

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>33 Seymour Place, London, W1H 5AP,</b>		
<b>Proposal</b>	Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.		
<b>Agent</b>	JLL		
<b>On behalf of</b>	WLS Seymour Place Ltd		
<b>Registered Number</b>	15/02263/FULL 15/02264/LBC	<b>Date amended/ completed</b>	13 March 2015
<b>Date Application Received</b>	13 March 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

33 Seymour Place relates to two buildings, architecturally distinct but linked on all floor levels. The building to the south comprises basement, ground and four upper storeys and is known as Leo Baeck House. The building to the north is grade II listed and comprises basement, ground and two upper storeys. The buildings are the same height due to the taller floor to ceiling heights in the northern building. Both buildings are used in connection with the West London Synagogue (WSL). Permission is sought for the erection of a two storey roof extension to the northern building to accommodate five residential units. Rear extensions are also proposed along with the enlargement and repositioning of the rear stair enclosure.

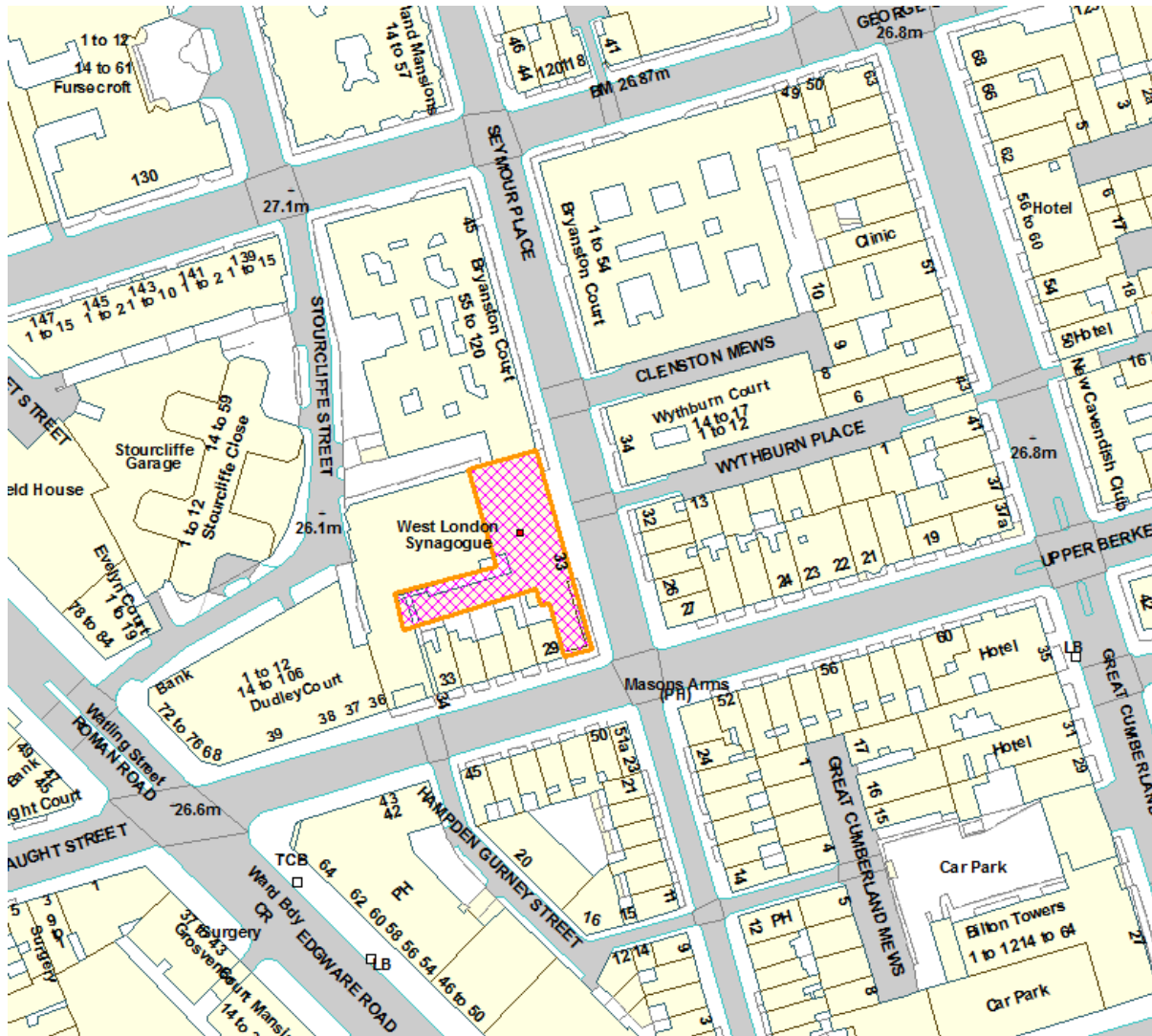
The key issues for consideration are:

