

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 July 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bryanston And Dorset Square	
Subject of Report	15 Bryanston Square, London, W1H 2DN		
Proposal	Use of the building as a single family dwelling (Class C3). Alterations including excavation to provide a new basement level; the demolition of the existing rear extensions on lower ground and ground floors and the erection of replacement extensions, with terraces on ground and first floors; the installation of six air conditioning units at main roof level and internal alterations.		
Agent	Neil Wilson Architects Limited		
On behalf of	Mr Saeed Omeir Yousef Ahmed Almheiri		
Registered Number	15/01949/FULL 15/01950/LBC	TP / PP No	TP/11175
Date of Application	04.03.2015	Date amended/ completed	04.03.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Portman Estate		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

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



and



15 BRYANSTON SQUARE, W1

2. SUMMARY

The application site comprises a vacant Grade II listed building situated within the Portman Estate Conservation Area. The property, which comprises lower ground, ground and first to third floors, was most recently occupied as three flats. Permission is sought for the use of the building as a single family dwelling (Class C3). Proposed works include internal alterations, the demolition of an existing half-width rear extension on lower ground and ground floors, the excavation of an additional basement level beneath the site, the erection of replacement rear extensions on lower ground and ground floors, with terraces at ground and first floor levels, and the installation of six air conditioning units at roof level.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

The proposals are considered acceptable on land use, amenity, design, conservation and listed building grounds and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. CONSULTATIONS

HISTORIC ENGLAND (ENGLISH HERITAGE)

Flexible authorisation received.

COUNCIL FOR BRITISH ARCHAEOLOGY

Additional basement and demolition of existing structures will have an adverse impact on the listed building.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

THE TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 51; Total No. of Replies: 6.

Six letters of objection received on the following grounds:

Land Use

- Loss of residential units.

Basement and construction issues

- Impact on the stability of neighbouring properties.
- Impact on the water table and local drainage and would prevent the provisions of Sustainable Urban Drainage (SUDS).
- Impact on residents' amenity and inconvenience to local residents and businesses resulting from construction noise, associated disruption and construction traffic.
- The development would set an unacceptable precedent for basements.
- The provision of a temporary gantry and pedestrian tunnel during construction works would be a security risk after dark.

Design

- Design fails to respect character of the Portman Estate Conservation Area.
- Harmful effect on the architectural and historic interest of the building including a substantial loss of original fabric, the impact on the hierarchy of the listed building and the appearance of the proposed plant.
- The extension of the lower ground floor into the last remaining part of the garden is excessive.
- The creation of a basement will set a dangerous precedent.
- The temporary gantry and pedestrian tunnel would be harmful to the character and the appearance of the area.
- The scheme contributes to the wider impact on the character of Marylebone caused by a number of recent large developments.

Highways

- Loss of residential parking spaces during construction works.
- Increase in traffic congestion and highway obstruction as a result of construction works and construction traffic.

Amenity

- Noise disturbance from use of terraces.
- Replacement extensions would adjoin a bedroom at 16 Bryanston Square.
- Plant noise.
- The proposed bedrooms at lower ground floor level and ground floor kitchen would receive inadequate natural light.

Overlooking

- Increased sense of enclosure
- Loss of light to adjoining gardens.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

15 Bryanston Square is a Grade II listed terraced house located within the Portman Estate Conservation Area. The building, which comprises basement, ground and three upper floors is

currently vacant but was previously occupied as three flats (1 x 1 bed, 1 x 2 bed and 1 x 4 bed).

The whole terrace along the eastern side of this section of Bryanston Square is listed, and the majority of properties are in residential use.

4.2 Relevant History

Planning permission and listed building consent were granted on 6 February 2013 for the use of the property as a single family dwelling with associated internal and external alterations, including extension at rear basement level and the creation of a rear terrace at first floor level.

5. THE PROPOSAL

The applications seek permission and listed building consent for the use of the building as a single family dwelling (Class C3). Proposed works include:

- the excavation of a new basement level beneath the entire site (with the exception of two lightwells/courtyards at the rear of the main house and adjacent to the rear boundary wall). The new basement accommodation would house a cinema, gym, steam room and storage space. No habitable rooms are proposed at this level;
- the demolition of the existing half-width rear extension on lower ground and ground floors;
- the erection of a full width extension on the lower ground floor and a half-width extension at ground floor, with new terraces at ground and first floor levels. The replacement extension would provide new bedroom accommodation at lower ground floor level. The ground floor section would be slightly wider than the existing rear addition, but no higher, and would maintain the same distance from the rear boundary wall;
- the installation of six air conditioning units on the main roof, set within the main roof valley and;
- internal alterations on all floors.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Objections have been received on the grounds that the proposal would involve a net loss of two residential units on the site.

Policy S14 of the City Plan relates to the optimisation of housing delivery and states that developments which result in a reduction in the number of residential units will not be acceptable, except where a converted house is being returned to a family-sized dwelling. 15 Bryanston Square was originally a large terraced house, which has been converted to flats, and the proposals would reinstate the original use of the building, creating one large single family dwelling, in accordance with Policy S14. In these circumstances, and as there is an extant permission for the use of the building as a single house, the application is considered acceptable in land use terms.

The provision of additional residential floorspace on the site accords with UDP Policy H3 and City Plan Policy S14.

6.2 Townscape and Design

The existing rear wing, which is to be demolished, is much altered and of little interest. New accommodation would be created within a new basement, and at lower ground and ground floor levels, with rear lightwells separating the extension from the main building and the rear garden wall.

This is a large late Georgian terraced house and it is considered that the proposed basement will not have an adverse impact on the hierarchy of the interior. It is also considered unlikely that the excavation of the basement and the demolition and reconstruction of the rear wing would cause unacceptable structural impacts. Although the replacement rear wing would cover most of the existing courtyard at lower ground floor level, the extent of garden coverage is not untypical, and small lightwells will be retained. Consequently, objections on these grounds could not be supported.

Internal alterations include new partitions in the ground floor level rear room and sliding doors between the main rooms at first floor level. The existing ground floor has been much altered and the proposals are an improvement. There are also minor changes at second and third floor levels. These changes do not result in the loss of original historic fabric and will not harm the special interest of the interior. The original Georgian king post roof structure, which is of significance is retained. Consequently, it is not considered that objections to the loss of historic fabric and impact of the proposals upon the special interest of the listed building could be sustained.

The new plant on the main roof would be set in the roof valley, and screened by the front and rear roof slopes. In these circumstances, it is not considered that the application could be refused on the grounds that the plant installations would have an unacceptable impact upon the appearance of the building.

Objections to the impact of a temporary gantry, with a pedestrian walkway beneath, required during the course of construction, upon the character and appearance of the conservation area could not be supported. These structures, due to their temporary nature, would not have a lasting impact on the street scene.

It is concluded that the proposals accord with the City Council's urban design and conservation policies and supplementary planning guidance and will not harm the special interest of the listed building or the character and appearance of the Portman Estate Conservation Area.

Objections have also been received on the grounds that the proposal contributes to the wider impact on the character of the area, caused by a number of recent large developments. This scheme is considered acceptable for the reasons outlined above. All applications must be considered on their individual merits and the cumulative impact of approved developments on a particular area, all of which would have been considered acceptable in isolation, could not justifiably form the basis of a recommendation for refusal of this application.

6.3 Residential Amenity

6.3.1 Loss of light, loss of privacy and increased sense of enclosure

The rear of the application property is surrounded by high party walls. However, the rear boundary wall, shared with Bryanston Mews East, incorporates a number of windows which serve rooms to the neighbouring properties. An objection has been received that the proposed rear extension would result in a loss of light to adjoining gardens and would result in an increased sense of enclosure and loss of privacy to neighbouring properties.

However, the replacement rear extensions will be no higher than the existing, and have been designed with regards to the location of windows on the party wall. Neither the lower ground or ground floor extension would project close to or obscure the windows. For this reason, it is considered that the extension will not have a material impact upon neighbouring windows or gardens.

6.3.2 Use of roof terraces

Permission has previously been granted for the use of the roof of the existing ground floor extension as a terrace, and this permission remains extant. It appears that this flat roof has been used as an amenity space for a number of years and the 2013 permission formalised this use. The current scheme also proposed the use of the roof of the replacement ground floor extension as a terrace. Although this space would be slightly wider than the existing terrace, this would not have a significant impact.

The proposed terrace at ground floor level, would be set below the height of the side boundary walls and set back from rear windows to Bryanston Mews East. Given the relationship between the ground floor terrace and the adjacent windows, it is not considered that the use of the terrace would afford direct views into neighbouring windows. It is noted that there are several existing terraces and balconies at neighbouring properties within the vicinity of the site and that there is already a degree of mutual overlooking.

Objectors consider that the use of the terraces will result in noise from outdoor entertaining. However, as the first floor terrace would replace the existing amenity space, and as the ground floor terrace would replace the existing courtyard garden, the proposal is unlikely to have a significant impact in terms of increased noise disturbance.

In conclusion, it is considered that the proposed development would comply with UDP Policy ENV13 and City Plan Policy S29 which are designed to ensure that new developments do not materially affect the amenities of neighbouring occupiers.

