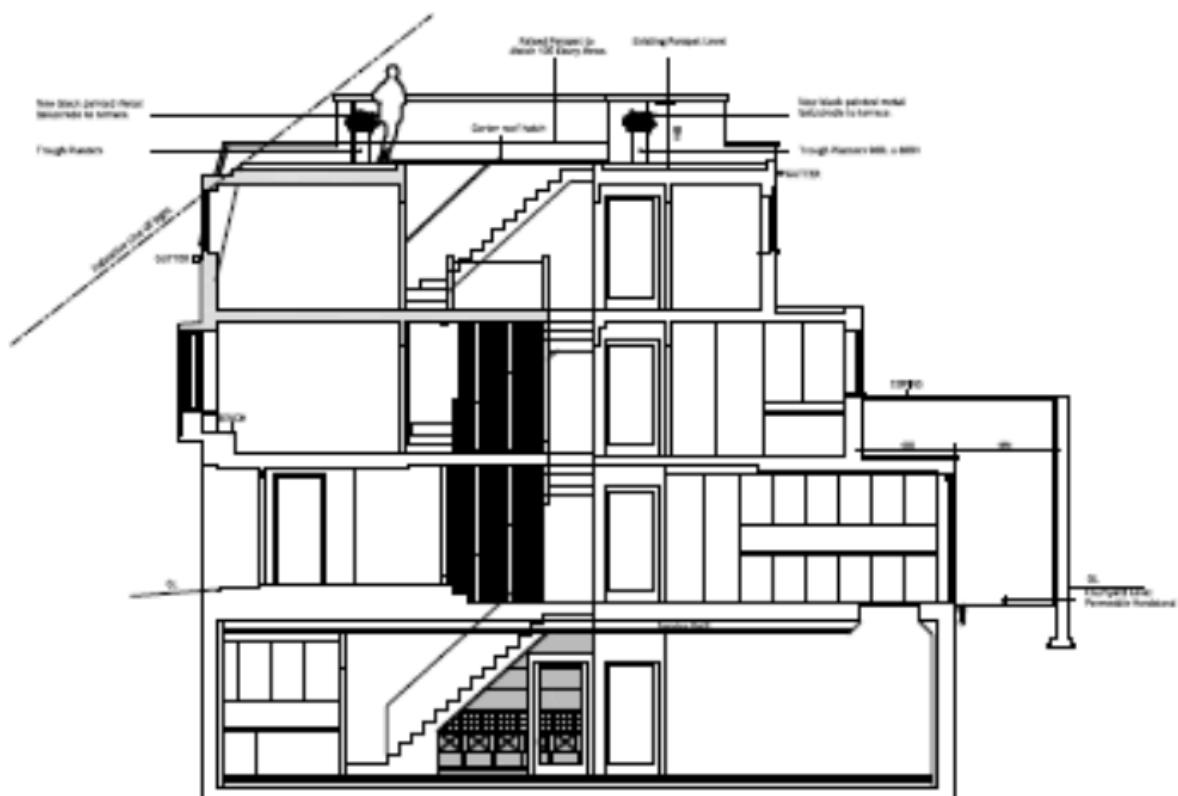
### Proposed Elevation & Section



FRONT ELEVATION

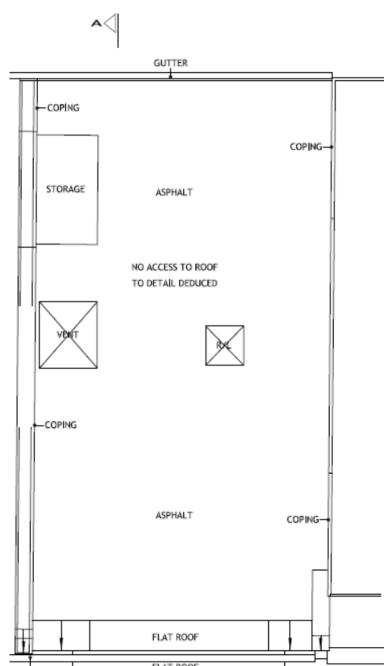


REAR ELEVATION

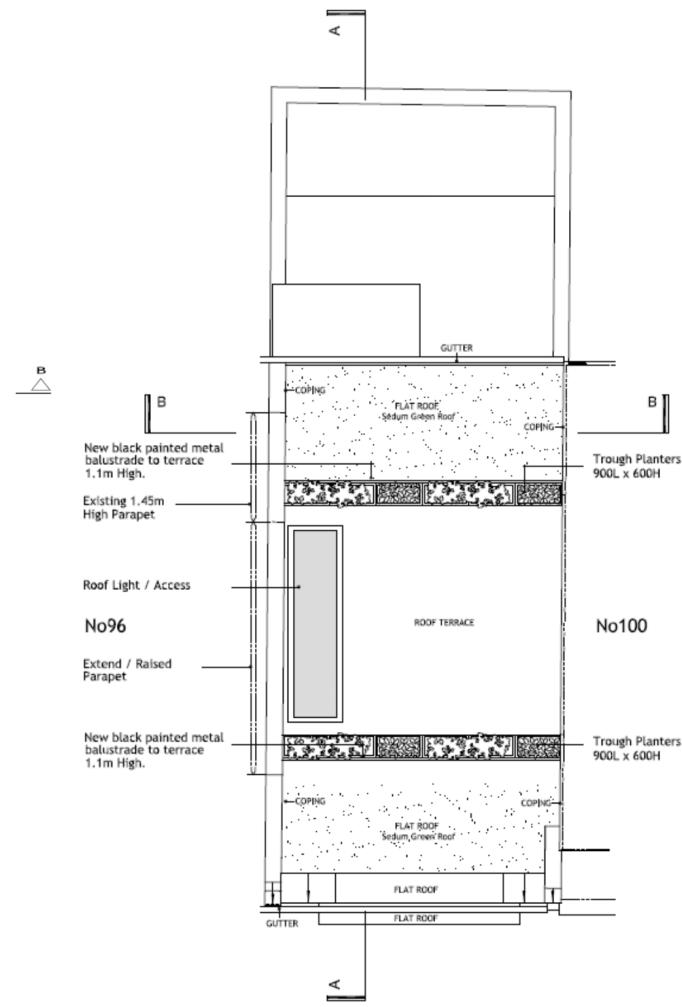


SECTION ELEVATION A-A

## Existing & Proposed Roof (Terrace) Plans

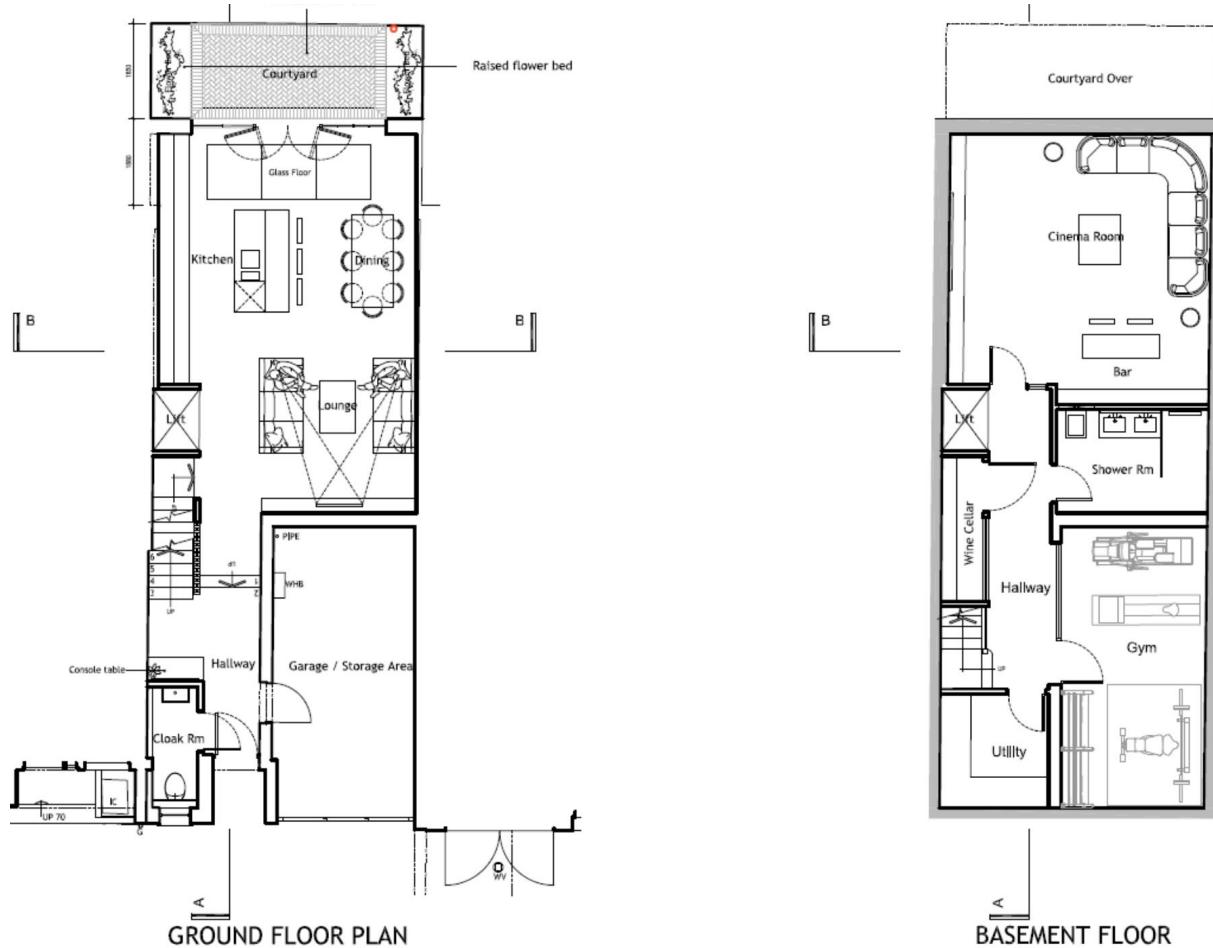


ROOF PLAN

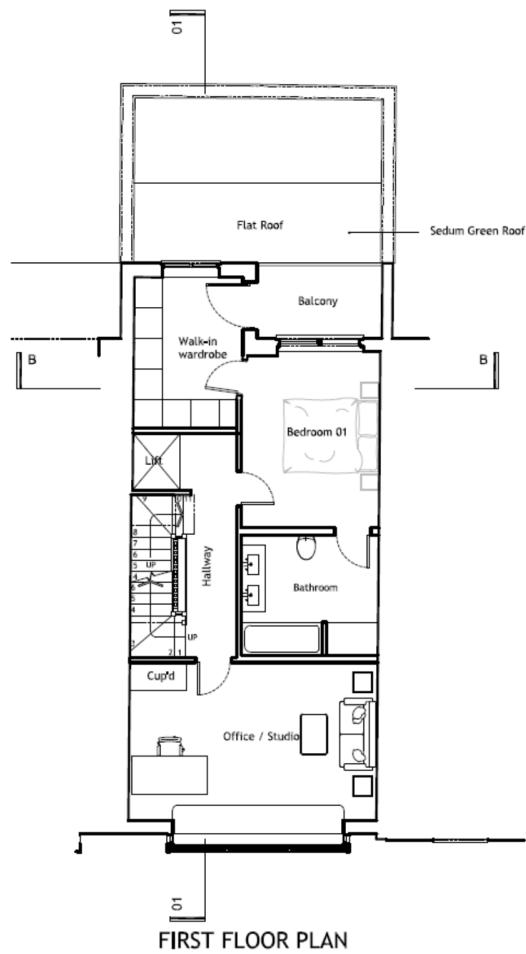
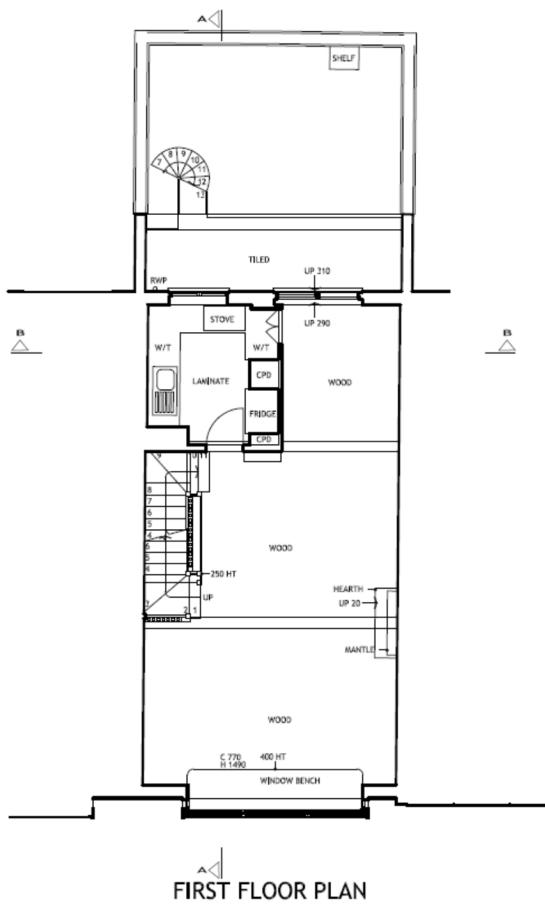