- The loss of daylight and sunlight to neighbouring residential occupiers;

- The impact of the extension and terraces on overlooking; and
- The impact of the two storey roof extension on the listed building and the Portman Estate Conservation Area.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

Original Application

HISTORIC ENGLAND

Authorisation received

COUNCIL FOR BRITISH ARCHAEOLOGY

No objection

THE MARYLEBONE ASSOCIATION

No objection provided that the daylight/sunlight assessment satisfies policy requirements and there is no detriment to neighbouring amenity.

HIGHWAYS PLANNING MANAGER

Objection – lack of off-street car parking

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 224

Total No. of replies:11

No. of objections: 11

No. in support: 0

Objections received from neighbouring residential occupiers on some or all of the following grounds:

Land use

- No need for additional housing in the area

Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increase in noise from terraces

Parking

- Lack of off-street car parking

Other

- Increased security risk from the use of the terraces
- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Revised Application

THE MARYLEBONE ASSOCIATION  
Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 224  
Total No. of replies: 5  
No. of objections: 5  
No. in support: 0

Five objections from neighbouring residential occupiers on all or some of the following grounds:

Land use

- No need for additional housing in the area

Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increase in noise from terraces

Parking

- Lack of off-street car parking

Other

- Increased security risk from the use of the terraces
- Noise, dust and disruption from the construction works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

33 Seymour Place relates to two buildings, architecturally distinct but linked on all floor levels. The building to the south comprises basement, ground and four upper storeys and is known as Leo Baeck House. The building to the north is grade II listed and comprises basement, ground and two upper storeys. The buildings are the same height due to the taller floor to ceiling heights in the northern building. Both buildings are used in connection with the West London Synagogue (WSL). The main Synagogue building is not part of the application site. A school currently occupies part of the site and a nursery occupied the second floor level, with the roof at third floor level used as an external play area (for the nursery only). The whole site falls under Class D1 of the Use Classes Order.

The Grade II listed northern building abuts the large residential mansion block of Bryanston Court, There are also residential properties to the south on Upper Berkeley Street and opposite on Seymour Place.

## 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

Permission is sought for the erection of a two storey roof extension to the grade II listed building to the north of the application site. The extension will be set back from the front elevation and will comprise a sheer storey; this will then slope back to form the upper storey. Rear extensions are proposed at first, second and the new third to fourth floor levels. There is an existing escape staircase to the rear of the building which is currently set away from the boundary line with Bryanston Court. It is proposed to enclose the stairwell and include a full height lift. Due to the inclusion of the lift, the new enclosure will be built on the boundary with Bryanston Court. The new fourth and fifth floor level will be used as five residential units, with a new entrance proposed on Seymour Place. A terrace area at front third floor level is proposed, and part of the roof of the southern building (Leo Baeck House) will also be used as a terrace.