6.3.3 Plant noise

Six external air conditioning units would be installed at roof level. The application is supported by an acoustic report which identifies the area as having background noise levels which are above WHO guideline levels during the daytime and night time. To comply with Council standards, the plant would be required to operate at 10dB below background noise levels at the nearest noise sensitive windows. The Council's Environmental Health officer has assessed the report and is satisfied that, providing a night time step down mode is operated on all units, the design noise criteria will be met. In these circumstances, objections relating to disturbance from plant operation cannot be supported.

6.3.4 Internal light levels

An objection has been received on the grounds that the bedrooms located at lower ground floor level and the kitchen at ground floor level would be poorly lit and would not provide a satisfactory standard of accommodation as required by Policy S29.

It is acknowledged that some rooms on the lower floors would not meet the BRE guidelines for Average Daylight Factor (ADF), which is set at 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Two bedrooms at lower ground level (which look out onto small lightwells/courtyards) would achieve values of 0.52% and 0.74 %, while the ground floor kitchen (which overlooks the terrace) would achieve a value of 1.5%. Whilst it is regrettable that these rooms would not meet the BRE guideline levels, this is, in part, due to the height and proximity of the site boundary walls. However, the rooms have been designed to incorporate the maximum amount of glazing and, as these rooms serve a large family house, where the majority of rooms will receive good levels of natural light, it is not considered that permission could be withheld on these grounds.

6.3.5 Impact of building works

An objection has been received from an occupier at 16 Bryanston Square on the grounds that the proposal would create an additional building adjoining a neighbouring bedroom and may affect the structure. The new extension would not be higher, or project any closer to No.16 than the existing extension does. Permission could not justifiably be withheld on the grounds that the proposals might affect adjacent structures of any adjoining building.

Objections have been received on the grounds that the proposed works will be noisy and disruptive, that construction vehicles in the Square will make it difficult for existing residents to park, and that construction vehicles will potentially cause congestion to the local road network. Whilst it is accepted that there is likely to be disruption as a result of construction works, permission could not be justifiably withheld on these grounds. The applicant has submitted a detailed Construction Traffic Management Plan (CTMP) which addresses the construction process and includes measures to ameliorate the impact of building works upon neighbouring residents. Adherence to the terms of the CTMP would be secured by condition. In addition, it is recommended that conditions are imposed on the hours of general building works and excavation in order to protect neighbours' amenities as far as possible.

Objectors have also expressed concern that the installation of a gantry over the pavement, with pedestrian walkway beneath, would constitute a safety risk, particularly late at night. The design of the gantry, including the need to provide adequate lighting, would be considered as part of the necessary highways licence.

6.4 Highways

Parking

The Highways Planning Manager confirms that, as the proposal results in a loss of residential units, there will be no increase in demand for on-street car parking. The proposal includes satisfactory secure cycle storage and this will be secured by condition.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

6.6.1 Refuse storage

The proposal includes satisfactory refuse storage facilities, which will be secured by condition.

6.7 London Plan

The proposal does not raise any strategic implications.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the

framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

None required.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

It is acknowledged that given the nature of the proposals and the fact that the building is listed, limits the ability of the scheme to deliver significant sustainability measures. However, general improvements, mainly delivered by the new-build elements, and through the installation of new improved building services, would deliver a 14.44% reduction in carbon dioxide emissions when compared with the baseline figure. These improvements are welcomed.

As the flat roofed areas would be used as terraces, there is limited scope to improve the biodiversity of the site. However, it is likely that these areas would include some planting.

6.11 Access

Access to the main building would be unchanged.

6.12 Other Issues

Objections have been received concerning any potential impact that the basement excavation, and the extent of site coverage, would have on the foundations and structural integrity of other buildings, and to the potential effects on the water table, increased flooding risk and the drainage of surface water. An objection has also been received on the grounds that the extent of excavation and site coverage would prevent the delivery of SUDS, a sustainable drainage system, to drain surface water.

This objector has also expressed concern that the proposal does not accord with the advice within the adopted SPD on basement extensions as there is insufficient depth above the structure, to the courtyard, to allow for new planting (a minimum 1m soil depth and 200mm drainage layer is recommended) and also to regulate the flow of water draining into the surrounding sub-soil.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a 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.

This report has been considered by our Building Control officers who have advised that the structural approach appears satisfactory. 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 the integral 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 letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

The relevant planning legislation requires major proposals to consider sustainable water drainage systems. This application involves modest extensions to an existing residential building and the applicant is not required to submit a SUDS report. The advice within the adopted Basement SPD constitutes guidance for developers. As the rear garden is covered in paving, it is not considered that the construction of extensions on this area of hard landscaping would have a significant impact on surface water drainage.

6.13 Conclusion

The proposals are considered acceptable on amenity and design grounds, and comply with relevant UDP and City Plan policies.

BACKGROUND PAPERS

1. Application forms
2. Letter from Historic England (English Heritage) dated 24 March 2015
3. E-mail from the Council for British Archaeology dated 6 May 2015
4. Memorandum from Building Control dated 11 April 2015
5. Memorandum from Environmental Health dated 8 April 2015
6. Memorandum from Highways Planning Manager dated 28 April 2015
7. Letter from the occupier 5 Bryanston Mews East dated 30 March 2015
8. E-mail from the occupier 1a Bryanston Square (undated)
9. Email from the occupier 16 Bryanston Square (undated)
10. Letter on behalf of the owners/occupiers of 13 and 14 Bryanston Square dated 14 April 2015
11. Letter on behalf of the owners 16A, 17 and 18 Bryanston Square and 7A Bryanston Mews East dated 22 April 2015
12. E-mail from the occupier Flat 1, 5 Bryanston Square dated 30 April 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – sspurrier@westminster.gov.uk

DRAFT DECISION LETTER

Address: 15 Bryanston Square, London, W1H 2DN

Proposal: Use of the building as a single family dwelling (Class C3). Alterations including excavation to provide a new basement level; the demolition of the existing rear extensions on lower ground and ground floors and the erection of replacement extensions, with terraces on ground and first floors; the installation of six air conditioning units at main roof level and internal alterations.

Plan Nos: P-2014.06.100; P-2014.06.101; P-2014.06.102; P-2014.06.103; P-2014.06.104; P-2014.06.105; P-2014.06.106; P-2014.06.107; P-2014.06.200; P-2014.06.300; P-2014.06.301; P-2014.06.302; Construction Traffic Management Plan dated January 2015

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- 5 You must carry out the measures included in your Construction Management Plan dated January 2015 at all times throughout the construction process.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set

out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P-2014.06.100. You must clearly mark them and make them available at all times to everyone using the dwelling. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

To provide cycle parking spaces for people using the development as set out in table 6.3 of the Further Alterations to the London Plan (March 2015).

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 11 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 This permission is based on the structural report by Knight Build Limited submitted with the application. For the avoidance of doubt these reports have 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.

DRAFT DECISION LETTER

Address: 15 Bryanston Square, London, W1H 2DN

Proposal: Alterations including excavation to form a new basement level, demolition and rebuilding of the rear extensions on lower ground and ground floors, installation of six air conditioning units at roof level and internal alterations on all floors.

Plan Nos: P-2014.06.100; P-2014.06.101; P-2014.06.102; P-2014.06.103; P-2014.06.104; P-2014.06.105; P-2014.06.106; P-2014.06.107; P-2014.06.200; P-2014.06.300; P-2014.06.301; P-2014.06.302;

Case Officer: Billy Pattison **Direct Tel. No.** 020 7641 3267

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 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in

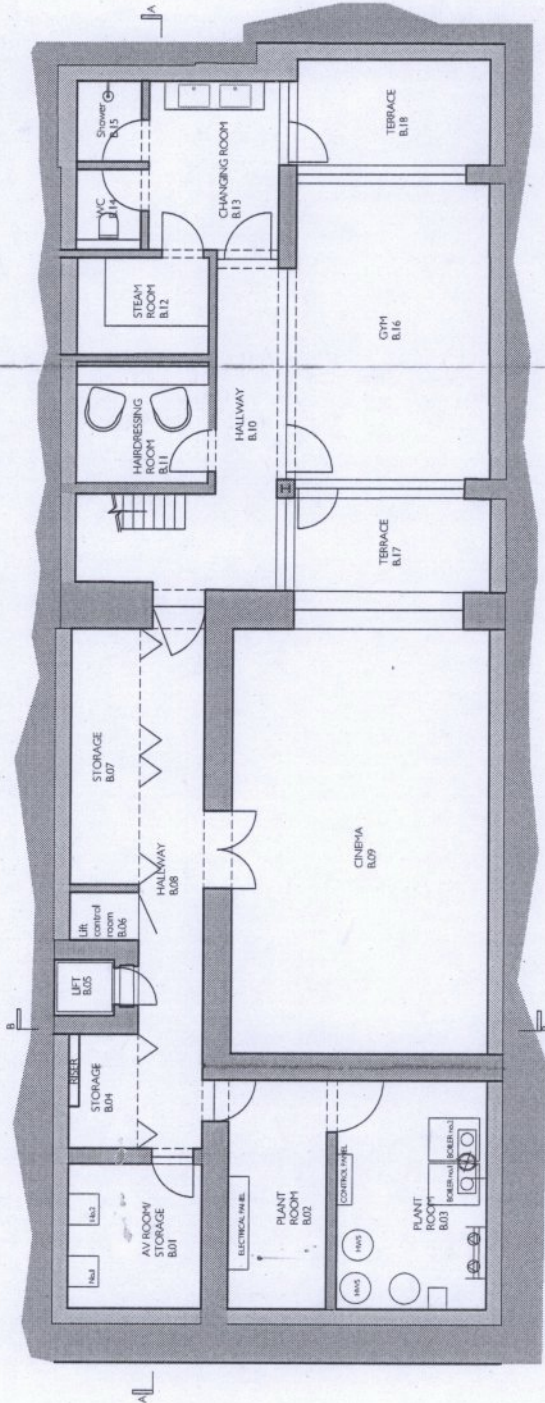
January 2007. (R26ED)