ROOF PLAN

## Proposed Basement & Ground Floor Plan



### Existing & Proposed First Floor Plan



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## DRAFT DECISION LETTER

**Address:** 98 Ebury Mews, London, SW1W 9NX

**Proposal:** Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.

**Reference:** 23/06593/FULL

**Plan Nos:** Block Plan; OS Plan; SK03A; G-E-01; FSP-01 A; G-E-02 A; SK01A; Site 02 A; SK010

For Further Information;  
 Design and Access Statement by Knight Associates Ltd ref. MK/DAS23/422; Signed Appendix A dated 9th May 2023; Arboricultural Impact Assessment by Trevor Heaps Ref: TH 3848 B; Basement Impact Assessment & Structural Methodology by Vincent and Rymill Ref. 23D04 Issue 4 Sept 2023; Construction Management Plan dated May 2023; Fire Safety Strategy; Flood Risk Assessment 6th May 2023; Daylight & Sunlight Assessment

**Case Officer:** Jonathon Metcalfe

**Direct Tel. No.** 020 7641  
07866038118

### **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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The railings to the roof terrace must be metal painted black and must be maintained as such.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the following parts of the development: -, , (i) Windows; , (ii) Doors; , (iii) Garage door set., , You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is

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

- 8 **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)

- 9 **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)

10

**Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until

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we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

**Reason:**

To 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)

**Informatives:**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures). CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk). BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
  
- 3 You are advised that, with the exception of the rear lower ground floor level doors and windows, all new and replacement windows and doors should be traditional opening, timber framed, slimline double glazed (i.e. 4mm glass/ 6mm air gap/ 6mm acoustic glass) with joinery profiles to match the existing, concealed trickle vents and no external weather bars.
  
- 4 With regard to Condition 6 and Radon, it should be noted that while the whole of Westminster is in the lowest band of radon potential; as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA,

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2010'). Therefore any contaminated land assessments should include an assessment of radon.

As per our Contaminated Land guidance dated October 2022, assessment of Radon levels as part of a planning application should include consideration of appropriate mitigation measures. Mitigation could be achieved by design and the submitted assessment must demonstrate the design and/or construction of the basement would be such, that it would mitigate against adverse impact from Radon on human health.

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

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# Agenda Item 2

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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>12 December 2023</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Abbey Road
<b>Subject of Report</b>	<b>3 Blenheim Road, London, NW8 0LU,</b>	
<b>Proposal</b>	Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations.	
<b>Agent</b>	Mr Joseph Oakden	
<b>On behalf of</b>	Mr Meghdad Farrokhzad	
<b>Registered Number</b>	22/04886/FULL and 22/04887/LBC	<b>Date amended/ completed</b> 23.11.2023
<b>Date Application Received</b>	19 July 2022	
<b>Historic Building Grade</b>	Grade II	
<b>Conservation Area</b>	St John's Wood	
<b>Neighbourhood Plan</b>	Not applicable	

## 1. RECOMMENDATION

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

## 2. SUMMARY & KEY CONSIDERATIONS

The application site is a grade 2 listed building located in the St John's Wood Conservation Area and is in use as a single dwelling house. The building is one half of a paired villa building, along with no. 4 Blenheim Road.

The proposals comprise three key elements. The first, is the excavation of a single storey basement beneath the property, projecting beneath parts of the front and rear gardens, and works associated

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with this.

Second, this application also fully incorporates the approved extension works permitted 19 August 2020. These include a single storey rear extension, side extension, re-fenestration and re-levelling of the rear garden. As these elements have not yet been built out, and the permissions associated with these works have now expired, they have been included within this application. These elements of the proposal do not differ from the previously approved scheme.

The final element of this proposal is internal alterations, these include the creation of a new opening at lower ground floor between the existing living room and a relocated kitchen space. An access stairway is also to be created into the new side extension.

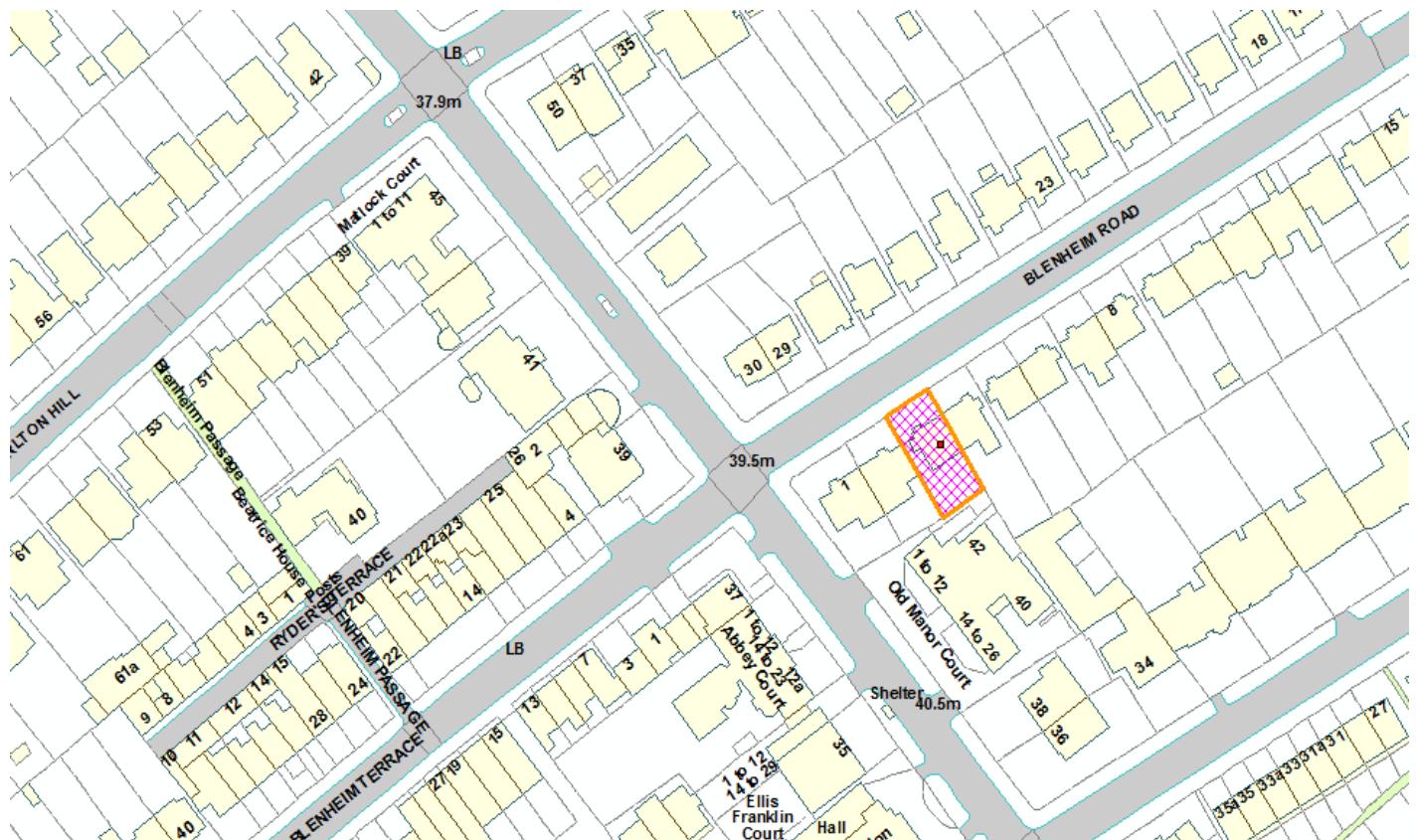
A number of objections have been received from nearby residential occupiers on design and heritage, flood risk, arboricultural and overdevelopment grounds.

The key considerations in this case are:

- The acceptability of the proposals in terms of their design and impact on this Grade II listed building
- The impact of the proposals on the setting of neighbouring listed buildings and the character and appearance of the St John's Wood Conservation Area
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the basement level.

The proposals are considered acceptable for the reasons set out within this report, complying with City Council policies and subject to conditions as set out in the draft decision notice.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



**Front elevation**

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## 5. CONSULTATIONS

### 5.1 Application Consultations

#### ORIGINAL CONSULTATION (7 JULY 2022)

##### CLLR MENDOZA

Requests application be reported to planning sub-committee.

##### ST JOHN'S WOOD SOCIETY

Comment: "We request that environmental health is consulted to ensure that the proposals comply with policy. We note there is an existing crossover but request that the case officer ensures that there is enough room to park a car without extending onto the pavement, as this appears to be the case in the submitted drawings".

##### BUILDING CONTROL

No objection

##### ARBORICULTURAL SECTION

No objection, subject to conditions

##### ENVIRONMENTAL HEALTH

No objection

##### LEAD LOCAL FLOOD AUTHORITY

No response received

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

No. Consulted: 40

Total No. of replies: 3 representations from 2 addresses

No. of objections: 2

No. in support: 0

Three objections from two separate addresses were received on some or all of the following grounds:

##### Design and Heritage

- The proposal will cause harm to historic fabric.
- The proposal will harm character and significance of the property.
- The proposal will be detrimental to the paired nature of this semi-detached property (paired with 4 Blenheim Road).
- The proposals would disrupt the setting of other nearby listed buildings and the conservation area.

##### Flood Risk

- Identified that property is situated within surface water flood risk hotspot.
- States that the impact of the proposal on flood risk has been understated, and does not provide suitable mitigation for such additional risk.

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### Trees

- States that an assessment of impacts of the proposal on nearby trees has not been made.

### Other Matters

- Disturbance from construction noise

PRESS NOTICE/ SITE NOTICE: Yes

**RECONSULTATION DATED 16 August 2023 (Revised supporting materials including: Flood Risk Assessment and Arboricultural Impact Assessment, plus revisions to the proposed drawings including soil depth over proposed basement and reduction of floor to ceiling height of basement level)**

LEAD LOCAL FLOOD AUTHORITY

No objection, subject to condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 1

One objection received on the following grounds:

### Basement

- The proposed extent of the basement and above ground works constitutes overdevelopment and has not been calculated correctly.

### Design and Heritage

- A high number of properties on the street have gained planning permission, which has led to the erosion of the character of the area.

### Flood Risk

- Questions accuracy of Flood Risk Assessment

### Trees

- States that not all surrounding trees have not been assessed.

### Environmental

- The underpinning of the basement will cause CO2 emissions, this has not been considered in the documentation.

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### Other

- Party Wall and subsidence Matters

SITE NOTICE: YES

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

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

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

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

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

### **6.2 Neighbourhood Planning**

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

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

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

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site is Grade II listed single-family dwelling located within the St John's Wood Conservation Area. The property is semi-detached and forms a pair with 4 Blenheim Road. It features front and rear gardens, with part of the front garden used as a hardstanding parking area.

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## 7.2 Recent Relevant History

20/01391/FULL

Single storey extension at rear garden level to lower ground floor level, extension of the existing closet wing to first floor level and to the rear, associated landscaping works. Linked to 20/01392/LBC

20/01392/LBC

Single storey extension at rear garden level to lower ground floor level, extension of the existing closet wing to first floor level and to the rear, associated landscaping works and internal alterations Linked to 20/01391/FULL

## 8. THE PROPOSAL

The application proposes the creation of single storey basement beneath the footprint of the property, with projections into the rear and front gardens. Single walk-on lightwells are proposed in the front and back gardens respectively. The basement is to include two bedrooms, bathroom and a living space towards the rear.

Internal alterations to the existing building are limited to works associated with the relocation of the kitchen at lower ground floor level. This includes the removal of an existing non-original fireplace, and the creation of an opening in a wall between the front and rear rooms.

This application also fully incorporates the extension works permitted on 19 August 2020. These include a single storey rear extension, with access door to the rear garden and access stairs, and a side extension with an internal access stair to the new basement level. This extension features two skylights and the insertion of a new rooflight to the roof of the main house is also proposed.

Following comments made by Officers and neighbours during the course of the application, a number of minor amendments have been made to the scheme. This includes a reduction in the size of the walk-on lightwells, provision of additional tree protection information, reduction in the internal height of the basement level, removal of the proposed mesh grille above the existing front elevation staircase, revised flood risk information and a revised certificate B notification for land ownership. Re-consultation with neighbours was undertaken.