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 March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

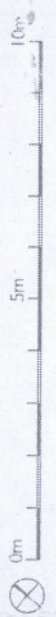


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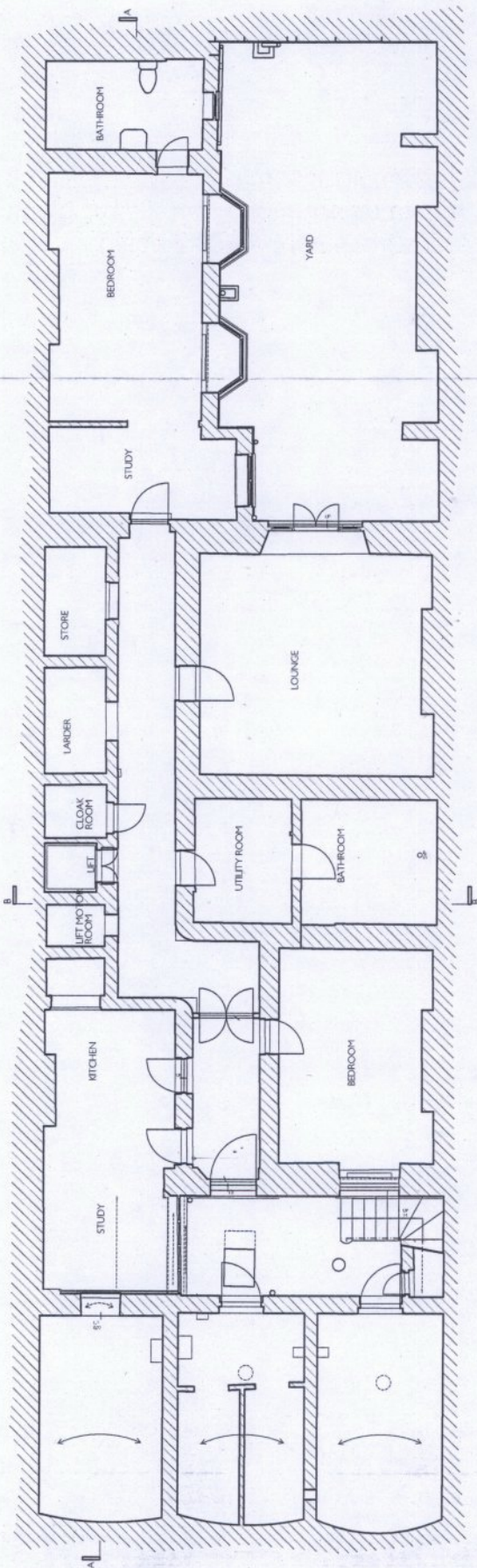


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 Drawn
 P - 2014.06.100

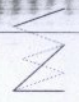
Date:	Nov. 2014
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Drawn/checked:	ER / NW
Client:	Saad Omar Al Furaih
Job title:	15 Brynaton Square
Drawing title:	Basement floor Plan



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Revisions:
 Note: All dimensions in mm.

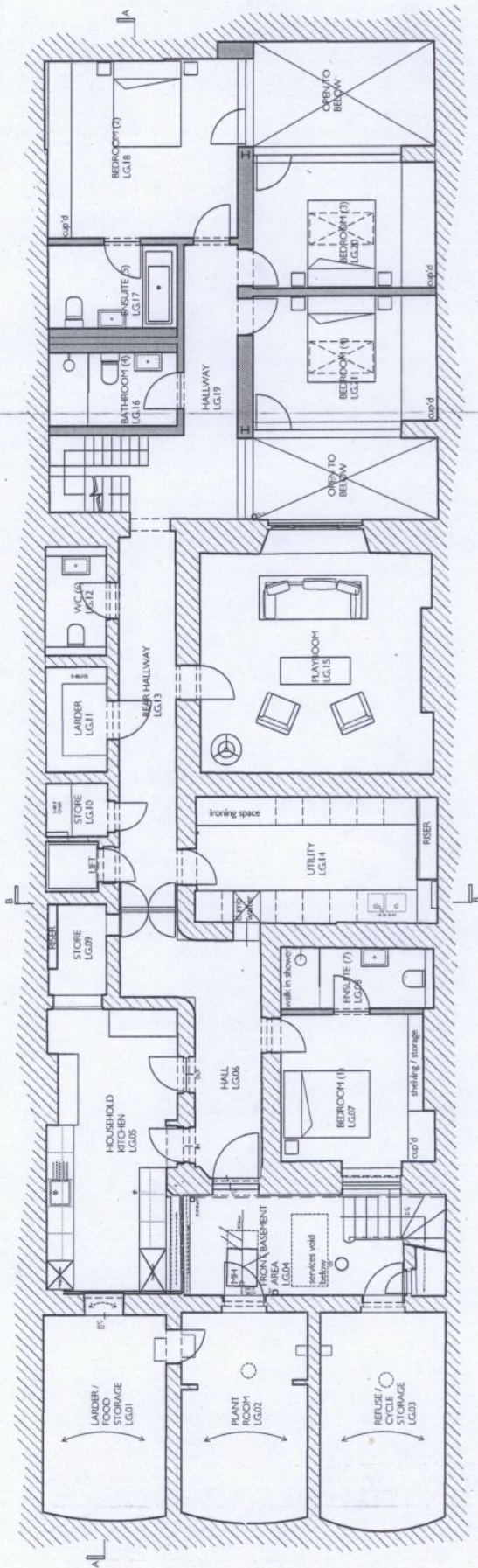


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 Drawn: E - 2014.06.101

DATE: Feb 2015
 SCALE: 1:10000A3
 DRAWN BY: BR/NW
 CHECKED BY: Saeed Omair Al Fihri
 CLIENT: 15 Bryanston Square
 JOB TITLE: Lower Ground Floor Plan
 DRAWING TITLE: Lower Ground Floor Plan



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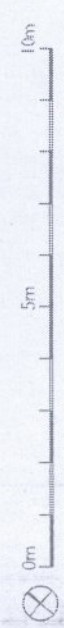


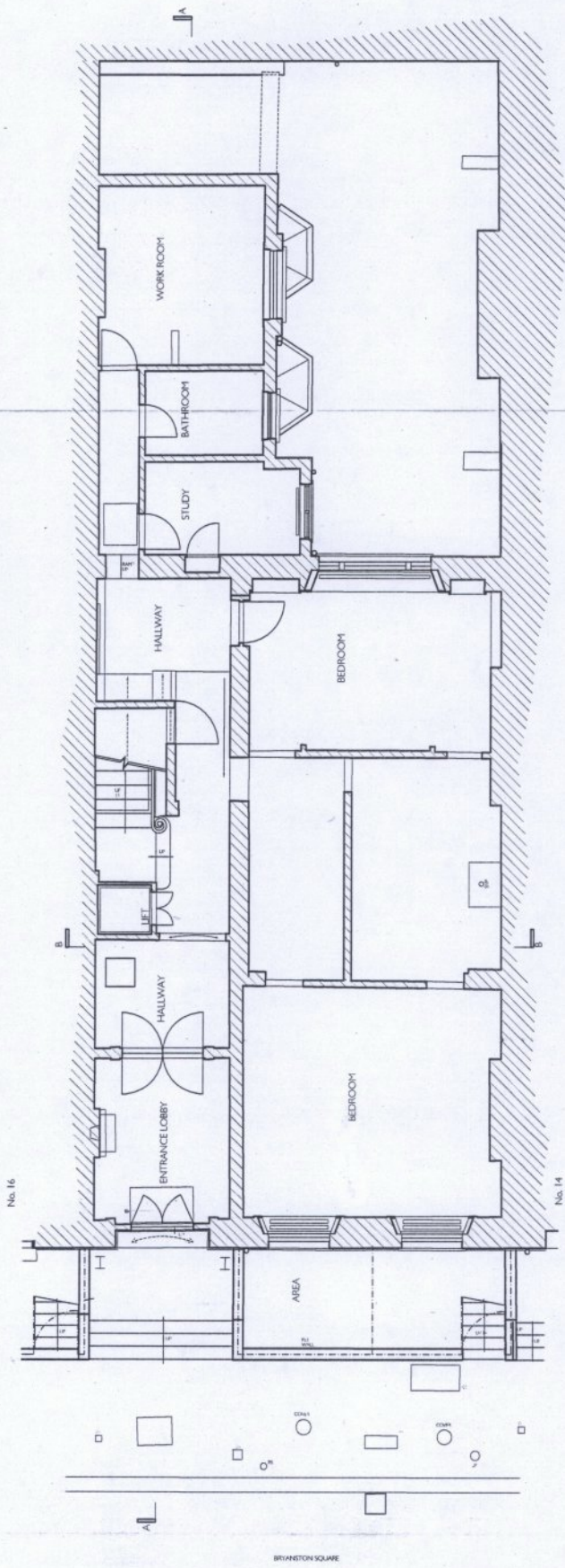
Revisions:
 Notes: All dimensions in mm.



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 Dwg. no. P - 2014.06.101

DATE: Nov 2011
 SCALE: 1:1000-0
 DRAWN/checked: BT/NW
 CLIENT: Speed Over All Phases
 JOB title: 15 Byronston Square
 Drawing title: Lower Ground Floor Plan
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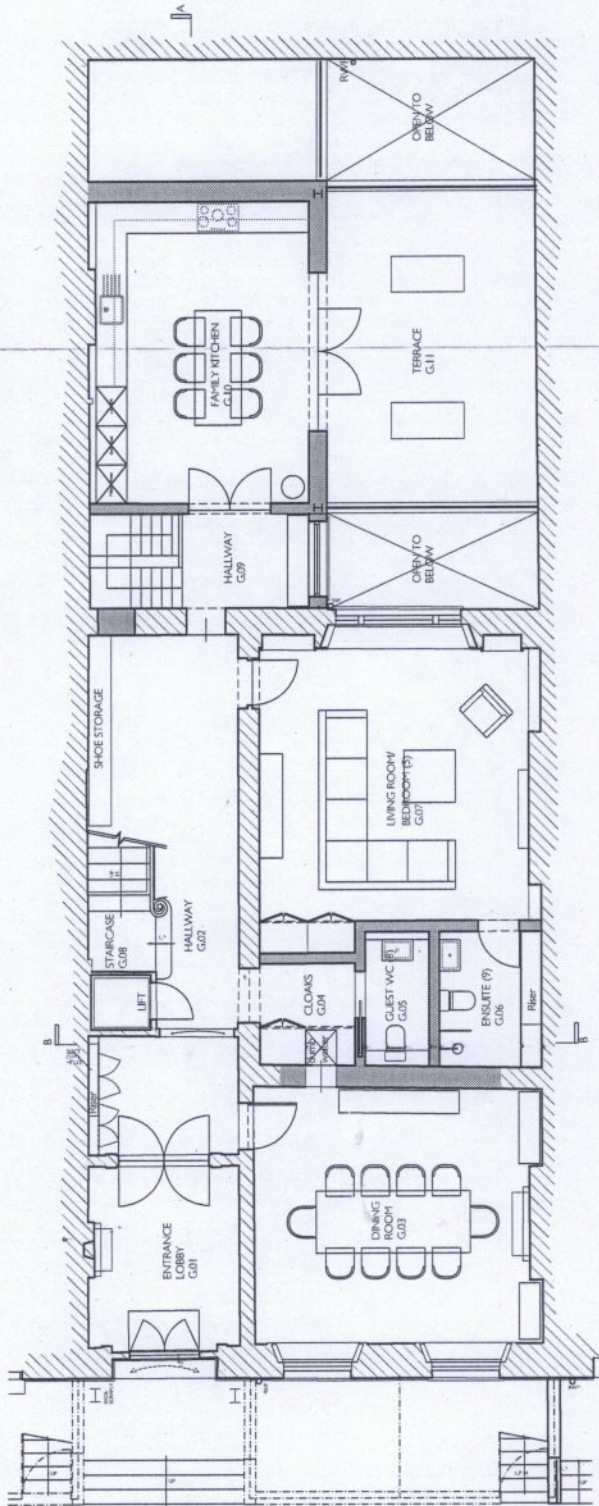
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Type
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 Draw. no. **E - 2014.06.102**

DATE: Feb. 2015
 SCALE: 1:10000/3
 DRAWN BY: BR/NW
 CLIENT: Samed Owner Al Finessh
 JOB TITLE: 15 Bryanston Square
 DRAWING TITLE: Ground Floor Plan



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Residence:

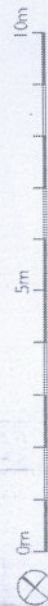
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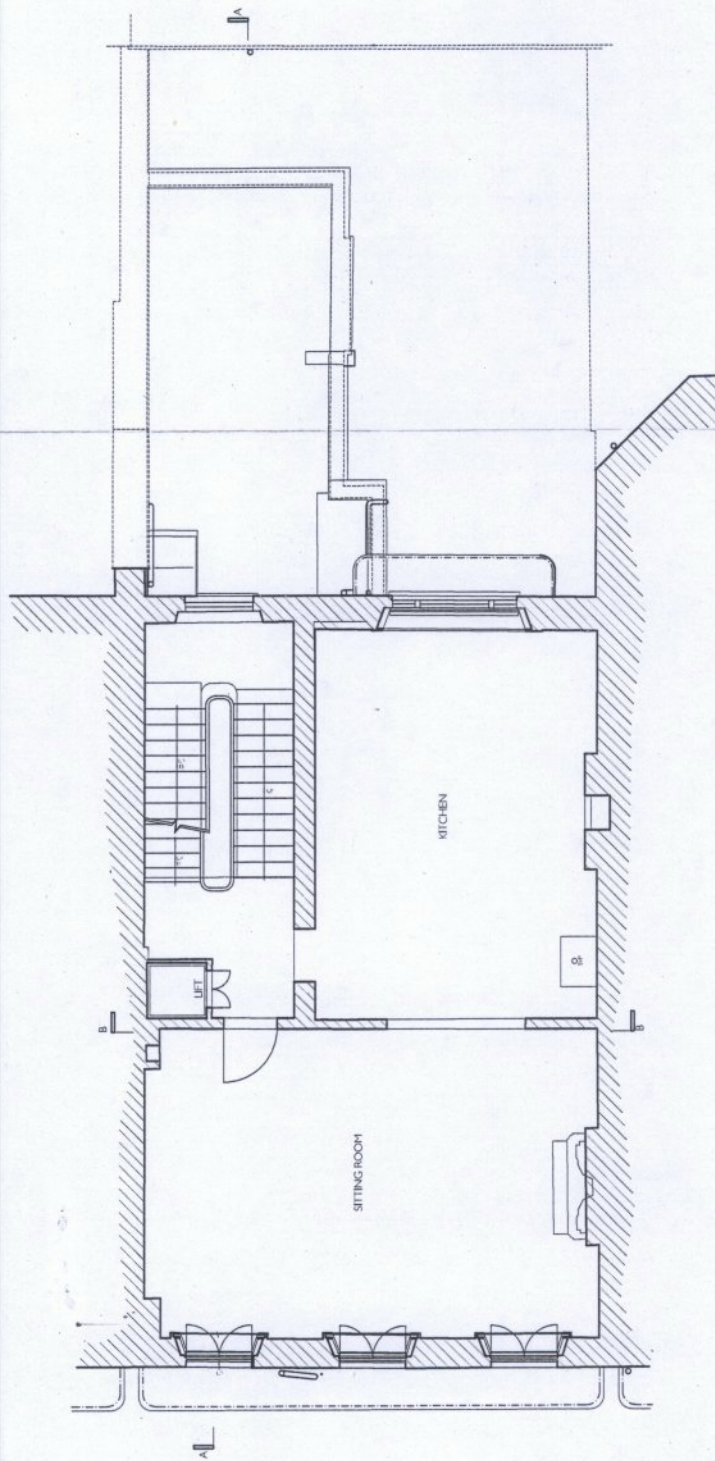
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Date:	Nov 2011
Scale:	1:1000/0.5
Drawn/checked:	BR/WW
Client:	Seacrest Corp. All Project
Job title:	15 Brynaston Square
Drawing title:	Ground floor plan



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Revisions:

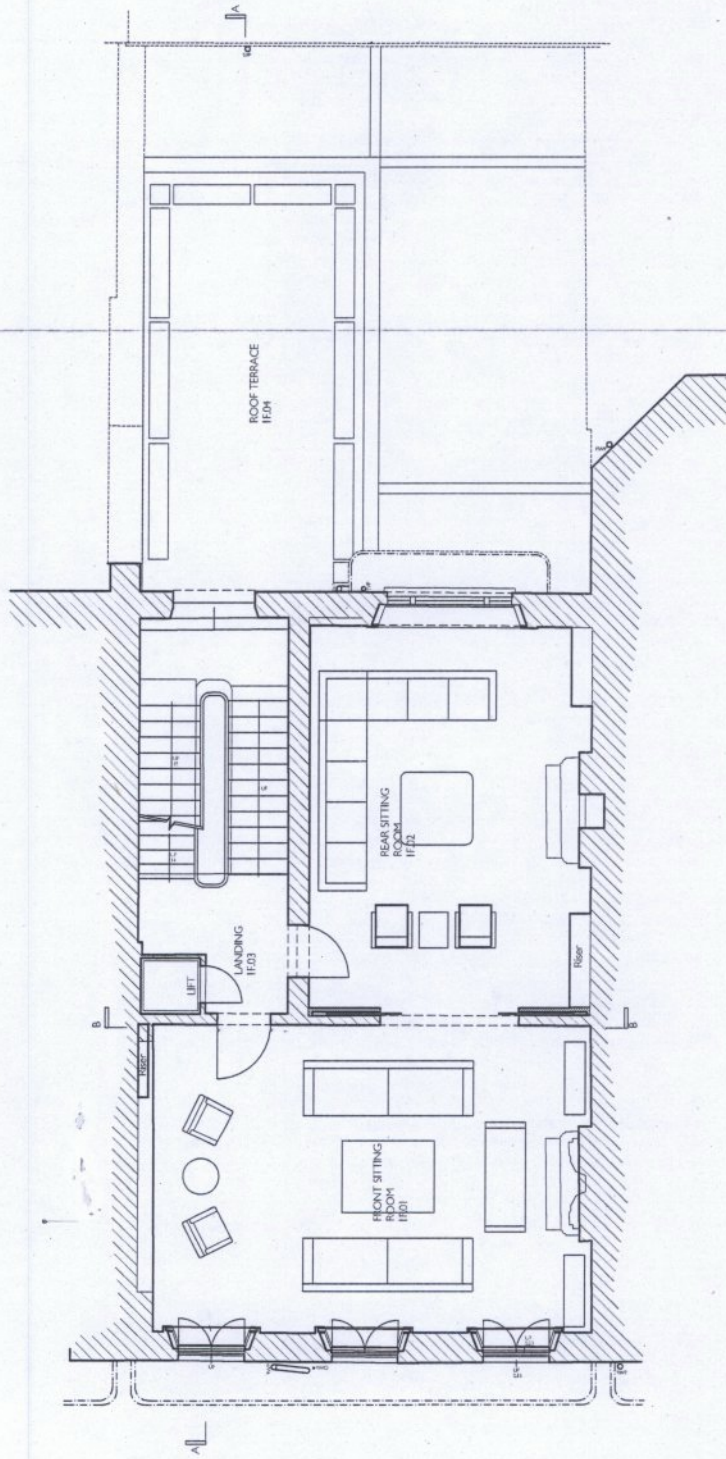
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Drawn by/checked:	111 / 111
Client:	Saeed Omar Al Mijah
Job title:	15 Bryanton Square
Drawing title:	Firs Floor Plan