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling house is acceptable in land use terms and accords with Policy 8 of City Plan 2019 - 2040 (2021).

The above ground extensions are modest, matching those previously approved in 2020, and the rest of the floorspace proposed is at basement level (which would not extend

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under more than 50% of the garden land). Accordingly, it would not be sustainable to refuse the application on overdevelopment grounds.

## **9.2 Environment & Sustainability**

### **Sustainable Design**

The scheme demonstrates compliance with Policy 38 (Parts D, E and F).

The applicant has confirmed that the materials intended for the development are to be robust, low maintenance and long lasting to suit the intended basement use. The building elements of the basement and extension works are to incorporate appropriate design and specification measures to limit material degradation due to environmental factors. Once selected, the applicant has confirmed that the contractor will be instructed to ensure materials are selected to prioritise the use of recycled materials and content avoiding materials with high embodied carbon content.

### **Energy Performance**

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has confirmed that the new development will incorporate the use of LED low energy lighting throughout the extended space and all new sanitaryware will be selected with water conservation in mind, complying with WRAS standards.

### **Circular Economy**

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The Applicant has confirmed that material re-use will be considered once a demolition contractor is appointed. The scheme is not a "major" proposal, and therefore the applicant is not obliged to comply with the Circular Economy policies. However, the applicant has confirmed that existing materials will be recycled where possible. We also encourage the appointed contractor to develop and implement a site waste management plan (SWMP) to identify opportunities to minimise waste, optimise reuse and recycling and reduce waste to landfill.

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

Policy 35 of the City Plan states all developments should be safe for their lifetime from the risk of flooding, complying with the council's Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), Local Flood Risk Management Strategy (LFRMS) and the Mayor of London's Regional Flood Risk Appraisal (RFRA). The application site is situated within flood zone 1 ,but is located within a surface water flood risk hotspot.

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The applicant has therefore provided a Flood Risk Assessment (FRA), which has been updated to address concerns raised by objectors during the course of the application. The report concludes that the site is not exposed to any significant risk of flooding, but will require mitigation measures to reduce surface water discharge from the site, and thereby reduce the impact of the development on its wider surroundings.

To that end, the applicant has proposed to install a geocellular storage crate below part of the rear garden. The report states that this system will reduce the rate of water run-off from the site into the public sewer system and discharge into adjacent soil. When combined with the runoff attenuation effects of the proposed green roof, the report finds that the scheme will be acceptable in terms of flood risk.

Objections have been received questioning the accuracy of the report and pointing out that the proposed flood mitigation measures may fail, due to a lack of maintenance.

The Lead Local Flood Authority have reviewed all the submitted information and have raised no objection, subject to a condition which requires the applicant to provide details of all flood resilient and resistant measures to be approved prior to the commencement of development, which shall then be installed and maintained in perpetuity. Subject to this condition, it is considered that the proposals are acceptable in terms of flood risk and it would not be sustainable to refuse the application on these grounds.

### **Light Pollution**

Policy 33 of the City Plan states that developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

The proposed lightwells are of a relatively small size and positioned away from the boundary with neighbouring properties. The proposed roof light elements are likewise positioned such that any light spill will not be visible from neighbouring properties or the surrounding area. The proposals are unlikely to result in levels of light spill that will materially increase levels of light pollution for neighbours and the wider area.

### **Land Contamination**

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

### **Environment & Sustainability Summary**

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

### **9.3 Biodiversity & Greening**

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

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The proposed rear and side extensions are to project over existing hard-landscaped areas. Whilst it is regrettable that the proposals include new areas of hard landscaping, the application proposal incorporates a green roof atop the rear extension, and a condition is recommended to secure details of an appropriate landscaping scheme. As such, it is considered that the proposals are acceptable in terms of biodiversity and greening.

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

### **Legislative & Policy Context**

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

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

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

Section 72 of the LBCA Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

Policy 38 Design Principles (B) states that development will positively contribute to Westminster's townscape and streetscape by having regard to the character and appearance of adjacent buildings and heritage assets.

Policy 39 Westminster's Heritage (B) states that development must "(1) ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance" and "(2) secure the conservation .... of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs...".

With regards to listed buildings, part (G) states that "Works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail

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and historic fabric." Paragraph 39.2 states that " Applicants should ensure the significance of heritage assets and impact of proposals have been fully assessed and understood. In the first instance, harm to their significance should be avoided." Paragraph 39.9 states "We expect alterations and extensions to listed buildings to safeguard important or original fabric and relate sensitively to the architectural detail, materials and style of the original building and any later phases of work which contribute to significance." Part (K) Conservation Areas, states that "Development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible."

Policy 40, Part (A) Townscape and Architecture, states that "Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape." Part (D) states "Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape."

Paragraph 40.7 states: "Works to alter and extend existing buildings will be supported where they are successfully integrated with their surroundings. To achieve this, extensions should be subordinate to the host building, respecting the scale, detailing and materials of both existing buildings and adjoining townscape."

The Council's SPG 'Repairs and Alterations to Listed Buildings' states that "The City Council will ...endeavour to preserve listed buildings, their settings and those features of special architectural or historic interest that they possess." 5.4 Alterations to listed buildings states "works to listed buildings should retain historic fabric and features of architectural or historic interest in situ and repair all damaged historic fabric or features, rather than replace them. The City Council encourages the reinstatement of missing architectural features where there is clear evidence of their original appearance."

### **Previous Approvals**

Several parts of the proposals set out in these current applications follow proposals approved 19th August 2020, which have since lapsed. These previously approved works included a single storey conservatory style extension to rear lower ground floor level and associated alterations to rear patio/garden area, the extension of the existing closet wing up to first floor level, and internal alterations.

### **Impact of Basement on Listed Building and Conservation Area**

The internal floor to ceiling height of the basement is shown as 2.4m, which is considered a relatively modest volume, and in line with the lower ground floor level above. The staircase is set discreetly within the side wing of the building, and therefore does not unacceptably impact on the plan form of the listed building. The cellular arrangement of spaces to the new basement generally reflects the building as a whole, and whilst larger in footprint than the main original building, in itself and to basement level accessed by the discreet side extension staircase, this does not unacceptably compromise the significance of the listed building. Overall, therefore the new basement

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will not unacceptably impact on the significance of the listed building, and will not unbalance the buildings original hierarchy of spaces. The fabric affected on the existing building is not of any notable importance to the significance of the listed building.

Externally, the grilled lightwells to front and rear are considered acceptable and do not unacceptably clutter the building. The removal of an existing mesh grill laid over steps down to the immediate right of the front entrance steps is welcomed in design terms. The small grill for ventilation to the base of these steps will not unacceptably clutter the building.

Overall, therefore, the new basement is considered acceptable and in line with relevant design and conservation policies, including with those elements of City Plan policy 45 which addresses basement developments.

It is noted that several objection letters received make reference to the basement proposals as a concern.

Comment is made that Kensington and Chelsea Council prevent the building of basements underneath listed properties. Notwithstanding this, the approach from other separate planning authorities is not considered of relevance to these current applications.

### **Side Extension**

The side extension follows that in the previous approval, and is considered acceptable as part of this current application. Whilst extensions up to and including the top sheer floor level of the building are not generally supported by policy and guidance, in order to ensure extensions are subsidiary to buildings and to protect townscape gaps, in this particular case there are considerable numbers of such full height side extensions to other buildings in Blenheim Road including numbers approved in recent years (and including the previous approval to this property). Many of these extend back much or all of the depth of the main building, and as such the height and projection is considered acceptable in this particular case. The design approach is considered acceptable and well-integrated into the building. Overall, therefore, the side extension proposed is considered acceptable.

### **Rear Extension and Associated Works**

The rear extension and associated works to the rear garden follows that in the previous approval, and is also considered acceptable as part of this current application. The conservatory is considered of appropriate size, not unduly large for the building, and generally in scale with others to the terrace. It is traditionally designed and formed in glazing with timber framing and integrates appropriately with the main building. The window proposed to be removed adjacent, is modern and the replacement door considered appropriately designed.

The rear patio is considered appropriately designed, follows the previous approval, and will not adversely affect the rear setting of the building or character of the area generally.

### **Internal Alterations**

The internal works do not adversely affect the significance of the interior. The new skylight above the staircase will not unacceptably compromise the character of that

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space or historic fabric of the building.

### **Design Conclusion**

The proposal is considered acceptable, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021), the Council's SPG 'Repairs and Alterations to Listed Buildings', and the St John's Wood Conservation Area Audit; and therefore, a recommendation to grant conditional planning permission and listed building consent would be compliant with the requirements of the NPFF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9.5 Residential Amenity**

When considering matters of amenity, the relevant policies are 7, 33, 34 and 38 of the City Plan 2019-2040 (adopted April 2021). Policy 7 on Managing development for Westminster's people relates to protecting neighbouring amenities. Part (A) states that development should be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

### **Side Extension**

The side elevation of no. 2 Blenheim Road, which is adjacent to the application site to the immediate west, has no windows. As such, although the side extension projects further back closer to the rear elevation line of the application building than existing, it will not unacceptably impact the amenity of neighbouring properties. This is consistent with the reasoning given in the 2020 approval which incorporated an identical side extension.

### **Rear Extension**

The proposed rear extension does not rise above the height of the brickwork side boundary wall with no. 4 Blenheim Road (and with an existing trellis on the boundary wall line rising higher than that) and as such will not adversely affect neighbours in terms of sunlight, daylight or sense of enclosure. As such, the extension will not adversely affect neighbours in amenity terms.

The proposed staircase up from the rear garden to the ground floor rear balcony matches the one included in the previous application and remains acceptable. Given that this staircase would be a transitional point of access to the balcony rather than somewhere to use as outdoor amenity space, that the existing balcony already sits next to the boundary wall, and that the adjoining property to no. 4 has a staircase immediately to the other side of the boundary wall, the relocation of the staircase will not significantly adversely affect the neighbouring property in terms of overlooking. The balcony itself currently stops marginally short of the side boundary, and in the proposed scheme would extend to the site boundary. However, this change is very limited and is not considered to adversely affect the privacy of the neighbour at number 4 Blenheim Road.

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## **Basement**

The basement elements of the proposal will not create new externally manifested massing such that it will affect the daylight and sunlight, sense of enclosure or privacy of neighbouring properties.

The proposals are considered to be acceptable in amenity terms.

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

Concerns have been raised by the St John's Wood Society regarding the potential for the scheme to lead to a loss of space in the front garden area of the property, such that a car could no longer park there. The applicant has updated their drawings to confirm that no parking provision will be lost as a result of this development.

The application is acceptable in highways terms.

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

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

### **9.8 Other Considerations**

#### **Basement Matters**

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

##### **Part A. 1-4**

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area.

Objections have been received regarding the impact of basement construction on the structure of neighbouring buildings and flood risk.

The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate. A movement assessment anticipates the structural impact and movements on the adjacent buildings to also be minimal. The scheme is justified structurally, and the proposal is considered to be viable from the preliminary structural information provided at this stage.

The purpose of the structural methodology report at the planning application stage is to

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demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

The applicant has also provided a flood risk assessment, which is discussed in Section 9.2 of this report.

It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties and without risk of flooding.

An objection has been received on the grounds of noise and disturbance as a result of construction works. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

#### Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Garden land is defined in the explanatory text for Policy 45 as being the 'site area excluding the footprint of the original building'. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The drawings provided within the revised application submission show a basement development that is considered compliant with Policy 45 part B. The basement will leave over 50% of the existing garden land undeveloped. A satisfactory undeveloped margin of garden land has also been left around the proposed basement, and the footprint does not extend under any highway land. In terms of basement depth, this is shown to be single-storey, with adequate soil depth above. This is deemed to fulfil the requirements of Policy 45. The objections raised by neighbours with regards to the extent of the basement cannot therefore be sustained.

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## **Arboriculture**

Policy 34 Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

There are six trees identified within the site boundary, these are to the rear of the property in the garden. Two off-site trees are also identified, one is to the rear boundary of the property, and one cherry tree that is situated within the front garden of 4 Blenheim Road. This tree is identified in the application documents as T1.

A medium sized cherry tree was removed from the front garden of the property in 2018 under 18/06596/TCA and a small replacement cherry tree was planted at the front boundary. This replacement tree will also need to be removed to facilitate the proposals but does not appear on the provided plans as it has a stem diameter of less than 75 mm when measured at a height of 1.5 m. A condition is recommended ensuring that a new standard sized replacement tree is planted in the soil volume that is proposed above the basement.

An objection has been raised by a neighbour that the proposals could damage off site mature trees.

The applicant has provided an arboriculture report, tree protection plan, and site guidance notes. In response to concerns raised by the Council's Tree Officer, these documents have been updated, and reconsulted upon. On the basis of information from trial pits, the Council's Tree Officer has recommended conditions to secure enhanced protection measures for T1 beyond that stipulated in the provided site guidance notes. More generally, conditions are also recommended to secure the required 1.2m soil drainage layer above the proposed basement. Subject to these conditions, the Tree Officer is satisfied that all retained on, and off-site trees will be protected from any damage that could result from the works.

The applicant has agreed to each of these conditions. The application is therefore acceptable in terms of impacts on trees, and the objections of neighbours on these matters cannot be sustained.

## **Party Wall Matters**

An objector to this application has identified several potential issues that will be dealt with via the Party Wall process. Party wall matters are not a material planning consideration and cannot be addressed here.

## **9.9 Environmental Impact Assessment**

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

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## 9.10 Planning Obligations & Pre-Commencement Conditions

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to require details of tree and flood protection measures. The applicant has agreed to the imposition of these conditions.

## 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. The proposals would provide additional residential floorspace, improving the quality of the existing single-family home, whilst improving the energy efficiency of the building and incorporating urban greening measures. It is also considered that the proposals would have a neutral impact on the Grade II listed building, and preserve the character and appearance of the St John's Wood Conservation area and setting of nearby listed buildings. Whilst recognising the concerns raised by the objectors, the proposals are also considered to be acceptable in highways, flood risk, arboricultural, and amenity terms. Mindful of policies within the development plan, a recommendation to grant conditional planning permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

## 11. KEY DRAWINGS

### Existing Front Elevation



Existing Front Elevation - E1

### Proposed Front Elevation



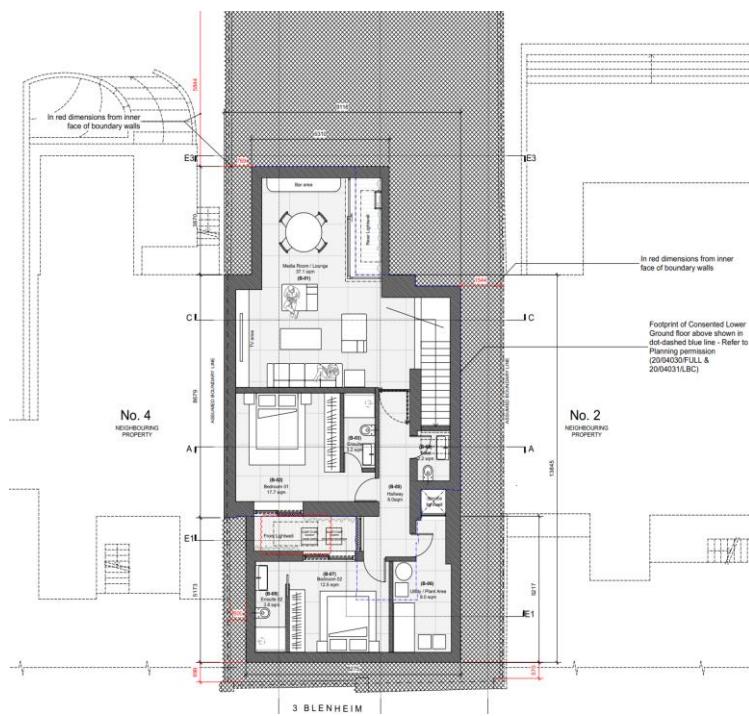
Proposed Front Elevation - E1

**Existing Rear Elevation**

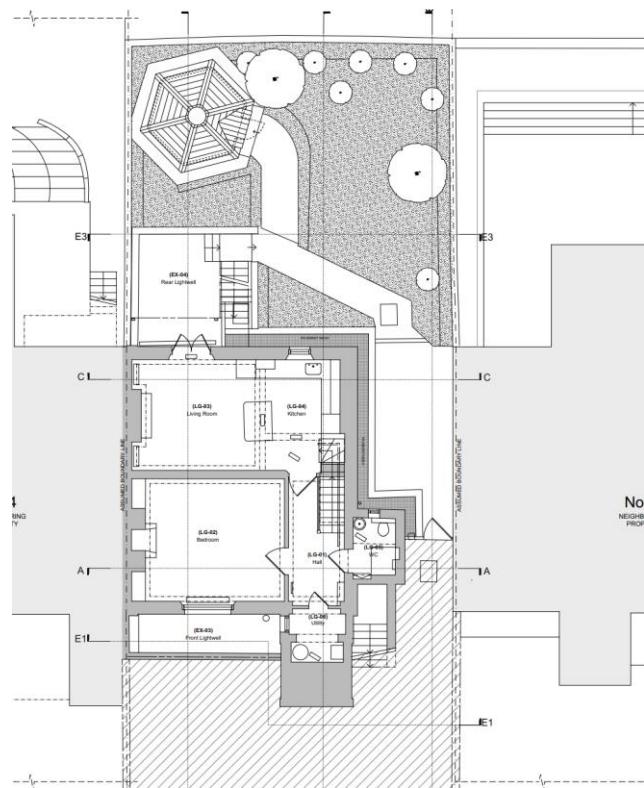
Existing Rear Elevation - E3

**Proposed Rear Elevation**

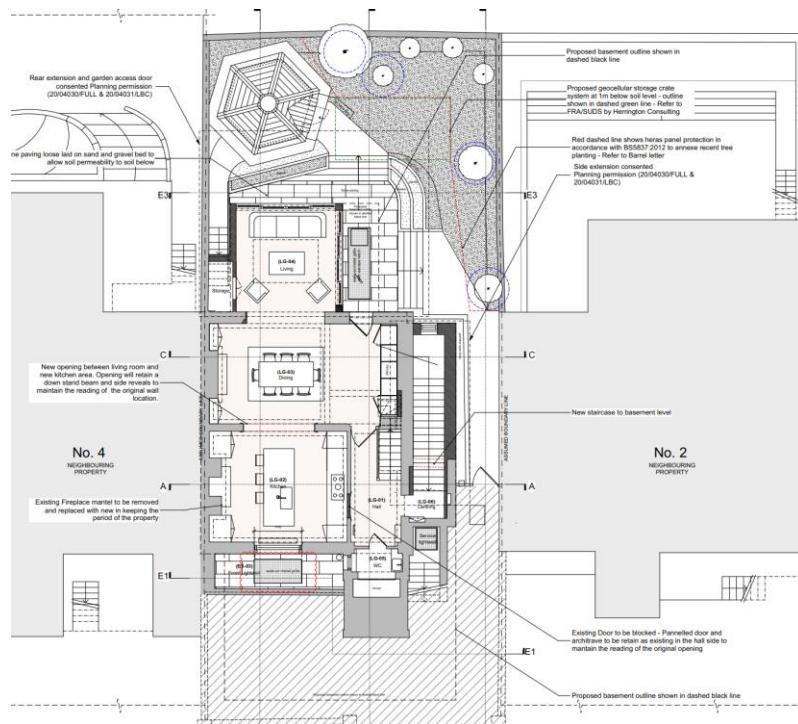
### Proposed Basement Plan

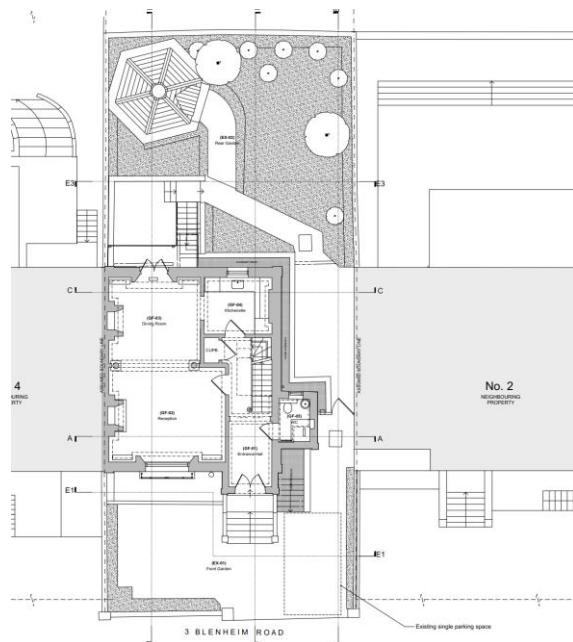
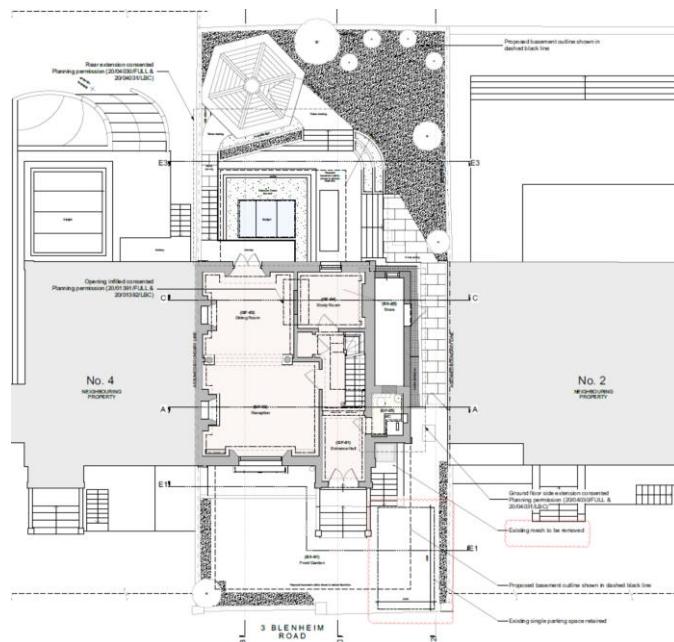