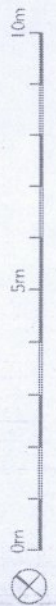
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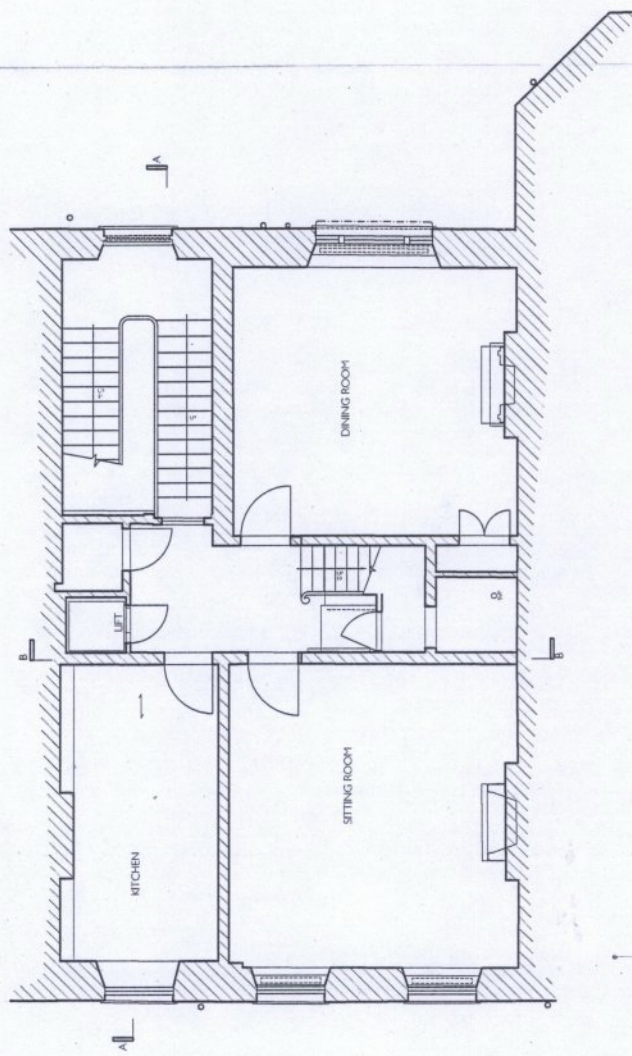
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Date:	Nov 2014
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Client:	Sasser Overseas All Private
Job title:	12 Brynaton Square
Drawing title:	First Floor Plan



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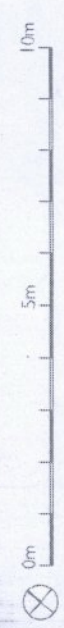


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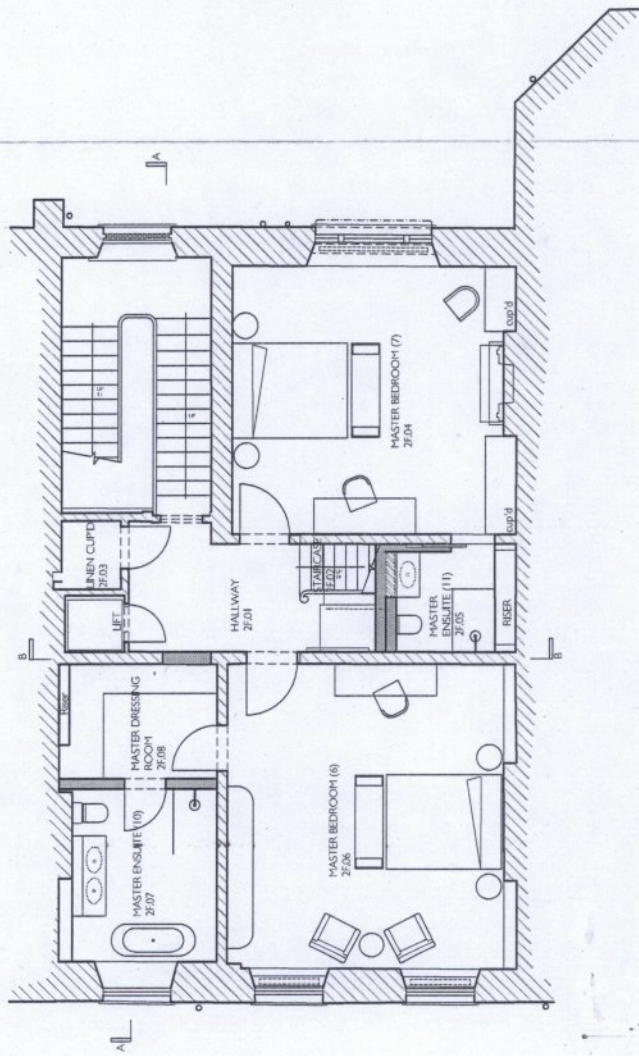


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DATE: 04.2015
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 CLIENT: Saeed Omer Al Jilani
 JOB TITLE: 15 Brynston Square
 DRAWING TITLE: Second Floor Plan



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Revisions:

Notes: All dimensions in mm.



Type
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 Draw. no. **P - 2014.06.104**

Date: Nov. 2014

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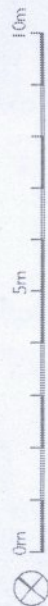
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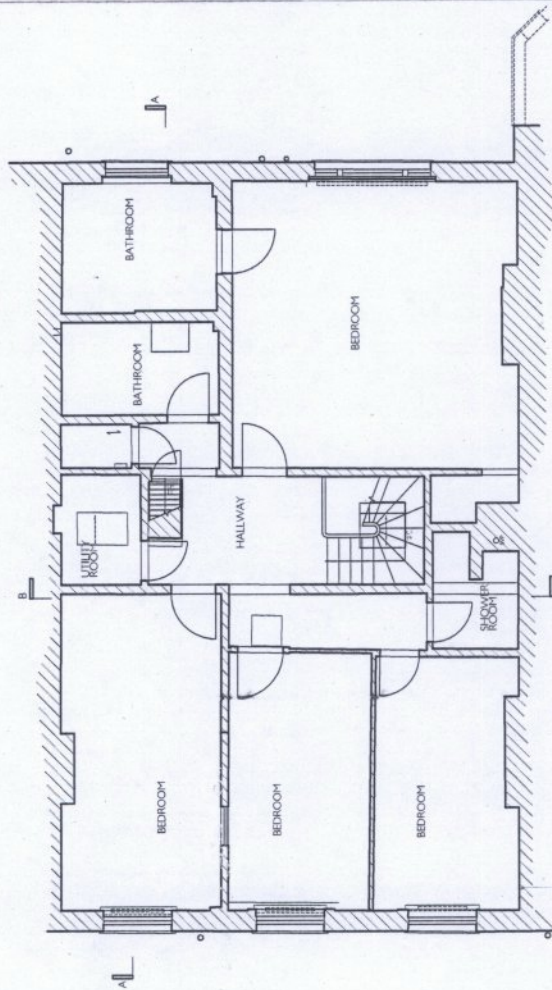
Client: Saeed Omer Al Mijal