### Existing Lower Ground Floor Plan



### Proposed Lower Ground Floor Plan

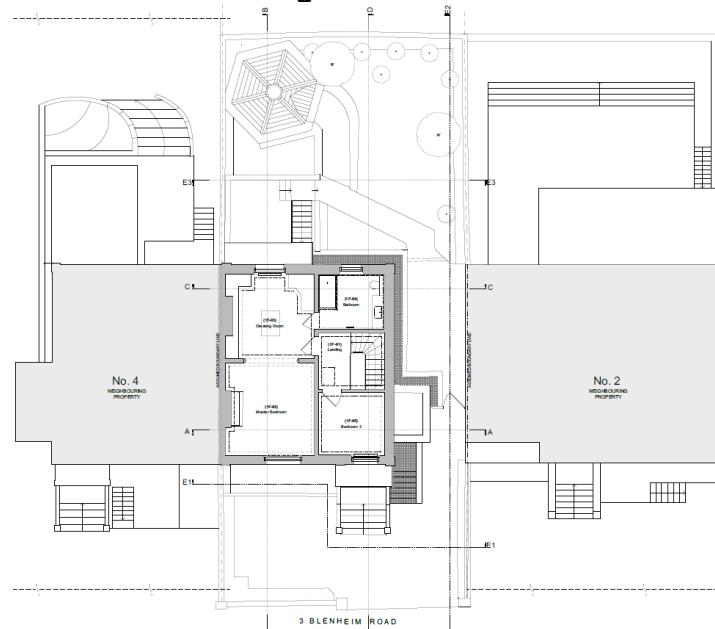


**Existing Ground Floor Plan****Proposed Ground Floor Plan**

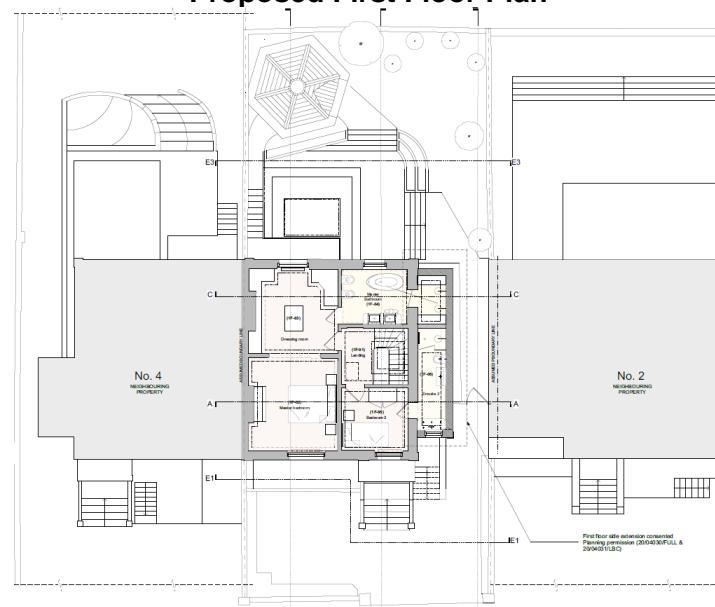
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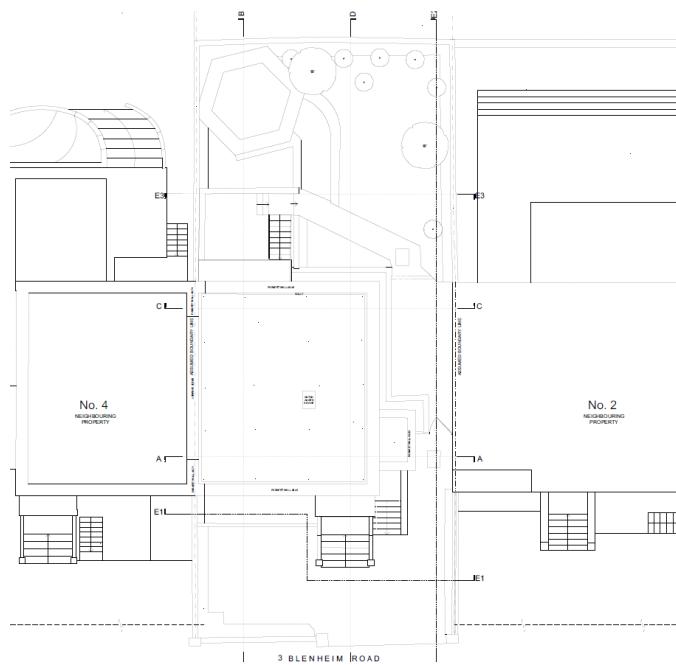
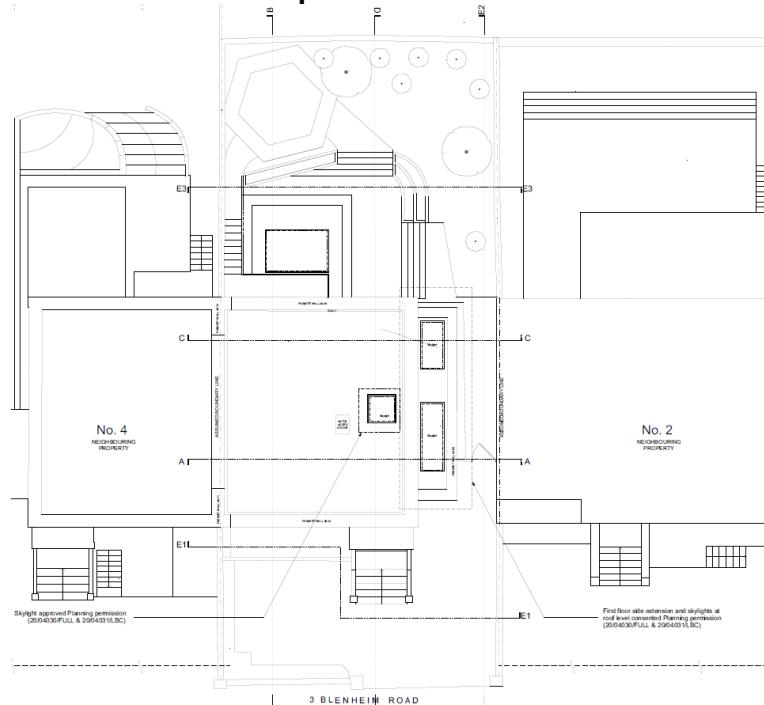
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### Existing First Floor Plan



### Proposed First Floor Plan



**Existing Roof Plan****Proposed Roof Plan**

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## DRAFT DECISION LETTER

**Address:** 3 Blenheim Road, London, NW8 0LU,

**Proposal:** Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations (Linked with 22/04887/LBC)

**Reference:** 22/04886/FULL

**Plan Nos:** 3BR(00)A02, 3BR(00)A03, 3BR(00)A04, 3BR(00)A05, 3BR(20)A00, 3BR(20)A01, 3BR(20)A02, 3BR(20)A03, 3BR(20)A04, 3BR(20)A05, 3BR(20)A06, 3BR(20)A07, 3BR(20)A08, 3BR(20)A09, 3BR(20)A10 Rev C, 3BR(20)A10 Rec C, 3BR(20)A11 Rev B, 3BR(20)A11 Rev B, 3BR(00)A07, 3BR(00)A06.

Provided for information:

Design and Access Statement, Heritage Statement, Cover Letter, Planning Statement, Sustainable Design Statement, Structural Methodology Statement, Appendix A, Flood Risk Assessment and Surface Water Management Strategy for the Proposed Development at 3 Blenheim Road, St John's Wood, London Rev 2, 18215-AIA-PB, Barrell Plan Ref: 18215-1, Letter from Herrington Consulting Limited dated 14 April 2023, Arboricultural Impact Appraisal and Method Statement dated 29 March 2023, Manual for Managing Trees on Development Sites V3, Tree Protection Plan.

**Case Officer:** Alex Jones

**Direct Tel. No.** 020 7641 07866  
036268

### **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:

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of a photograph of a sample of the new external paving, and a plan marked up to show its area of installation. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 Prior to the commencement of the development, details of all flood resilient and resistant measures shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan 2019-2040 (April 2021).

- 6 The new solid sheer sections of side extension shall be faced in smooth render and shall be painted and maintained to match the existing render to the building.

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 All new external metalwork shall be painted or otherwise treated and maintained in a black colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 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.

-Bio-diverse green roof above rear extension,

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)

- 9 The grille to the front lightwells and rear patio as shown on the approved drawings shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 **Pre Commencement Condition:** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing Barrell Plan Ref: 18215-1. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

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(R31AD)

- 11 You must provide a minimum of 1.2 m soil depth (including 0.2m drainage layer) over the basement, as shown on your drawing Proposed Section BB 3BR(20)A10.

You must apply to us for details of the specification and profile of the soil which you propose above basements, including details of the drainage layer and other components. You must also include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

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

(R31AD)

- 12 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

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

Reason:

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

- 13 **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

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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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

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

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- 3 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)) {b at least 40 days prior to commencement of works} (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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

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

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

- 4 In relation to condition 12, when you apply with details of landscaping you must provide details for a replacement tree of at least standard size to be planted in the soil volume above the basement in the front garden shown on Proposed Section BB 3BR(20)A10.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 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

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[www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).

Please note: the full text for informatics 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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## **DRAFT DECISION LETTER**

**Address:** 3 Blenheim Road, London, NW8 0LU,

**Proposal:** Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations; Internal alterations, including changes to planform and replacement of fireplace at lower-ground floor level. (Linked with 22/04886/FULL)

**Reference:** 22/04887/LBC

**Plan Nos:** 3BR(00)A02, 3BR(00)A03, 3BR(00)A04, 3BR(00)A05, 3BR(20)A00, 3BR(20)A01, 3BR(20)A02, 3BR(20)A03, 3BR(20)A04, 3BR(20)A05, 3BR(20)A06, 3BR(20)A07, 3BR(20)A08, 3BR(20)A09, 3BR(20)A10 Rev C, 3BR(20)A10 Rec C, 3BR(20)A11 Rev B, 3BR(20)A11 Rev B, 3BR(00)A07, 3BR(00)A06,

Provided for information:

Design and Access Statement, Heritage Statement, Cover Letter, Planning Statement, Sustainable Design Statement, Structural Methodology Statement,, Appendix A, Flood Risk Assessment and Surface Water Management Strategy for the Proposed Development at 3 Blenheim Road, St John's Wood, London Rev 2, 18215-AIA-PB, Barrell Plan Ref: 18215-1, Letter from Herrington Consulting Limited dated 14 April 2023, Arboricultural Impact Appraisal and Method Statement dated 29 March 2023, Manual for Managing Trees on Development Sites V3, Tree Protection Plan.

**Case Officer:** Alex Jones

**Direct Tel. No.** 07866 036268

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

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

Reason:

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

- 2 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 St John's Wood Conservation

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

- 3 You must apply to us for approval of a photograph of a sample of the new external paving, and a plan marked up to show its area of installation. 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 St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 The new solid sheer sections of side extension shall be faced in smooth render and shall be painted and maintained to match the existing render to the building.

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

- 5 All new external metalwork shall be painted or otherwise treated and 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 St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 The grille to the front lightwells and rear patio as shown on the approved drawings shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter.

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

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**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)

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# Agenda Item 3

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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>12 December 2023</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Pimlico South
<b>Subject of Report</b>	<b>Westminster Cathedral Primary School, Bessborough Place, London, SW1V 3SE</b>	
<b>Proposal</b>	Increase perimeter fence height to 2.5m along part of the Balnial Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.	
<b>Agent</b>	Ms Louise Virrey	
<b>On behalf of</b>	Westminster City Council	
<b>Registered Number</b>	23/01473/COFUL	<b>Date amended/completed</b>
<b>Date Application Received</b>	7 March 2023	24 May 2023
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	No	
<b>Neighbourhood Plan</b>	Pimlico	

## 1. RECOMMENDATION

Grant Conditional Permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development).

## 2. SUMMARY & KEY CONSIDERATIONS

This application seeks planning permission for works across an existing vacant primary school in Pimlico to facilitate the use of the school for children with Special Education Needs (SEN) and the running of associated after school and weekend activities and school holiday short breaks for SEN

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pupils. The works seeking planning permission consists of:

- 2.5-metre-high fencing and gates at certain points around the perimeter of the site.
- A new disabled access ramp into the school building near the Balniel Gate entrance to the site.
- External air conditioning condensers on and around the school building.
- Widening of the vehicular access between the site and Bessborough Place.
- An external kitchen in the playground as a standalone modular building.

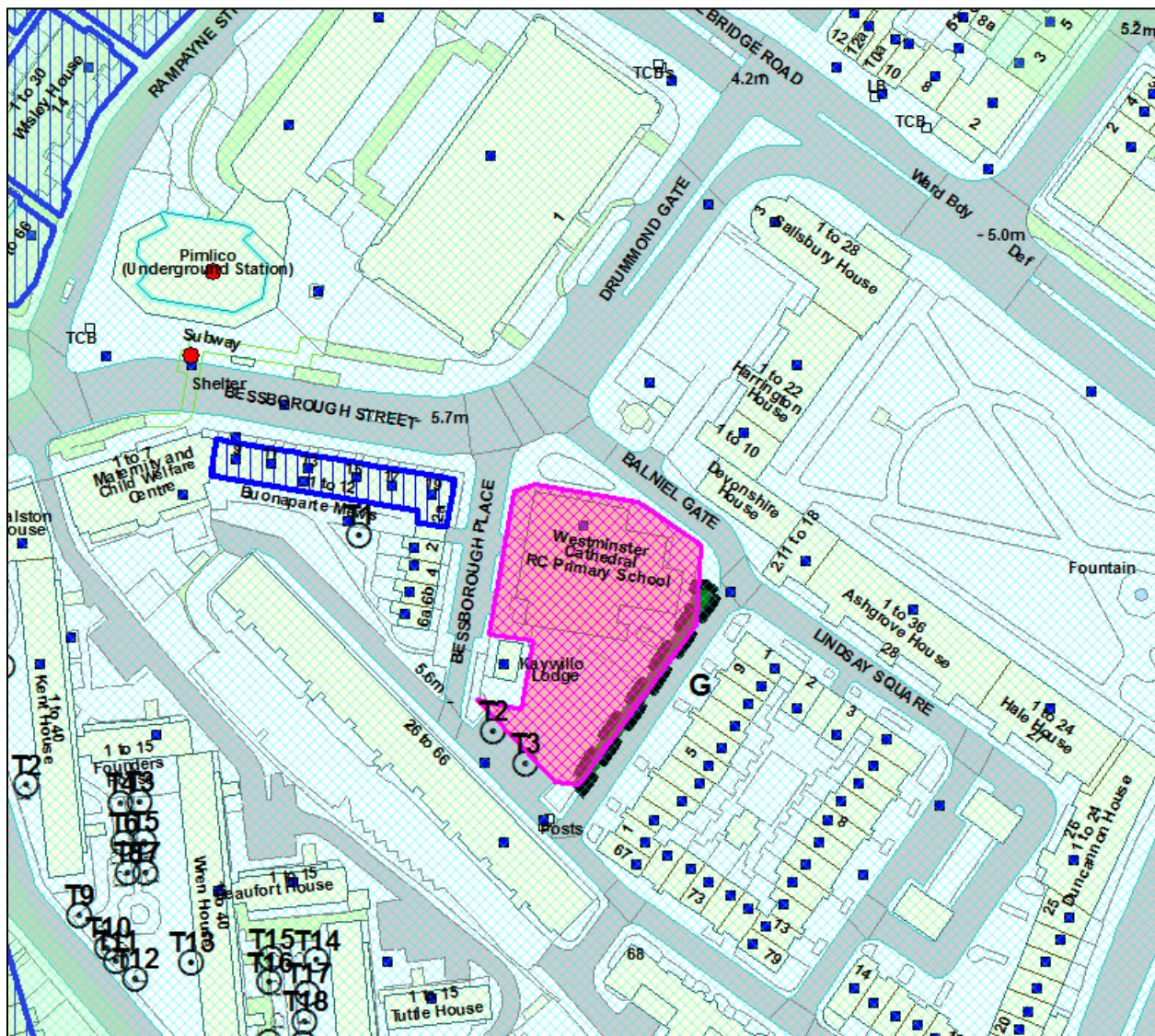
The key considerations in this case are:

- The acceptability of the proposed works in design terms and on the character and on the setting of the nearby designated heritage assets (the grade II listed Nos. 9-19 Bessborough Street (odds) and No. 2 Bessborough Street).
- The impact on the amenity of neighbouring residential properties.
- The impact on the public highways in the area.