Job title: 15 Bryanston Square

Drawing title: Second Floor Plan

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 15 Bryanston Square
 London, W1J 7JL
 Tel: +44 (0) 20 7720 0700
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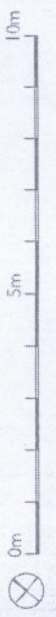
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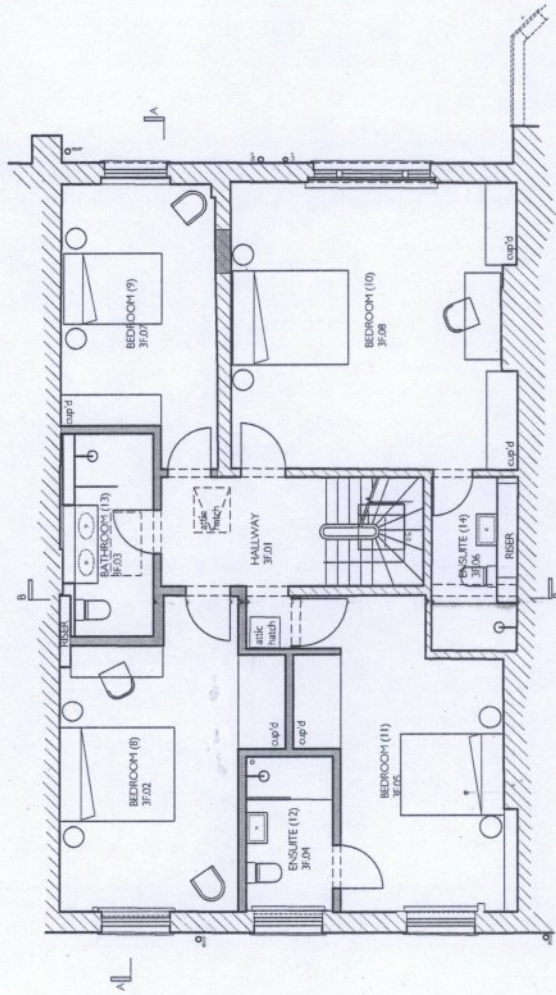


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 Drawg. no. E - 2014.06.105

REV. WORK SHEETS	
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Drawn/checked:	BY/ANV
Client:	Saad Choukri Project 8 Bryansons Square
Job title:	Third Floor Plan
Drawing title:	Third Floor Plan



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Residence:

Notes: All dimensions in mm.

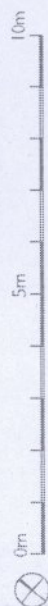


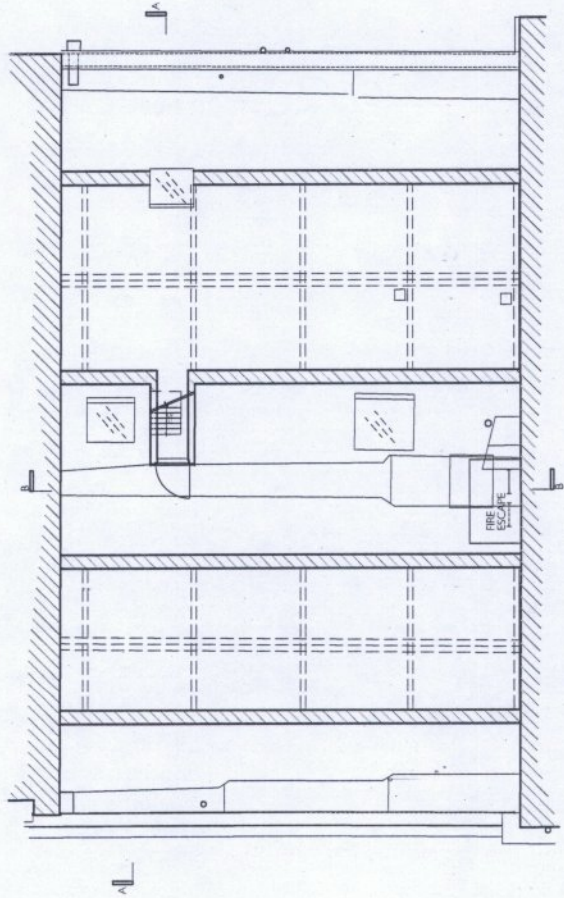
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Dwg. no. P - 2014.06.105

Date:	Nov 2011
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Drawn/checked:	BT/NW
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Job title:	15 Bryanston Square
Drawing title:	Third Floor Plan

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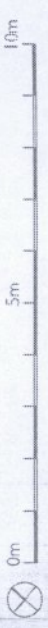


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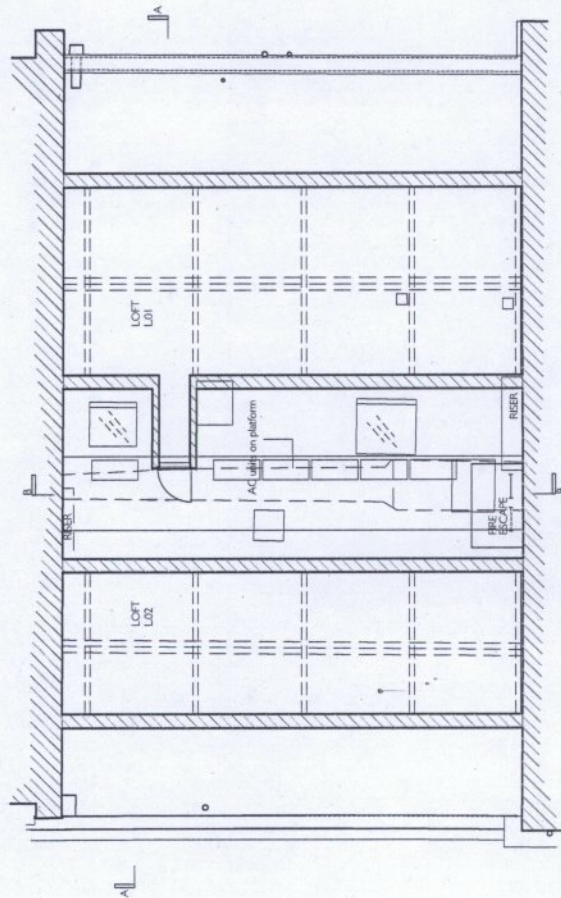


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Date:	Feb. 2015
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Client:	Garage Oude Al Pijp Nieuw Amsterdam
Job title:	Garage
Drawing title:	Garage



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Revisions:
 Notes: All dimensions in mm.

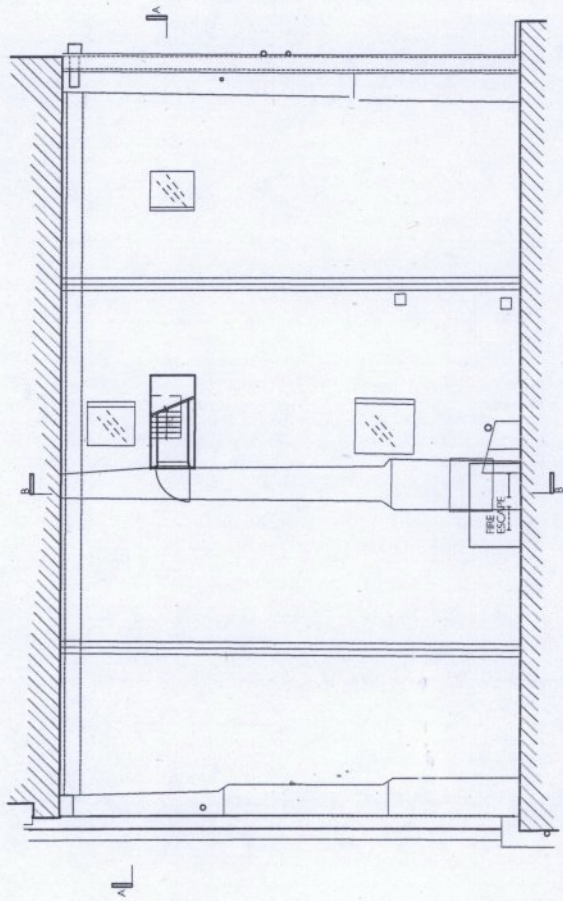


Type
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 Dwg. no. P - 2014.06.106

DATE PREPARED: 27 May 2014
 DRAWING SCALE: 1:1000
 DRAWING NO.: BR/NW
 CLIENT: Seed One Al Hweif
 JOB TITLE: 15 Brynaton Square
 DRAWING TITLE: Attic Plan



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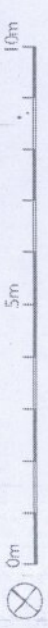


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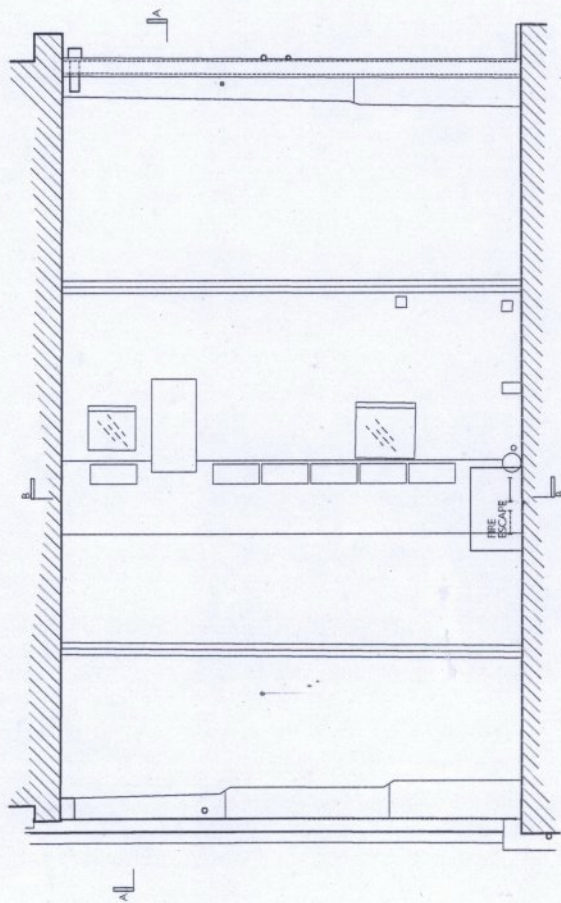


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 Dwg. no. E - 2014.06.107

DATE: 14/06/2014
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 SCALE: 1:100
 DRAWING SHEET: 10/10
 CLIENT: Saeed Omer Al Fijehi
 JOB NO: 15 Bryanton Square
 DRAWING TITLE: Roof Plan



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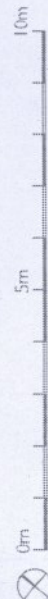


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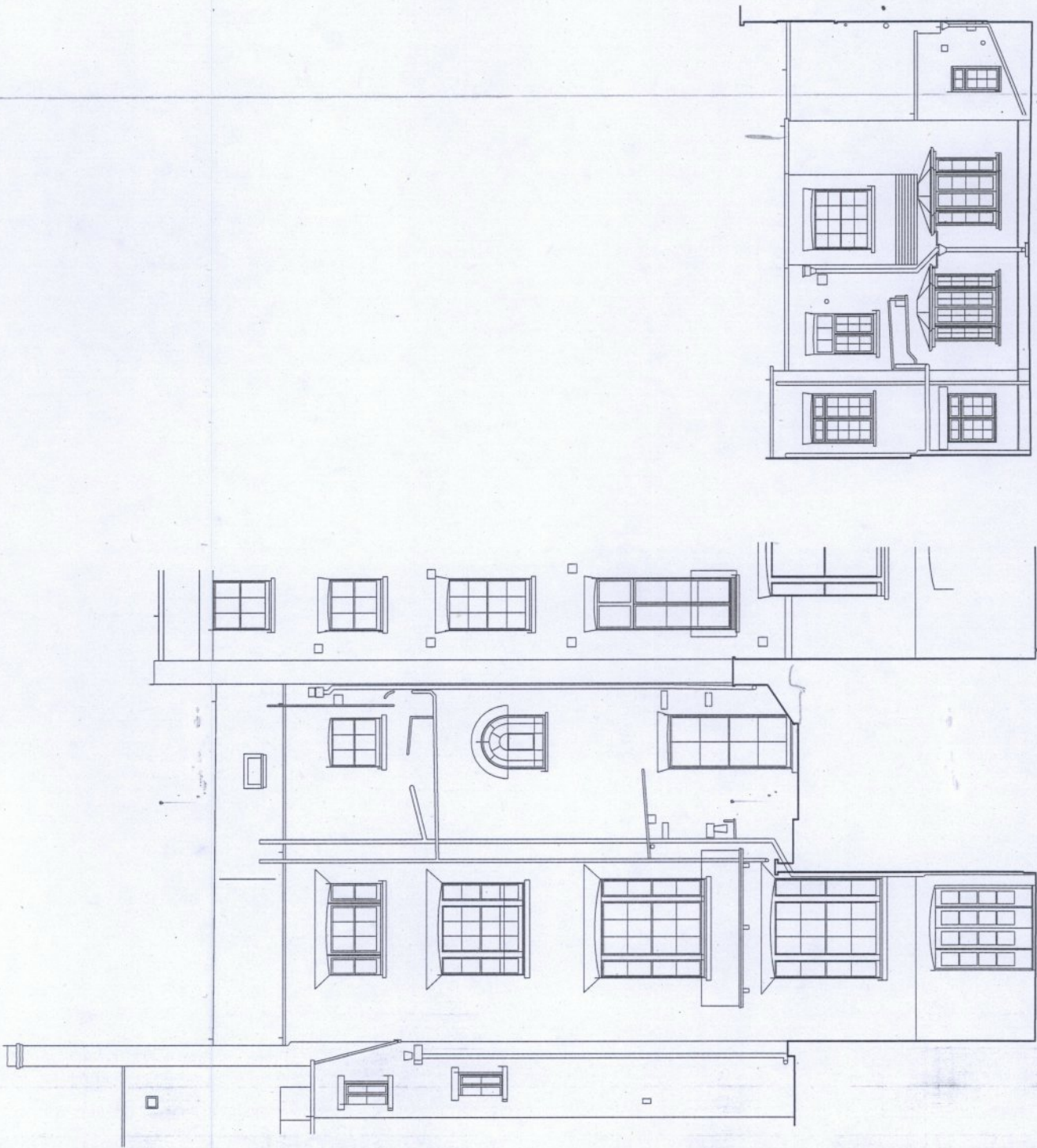
Dwg. no. P - 2014.06.107

Date: Nov 2011
 Scale: 1:1000/0.3
 Drawn by: BT/NW
 Client: Seed Corp Al Faisal
 Job title: 15 Bryanton Square
 Drawing title: Roof Plan

NSR/AS/20/20/01/01/01
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 London, W1A 1JF
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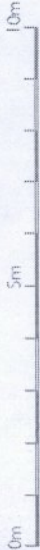
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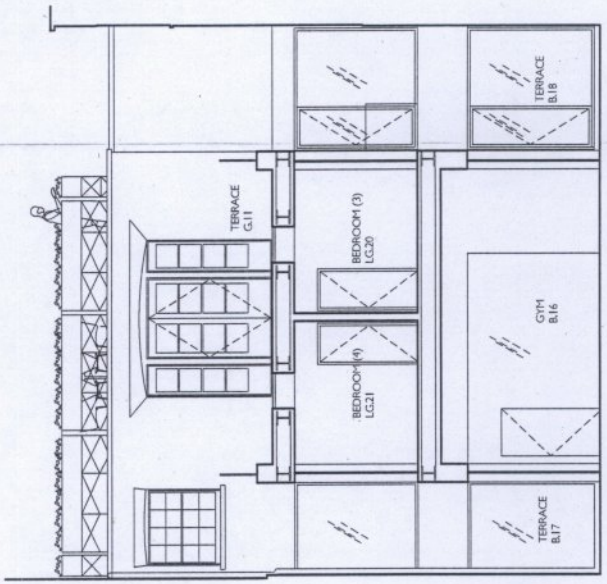
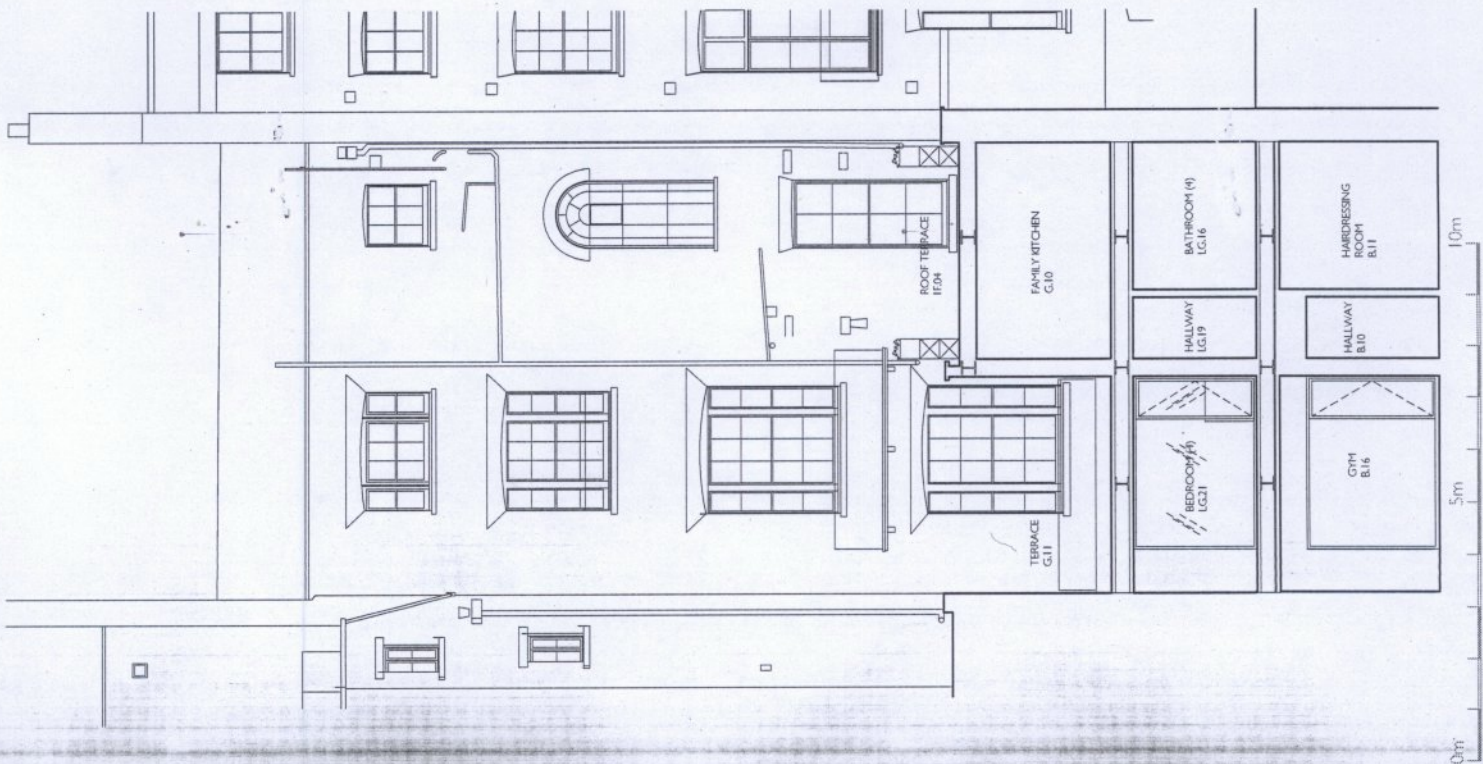
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Dwg. no. **E - 2014.06.302**