Objections relating to all three of these considerations have been received from nearby residents.

As set out in this report, subject to conditions mitigating the impacts of the proposals on the appearance of the area, the amenity of nearby occupiers and the public highway, the proposals are considered acceptable and to accord with the London Plan 2021, the City Plan 2019-2040 (April 2021) and the Pimlico Neighbourhood Plan 2021-2040 (December 2022).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



**View from Bessborough Street**



**Balniel Gate Entrance**

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**View of Kaywillo Lodge from school playground**

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**View of Bessborough Place - Main Entrance**

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## 5. CONSULTATIONS

### 5.1 Application Consultations

#### **First Consultation (begun May 2023)**

WESTMINSTER SOCIETY

No response.

PIMLICO FREDA

No response.

PIMLICO NEIGHBOURHOOD FORUM

No response.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

Objection. Insufficient information provided to determine whether the proposal would comply with the Council's Noise Thresholds or not.

WASTE PROJECTS OFFICER

Objection. Further details of waste storage proposals required.

HIGHWAYS PLANNING MANAGER

Undesirable, but could be made acceptable with conditions/legal agreement.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 22

Total No. of replies: 3

No. of objections: 3

No. in support: 0

PRESS NOTICE/ SITE NOTICE

Yes

Three objections from nearby residents which can be summarised as follows:

AMENITY

- Noise from external air conditioning units.
- Extended hours of operation and external kitchen pod resulting in greater noise and disturbance.
- Height and proximity of proposed 2.5 metre fence would cause overshadowing and sense of enclosure at Kaywillow Lodge.

TOWNSCAPE & DESIGN

- Utilitarian/prison-like appearance of proposed gates and fencing would appear overbearing and incongruous in streetscene.
- Proposed signage should be no larger than is necessary to identify the school.

HIGHWAYS

- Additional numbers of pupils and staff and evening and weekend operation will

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generate more traffic movements.

- No dedicated parking, pick-up or drop-off spaces will cause indiscriminate on-street parking, vehicle idling and highway obstructions.
- Proposed SEN entrance not adequate for pick-up or drop-off from vehicles.
- Any realignment of kerbstones must re-use existing or find identical replacements, avoiding use of narrow concrete strips.

It should be noted that the objection relating to the impacts on Kaywillo Lodge was not made by or on behalf of the owners or occupiers of Kaywillo Lodge. Nevertheless, this does not lessen the relevance of this ground of objection.

**Second consultation August 2023 (description of development amended and additional details provided)**

**ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT**

No objection, subject to conditions.

**HIGHWAYS PLANNING MANAGER**

Undesirable, but could be made acceptable with conditions/legal agreement.

**WASTE PROJECTS OFFICER**

No objection to revised drawings.

**ADJOINING OWNERS/OCCUPIERS**

No. Consulted: 23

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two objections from nearby occupiers were received in response this application's second consultation. These objections are summarised as follows:

**AMENITY**

- Insufficient detail provided regarding proposed plant.
- No ventilation or extraction for kitchen pod.
- Extended hours of operation will result in greater noise and disturbance.

**TOWNSCAPE & DESIGN**

- Utilitarian appearance of proposed gates and fencing would appear overbearing and incongruous in streetscene.
- Kitchen pod appears overly industrial and out of character with surrounding area.

**HIGHWAYS**

- Additional numbers of pupils and staff and evening and weekend operation will generate more traffic movements.
- No dedicated parking, pick-up or drop-off spaces will cause indiscriminate on-street parking, vehicle idling and highway obstructions. Maximum car parking standards should be applied.
- Proposed SEN entrance not adequate for pick-up or drop-off from vehicles.

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

The City Council always encourages and expects developers to carry out early community engagement in accordance with our Early Community Engagement Guidance (February 2022) prior to making any planning application. In accordance with this guidance, some sort of early community engagement is expected to have been carried out and so the absence of evidence of this is disappointing. Nevertheless, this expectation is not a requirement, and the application must be assessed on its merits.

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

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (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 Pimlico Neighbourhood Plan 2021-2040 includes policies on a range of matters including commercial uses, design and heritage, housing and hotels, open spaces, pedestrian and transport facilities and protecting the environment.

It has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico Neighbourhood Area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

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

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

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## 7. BACKGROUND INFORMATION

### 7.1 The Application Site

This application site is Westminster Cathedral Primary School, a part-one, part-two storey primary school building and its curtilage, including a playground. It is surrounded by Bessborough Place, Balniel Gate and a small section of Bessborough Street. The application site surrounds Kaywillo Lodge (a residential property, formerly the school caretaker's lodge) on three sides.

The site is located in the Central Activities Zone. It is approximately 100 metres east of the Pimlico Local Centre and Pimlico Underground Station. None of the buildings on the site are listed and the site is not located in a conservation area. The site is within the setting of the grade II listed terrace Nos. 9-19 Bessborough Street (odds, to the immediate west of the site across Bessborough Place) and the grade II listed No. 2 Bessborough Street (approximately 100 metres west of the site along Bessborough Street).

The school site and Kaywillo Lodge together are wholly owned by the Diocese of Westminster who are leasing the school site to Westminster City Council but retaining control of Kaywillo Lodge, which they let to staff from their other school locations.

### 7.2 Recent Relevant History

09/04792/FULL - Installation of canopy within playground to provide outdoor teaching area.

Application Permitted                          4 August 2009

08/10273/FULL - Erection of two single storey first floor extensions to provide additional teaching facilities.

Application Permitted                          26 March 2009

05/02021/FULL - Erection of a single storey extension at ground floor level to Bessborough Place elevation to provide a secure entrance foyer and disabled toilet in connection with existing school.

Application Permitted                          27 May 2005

TP.31772 - The development of the site of Nos. 21-27 Bessborough Street and Nos. 1-19 Bessborough Place, Westminster, as a Primary School for the Westminster Roman Catholic Diocese by the erection of one and two storey buildings and school-keeper's cottage.

Application Permitted                          9 May 1961

## 8. THE PROPOSAL

This application seeks planning permission for works across the school site to facilitate the use of the site as a school for children with Special Education Needs (SEN) and to

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run associated after school activities and school holiday short breaks for SEN pupils.

The works requiring planning permission consist of:

- 2.5-metre-high fencing and gates at certain points around the perimeter of the site.
- A new disabled access ramp into the school by the Balnial Gate entrance to the site.
- External air conditioning condensers on the school building.
- Widening of the vehicular access between the site and Bessborough Place.
- An external kitchen in the playground as a standalone modular building.

No change of use or enlargement of the school is proposed.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The school's prior capacity was of up to 210 children with 32 members of staff, albeit in recent times only 35 children have attended with 9 members of staff. With the proposed SEN school, it is anticipated that 50 pupils and 50 members of staff would be accommodated during normal school hours. For afterschool, weekend and school holiday activities for SEN pupils there would be 25 pupils and 25 staff. The after school activities will run from 15:00 to 19:00 and the weekend breaks will run from 09:30 to 16:30. Whilst it is accepted that the nature, character and hours of operation of the school would change when the school becomes a SEN school, it will still be a school falling within Class F1 of the Use Classes Order 1987 (as amended) and so no development requiring planning permission will have taken place in respect of the use of the site.

Some objectors have raised concerns about potential noise and disturbance generated from the new way in which the school will be operated, and that the school would be used in the evenings, weekends and school holidays. Nevertheless, as no change of use requiring planning permission is proposed, it is not reasonable for the council to control how the school might be operated through the use of planning conditions.

The proposed new modular kitchen is to be sited in the school playground. The applicant sets out that the kitchen pod is essential to the successful operation of this specialist school. The kitchen would be run by an external catering company who will deliver food to site in insulated boxes with reheating where necessary. Policy 18 of the City Plan (Education and Skills) states that the council will support the provision of new or expanded primary and secondary schools and further education facilities, to meet the needs of a changing population and enhance education provision. The proposed kitchen pod is therefore supported in policy terms. Objectors have raised concerns about plant noise and odours the new kitchen pod might generate. While there is cooking equipment inside the pod and it is very close to the residential Kaywillo Lodge, it involves no external plant and it will not be used for primary cooking. Subject to a condition to restrict primary cooking, the odour impacts of the kitchen pod are considered acceptable in accordance with Policy 33 of the City Plan.

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## 9.2 Townscape, Design & Heritage Impact

### Legislative & Policy Context

The application site is not in a conservation area, nor does it contain any listed buildings, although as set out above, the site is within the setting of a number of grade II listed buildings. Hence, the key legislative requirements in respect to relevant designated heritage assets are as follows:

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

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.

Policy 38 of the City Plan 2019-2040 (April 2021) sets out that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and that all development will positively contribute to Westminster’s townscape and streetscape.

Policy 39 of the City Plan sets out that development must optimise the positive role of the historic environment in Westminster’s townscape and will ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance. It also requires that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

Policy 40 of the City Plan sets out that development will be sensitively designed, having regard for prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.

The design policies in the Pimlico Neighbourhood Plan are not relevant to this application given its location outside a conservation area and the nature of the alterations proposed.

### Impact on Townscape and Listed Buildings

The proposed new fencing to Balniel Gate and Bessborough Street frontages would reach 2.5 metres high, consist of an anti-climb mesh and be coloured black. It would not be so high, visually intrusive or incongruous with its surroundings as to have any

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detrimental impact on the surrounding townscape or streetscape. Accordingly, it would also cause no harm to the setting of the nearby listed buildings at Nos. 9-19 Bessborough Street (odds) and No. 2 Bessborough Street.

The replacement fencing around Kaywillo Lodge will reach no higher than the existing fencing but it will appear more solid due to the anti-climb mesh being denser than the existing chicken wire fencing. This more solid appearance will continue to let most light through and it would not alter the way this boundary treatment is read in the wider townscape. It is therefore considered acceptable in design terms.

It is recommended that all new fencing be coloured black by a condition so as to minimise the fencing's visual impact on its surroundings.

Most of the proposed air conditioning/heat pump units are located where they cannot be seen from outside of the site, such as behind the brick wall on the Balneil Gate and Bessborough Street frontages or within the lightwell for the central hall's roof. There will, however, be some equipment located within a 2 metre high acoustic enclosure on the roof of a small ground floor projection on the west side of the school building. This acoustic enclosure's bulk and massing would not appear out of place given the school building's existing modular appearance. A condition is recommended to ensure the enclosure is coloured to match the colour of the wall it will project from so as to minimise its visual impact on the school building and surroundings.

The proposed modular kitchen pod, by virtue of its size and location in the playground, would form an acceptable addition to the built form of the school site and would cause no disruption to the wider townscape. It is therefore considered acceptable.

To conclude the proposals are considered acceptable and to accord with Policies 38, 39 and 40 of the City Plan and Chapters 12 and 16 of the NPPF.

It is noted that objections have described the proposed new fencing and kitchen pod as utilitarian and industrial in appearance. While officers agree these proposals do not necessarily enhance the appearance of the site or surrounding area, the proposals are assessed as not having any detrimental impacts on the quality of the appearance of the school building or its surroundings. Bearing in mind the proposals' necessity in facilitating the continued use of the site as a school, the failure to enhance the quality of the area in design and townscape terms does not mean that the proposals fail to accord with the above mentioned policies.

### **9.3 Residential Amenity**

Only Kaywillo Lodge could be affected by the proposal in terms of daylight, sunlight and sense of enclosure. It would be affected by the proposed replacement fencing of the same height as the existing fencing that surrounds it on three sides. Whilst the outlook from Kaywillo Lodge will change as a result of the new fencing, it would not be so significant as to justify a refusal given that it would still have an open mesh structure and daylight would still pass through it. It is important to note that the fencing design has been chosen to enhance the security of the school site which is a material consideration and that historically Kaywillo Lodge formed part of the school site, hence its close

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proximity to the school playground. The size of the proposed modular kitchen pod and extent it would appear above the existing wall is considered too minimal to impact daylight, sunlight and sense of enclosure compared to the effect of the proposed fencing.

Given the new, higher, more densely woven fencing is necessary for safety and security of the children in the school and the daylight, sunlight and outlook enjoyed at Kaywillo Lodge would not be significantly harmed, the proposal is not considered to unacceptably impact the amenities of the occupiers of Kaywillo Lodge in these respects. Hence it is assessed that the proposal accords with Policy 7 of the City Plan, which seeks to protect amenity by preventing unacceptable impacts in terms of daylight, sunlight and sense of enclosure.

## **9.4 Transportation, Accessibility & Servicing**

### **Vehicular Accesses**

Vehicular and pedestrian access to the school will continue to be achieved from Bessborough Place. The existing access point will be widened to serve the mini bus drop off bay at the frontage of the school. The kerbs will be realigned slightly and the gate widened to accommodate the tracking of a mini bus. The Highways Planning Manager does not object to the proposed enlargement to the vehicular accesses on Bessborough Place given the exceptional operational requirements of the school.

Works to the highway need to be undertaken by the Local Highway Authority and at the expense of the developer. This requires that a s.278 agreement, or some other similar legal agreement with the Local Highway Authority, be agreed before the works to the highway can commence. While ordinarily this should be secured before planning permission is granted, so as to not inhibit the other works to the school beginning while this agreement is being made, it is considered that an appropriately worded Grampian condition could be used to prevent works on the vehicular accesses beginning prior to this agreement being finalised, while not inhibiting the non-highways related works from commencing.

Subject to this Grampian condition, the proposed enlargements to the site's vehicular access would accord with Policy 28 of the City Plan.

### **Accessibility**

The proposal includes providing an improved accessible ramp up into the school building near the existing Balnial Gate entrance to the site. This will improve accessibility to the building overall, promoting people-centred design in accordance with Part C of Policy 38 of the City Plan.

Aside from this and the widened vehicle accesses assessed above, the proposal would not alter the access to the site or the building.

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## **Servicing, Waste & Recycling Storage**

While the proposal is not required to provide details waste storage or servicing arrangements because the proposal does not involve a change of use or extension to the existing buildings, stores for the separate waste streams are shown on the submitted plans, in accordance with Policy 37 of the City Plan.

### **Parking**

The proposed development is not required to provide any car or cycle parking in accordance with Policy 27 of the City Plan, since no change of use is proposed. The applicant advises that the majority of pupils will be dropped off and picked up by SEN transport and the existing school is provided with a total of 32 cycle parking spaces.

### **Travel Plan**

The applicant has provided a draft Travel Plan for the school and its ancillary facilities. The Highways Planning Manager has reviewed this and considers that further details are necessary in respect to minibus arrivals and departures and that the draft Travel Plan includes a higher than expected number of car trips. They go on to recommend securing an updated Travel Plan for the new use by a condition on the grant of planning permission. However, as there is no change of use proposed under this application to tie compliance with the Travel Plan to, the applicant will instead be reminded of the Council's policy to promote sustainable travel to and from school, and between schools and other institutions by way of an informative. This will also note that the new Travel Plan for the site should include details of minibus arrival and departures to ensure they are staggered and do not result in localised congestion on the highway.

It is noted some objectors raised concerns about school pupils being dropped off from vehicles stopping outside the existing Balneil Gate entrance to the site and the obstruction this would cause. This entrance is shown as the SEN entrance on the submitted plans. Whilst these concerns are understood, it is not considered that people would realistically stop their vehicles here when the school's main entrance is on Bessborough Place and Balneil Gate is a private road with restricted gated access.

## **9.5 Other Considerations**

### **Noise & Vibration**

There are 12 external air conditioning condenser units proposed at various locations across the school building. The applicant has submitted a noise impact assessment for the proposed plant equipment. This sets out that all units would comply with the Council's Noise Thresholds but that a 2 metre high acoustic barrier around units on the roof of the ground floor projection on the east of the building is required. The Council's Environmental Health Officer has reviewed this noise impact assessment and does not object to its methodology or conclusions. Therefore, subject to conditions securing that the acoustic barrier is installed as shown, the plant equipment will comply with the Council's standard noise conditions and accords with Policy 33 of the City Plan.

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## **9.6 Environmental Impact Assessment**

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

## **9.7 Planning Obligations**

As set out in the above Transportation, Accessibility & Servicing section of this report, an agreement needs to be made between the applicant and the Local Highways Authority in relation to the proposed widening of the vehicular accesses and this is sought to be secured through a Grampian condition preventing works on the vehicular access widening beginning until the Local Planning Authority is satisfied such arrangements have been made.

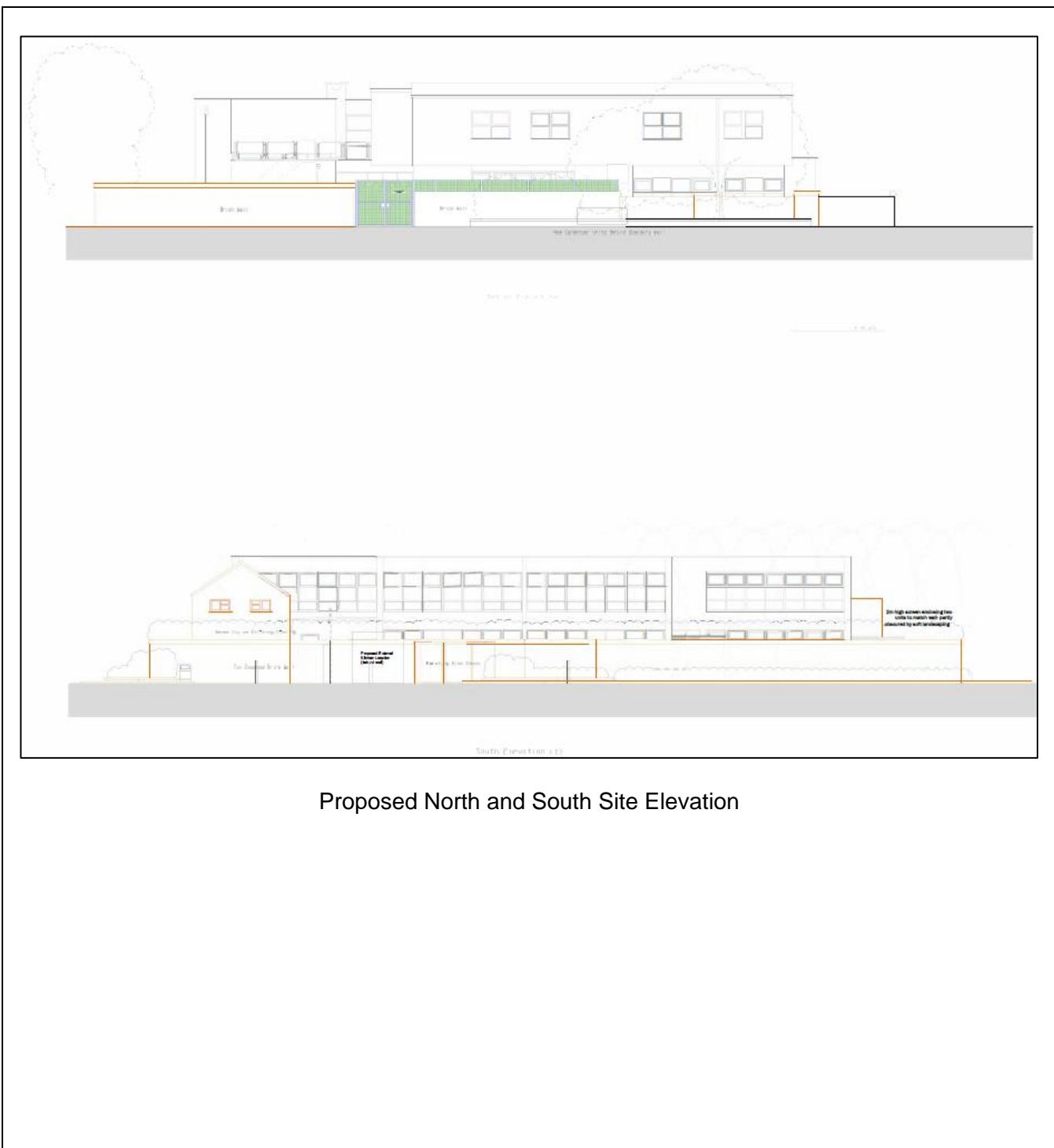
## **10. Conclusion**

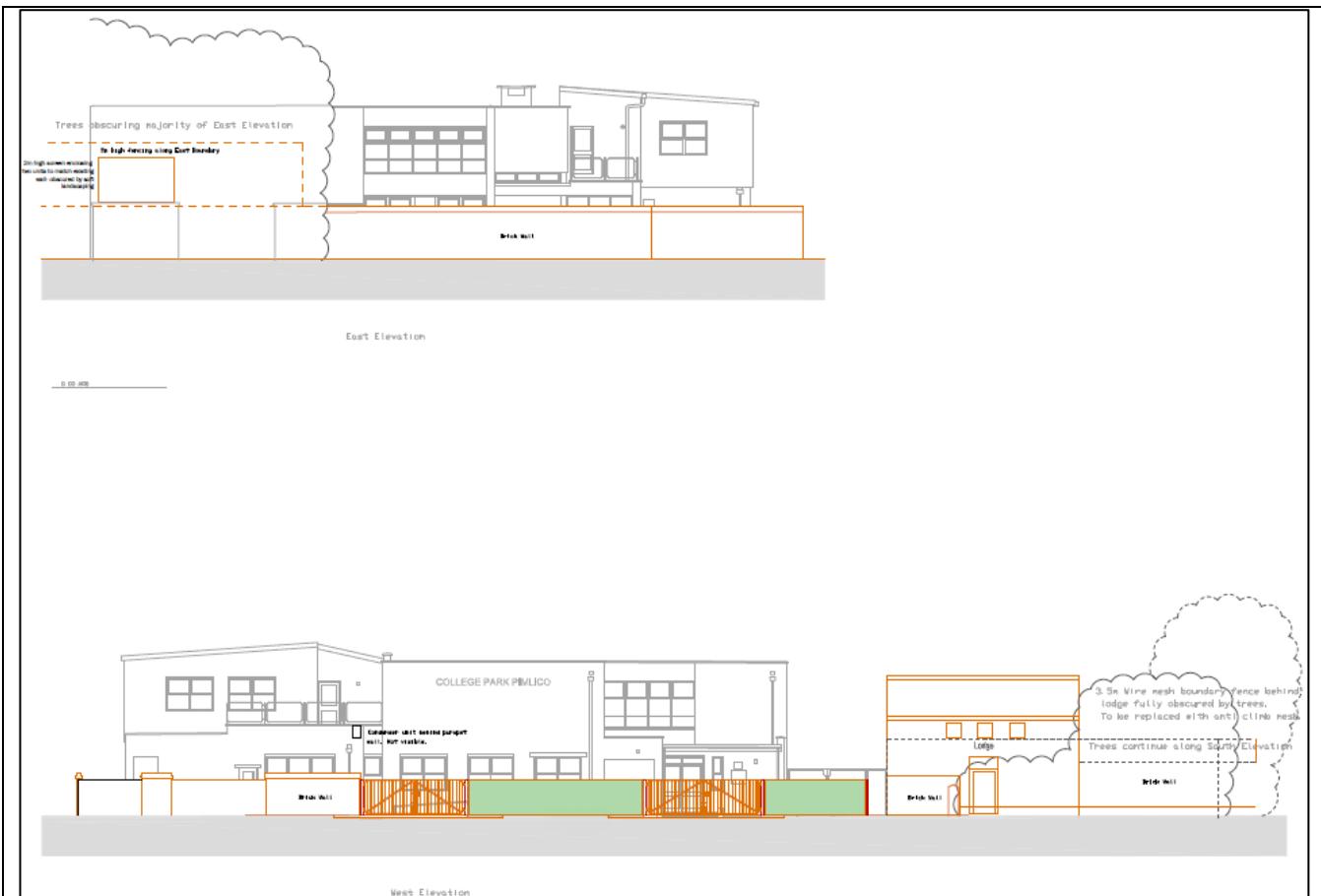
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the Pimlico Neighbourhood Plan 2021-2040, 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 be granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