Date: Feb 2015
Scale: 1:1000/0.3
Drawn/checked: BT / NW
Client: Saeed Omer Al Mufrih
Job title: 15 Brynman Square
Drawing title: Rear and Side Elevation



THE ARCHITECTS
Drawing Room
15 Brynman Square
Dubai, U.A.E. P.O. Box 197777
Tel: +971 4 372 2779
www.al-architects.com





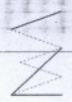
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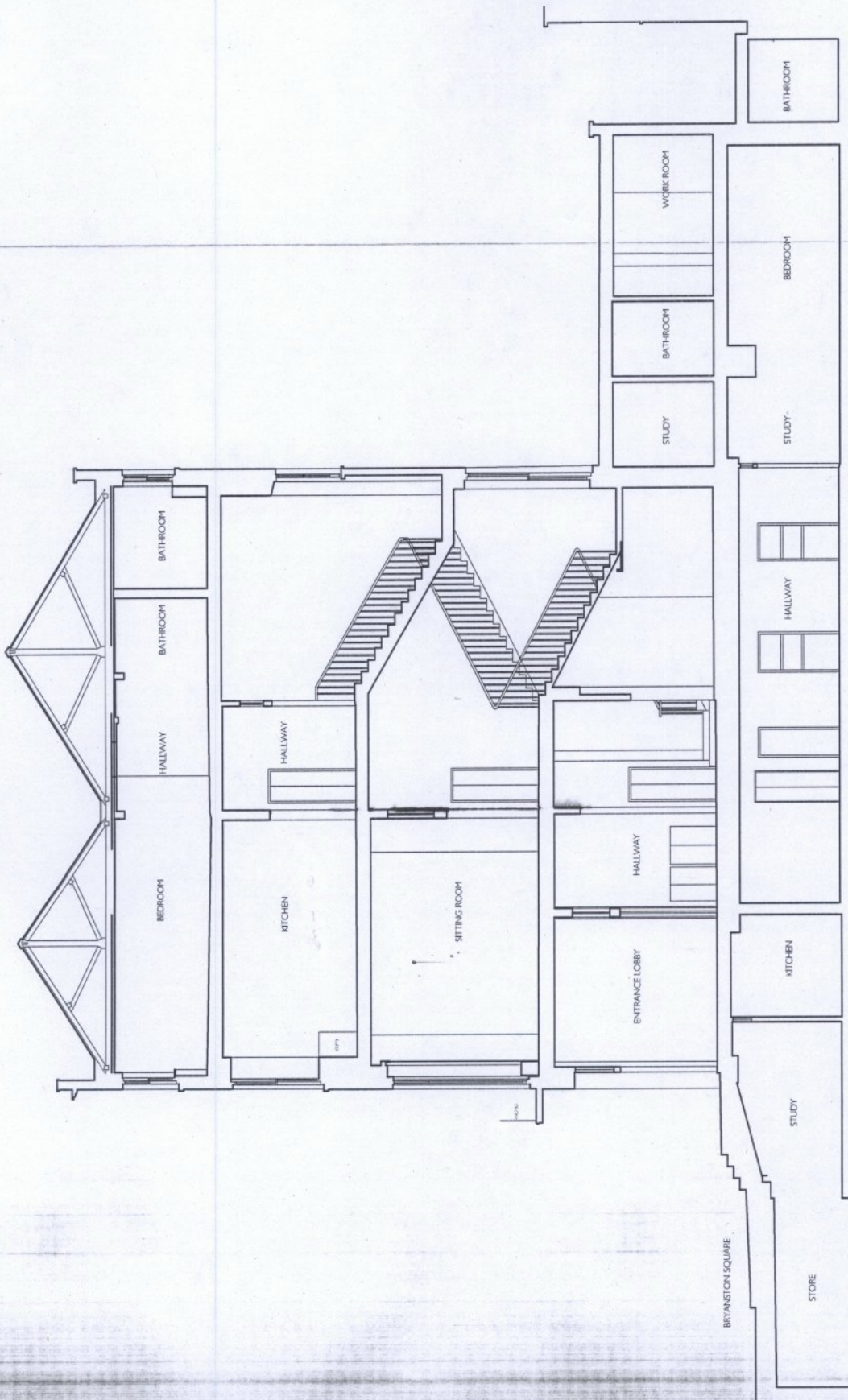
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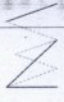
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Date: Nov. 2014
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 Drawn/checked: Saeed Omer Al-Hadi
 Client: 15 Brynston Square
 Floor and Plan, Elevation
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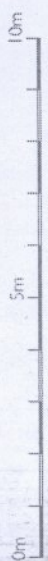


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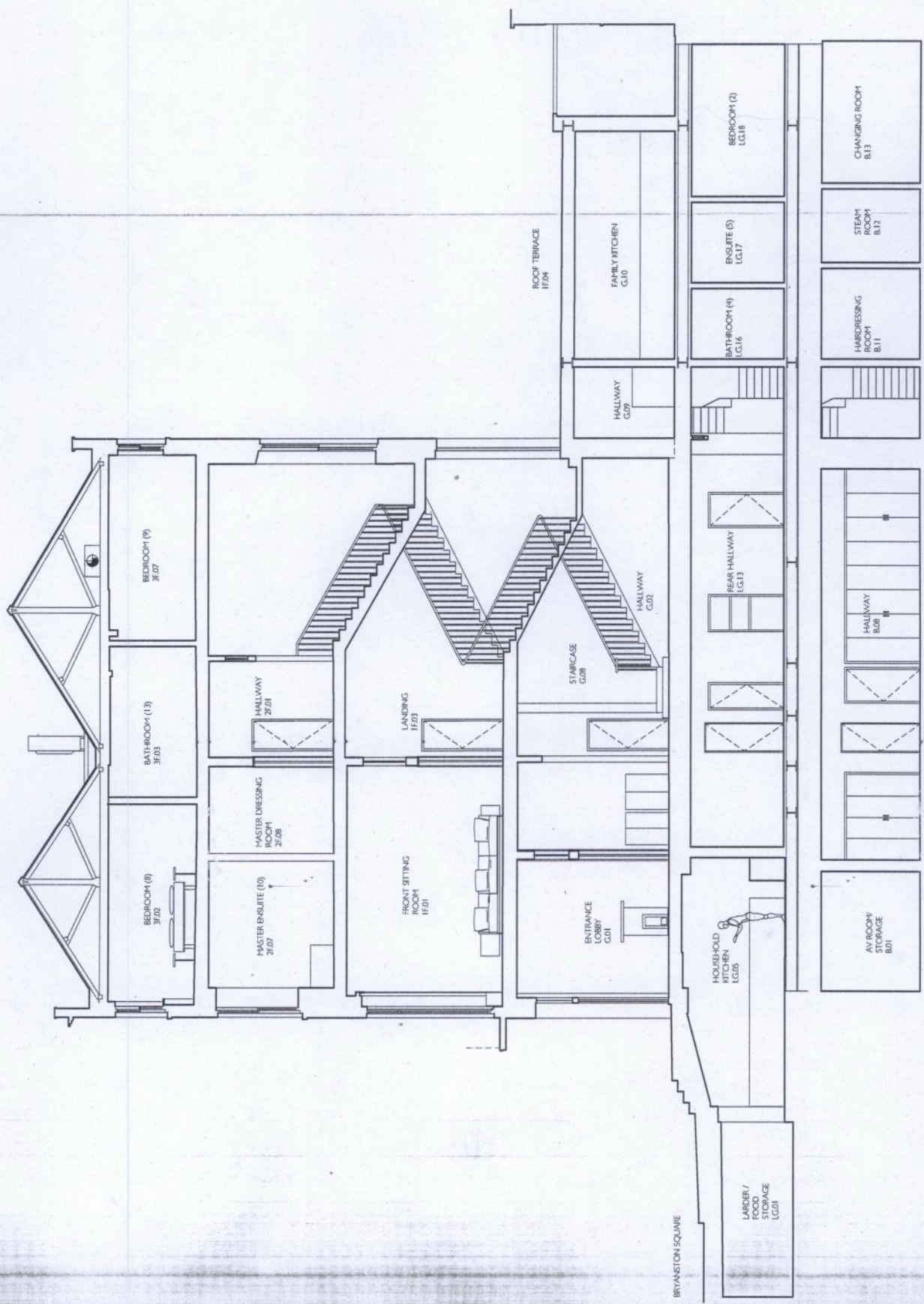


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Date: Feb 2015
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 Job No: 15 Brynaston Square
 Drawing Title: Section AA
 Project Name: Section AA
 Project Location: Section AA



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Type
PLANNING DRAWING

Draw no. P - 2014.06.200

Date: Nov 2014
 Scale: 1:10000/3
 Drawn/checked: ER / NM
 Client: Szeed Omar Al-Hweij
 Job title: 15 Bryanston Square
 Drawing title: Section AA
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