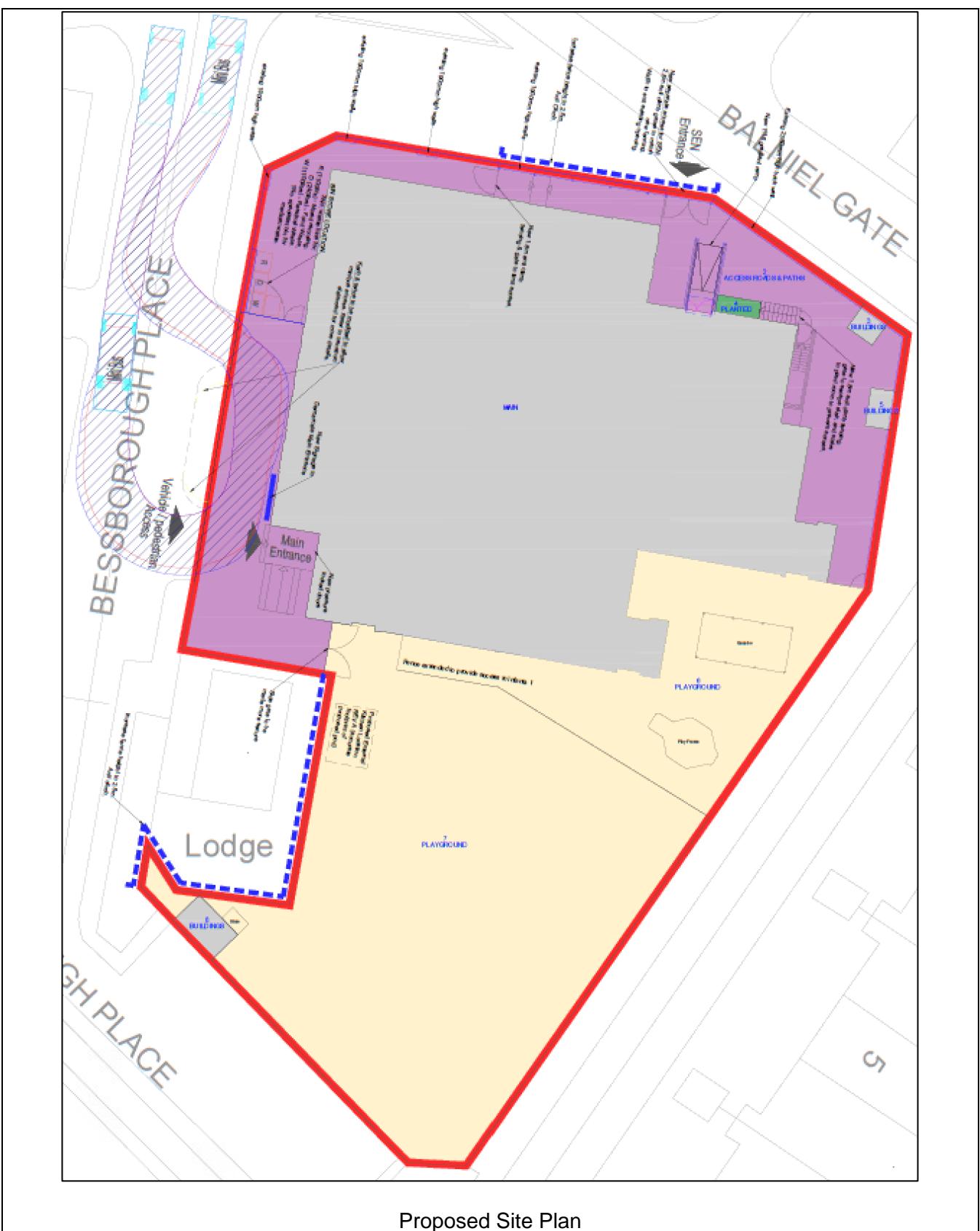
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

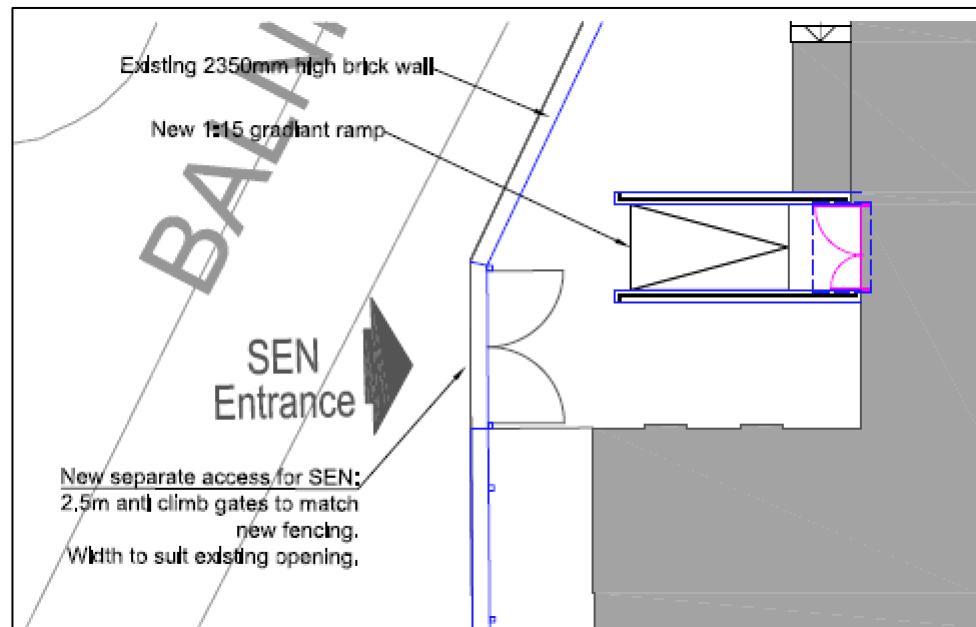
**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)**

**11. KEY DRAWINGS****Proposed North and South Site Elevation**

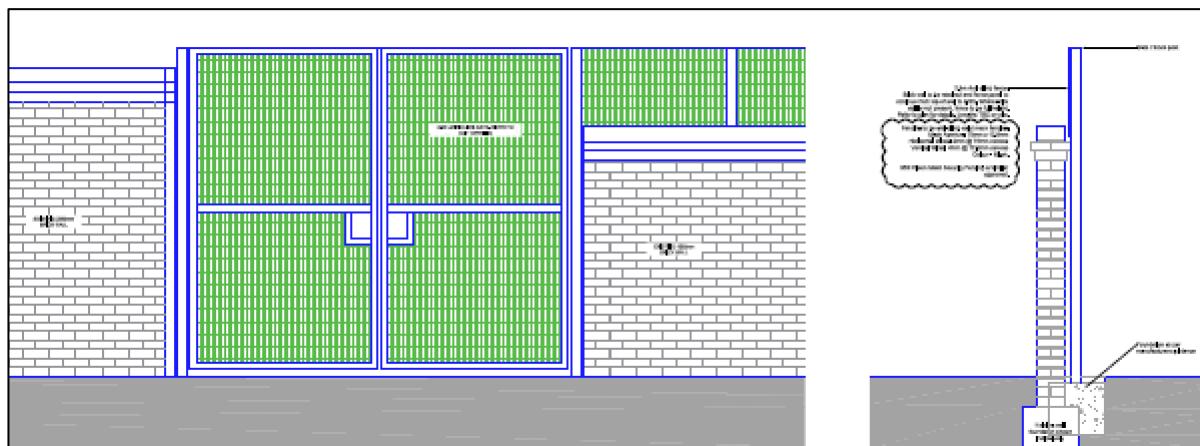


Proposed East and West Site Elevation





SEN Entrance



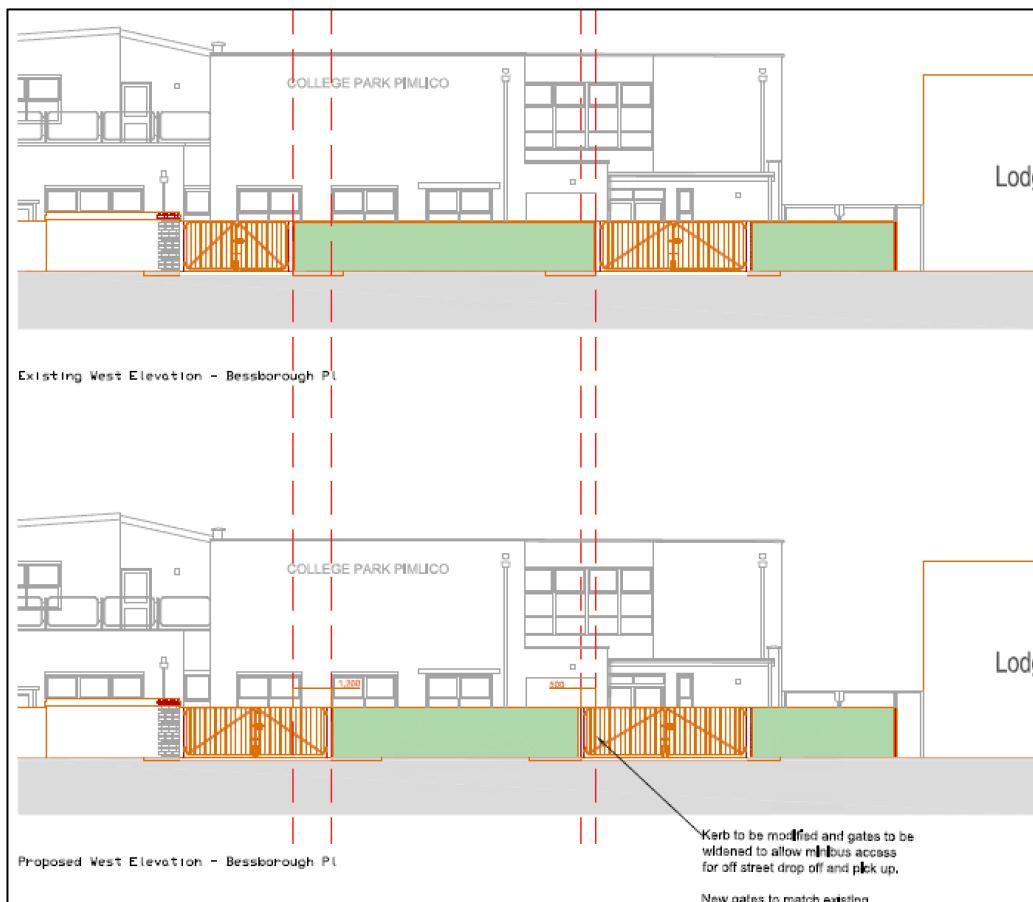
Proposed Fence/Gate Elevation &amp; Section



Examples of Proposed Fencing



Proposed Kitchen Pod External Visualisation



Existing and Proposed Elevation of Front Entrance Vehicular Gates

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## DRAFT DECISION LETTER

**Address:** Westminster Cathedral Primary School, Bessborough Place, London, SW1V 3SE

**Proposal:** Increase perimeter fence height to 2.5m along part of the Balnial Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place; and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.

**Reference:** 23/01473/COFUL

**Plan Nos:** 0001 S0 R09 Proposed Site Plan; 20221 S0 R01 Proposed Site Elevations Sheet 1; 20221 S0 R01 Proposed Site Elevations Sheet 2; 5000 S0 R02 External Works Details; WC/21520 A Proposed Air Conditioning Layout Ground Floor; WC/21520 A Proposed Air Conditioning Layout First Floor; Fencing Specs (Urban 358); KP23205-GA Rev. 1 Revised Kitchen Pod.

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

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

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7

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

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

Reason:

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

- 4 A. All fencing must be coloured black and maintained in that colour.  
B. All external screening around any plant, equipment or machinery must be coloured to match the wall it is next to and maintained in 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)

- 5 You must not start any works enabling the proposed widening of the vehicular accesses until you have submitted to us and we have approved in writing appropriate arrangements to secure the proposed works to the public highway necessary to facilitate the widening of these vehicle accesses. You must then only carry out the development according to the approved arrangements.

Reason:

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

- 6 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)

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

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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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- 8 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

**Reason:**

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

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

- 10 There shall be no primary cooking in the kitchen pod such that you must not cook raw or fresh food within it.

**Reason:**

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of

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that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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

- 3 You are reminded of the Council's statutory duty to promote sustainable travel to and from school, and between schools and other institutions. This involves preparation of a suitable Travel Plan, which should include details of minibus arrival and departures to ensure they are staggered and do not result in localised congestion on the highway. The Travel Plan should be developed alongside the Council's Road Safety Education Officer/School Travel Plan Officer. Please visit [www.westminster.gov.uk/roads-and-travel/walking-and-cycling/school-travel-plans](http://www.westminster.gov.uk/roads-and-travel/walking-and-cycling/school-travel-plans)
  
- 4 The appropriate arrangements referred to in Condition 5 include all arrangements (legal, administrative and physical) relating to alterations to the vehicle crossovers and footways on Bessborough Place and must be done to the Council's specification at full cost to you (the developer).
  
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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).
  
- 6 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.
  
- 7 Under Condition 10 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food.

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However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Please note: the full text for informatics 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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