The application has been revised since its original submission. It was proposed to use the flat roof at rear second floor level as external amenity space in association with the existing school during the day and in association with the Synagogue during the evening. This element of the proposal was withdrawn by the applicant due to concerns raised by officers on amenity grounds.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

The introduction of 498sqm of residential floorspace complies with UDP Policy H3 and S14 of the City Plan and is therefore considered acceptable. Objections have been received to the increase in residential floorspace stating that the area already has sufficient residential properties. The main thrust of the City Council's policies is to increase the amount of residential floorspace throughout the City and it is considered that this objection is not sustainable to justify a reason for refusal.

The proposed mix would provide 2x1 beds, 1x2 bed and 2x3 bed units and therefore 40% would be provided as family-sized accommodation, this complies with UDP Policy H5. All the proposed flats comply with the minimum space standards set out in the London Plan.

The uplift in residential floorspace is below 1,000sqm and therefore the proposal does not trigger a requirement to provide affordable housing.

### 8.2 Townscape and Design

The proposals involve roof and rear extensions on the Seymour Street building, which was designed in a neo-Georgian style in the first half of the twentieth century. The building is

not listed in its own right but is listed by virtue of being within the curtilage of the Synagogue. It is a building which makes a positive contribution to the character and appearance of the Portman Estate Conservation Area

The additional height and bulk are considered acceptable in principle because the building to the north is significantly taller, and the proposed massing would make an acceptable transition from the lower building on the corner to the latter building.

At the front the roof extension takes the form of a double height mansard, with projecting dormers at third floor level and recessed dormers at fourth floor level. The shallow secondary pitch means that the bulk of the roof is much reduced in street level views. This is a traditional mansard form, in line with the supplementary planning guidance on roofs, and is considered acceptable. There will be no plant on the top of the roof, but some is contained within the rear extension.

At the rear the extensions is taken up sheer, in brickwork, with a service / stair core tower at the northern end: this helps tie-in the overhang of the roof extension with the rest of the building. The top floor is designed in a contemporary manner, extensively glazed but with bronzed coloured fins and lattice brickwork panels. Although unconventional this is an interesting contemporary design which will not harm the building.

The proposals are considered acceptable and in accordance with the City Council's urban design and conservation policies, including Unitary Development Plan policies DES 1, DES 6 and DES 9.

### 8.3 Residential Amenity

There are a number of residential properties in close proximity to the application site. To the north and adjoining the application site is a large residential mansion block known as Bryanston Court (flats 51-120). There are windows to the rear (south elevation) which are set back from the boundary with the application site. There is a residential block comprising 17 flats opposite the application site. To the south there are five separate residential properties (divided into flats); the rear windows of these properties overlook the flat roof at second floor level, and the side elevation of the synagogue.

#### Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent,



bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

#### 55 – 120 Bryanston Court

The existing rear escape stair is set away from the boundary of the application site and it is proposed to move the escape stair to the boundary of the application site, enclose it and incorporate a full height lift. As a result of the stair/lift enclosure, there are losses in daylight to some of the windows within Bryanston Court. The windows tested face south; they are set back from the boundary with the application site. There is a substantial fire exit for the flats in Bryanston Court separating the two buildings.

An objection has been received from the Chairman of Bryanston Court on behalf of all the residential flats.

Seventy windows have been tested and the majority of losses above 20% are to the lower levels of the building. No access has been gained to the residential flats within Bryanston Court, therefore the layout of the flats cannot be confirmed. The losses to VSC range from 1.07% to 44.32%; over the lower floors the high percentage losses can be attributed to the existing low levels of VSC received, with the actual losses being low.

#### Table showing some of the losses above 20%

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
First	W5/500	11.11	8.35	2.76	24.84%
First	W6/500	10.58	6.73	3.85	36.39%
First	W7/500	9.50	5.29	4.21	44.32%
Second	W5/501	15.83	12.64	3.19	20.15%
Second	W6/501	14.60	10.03	4.57	31.30%
Second	W7/501	12.75	7.47	5.28	41.41%
Third	W6/502	19.17	14.24	4.93	25.72%
Third	W7/502	15.88	10.02	5.86	36.90%
Third	W8/502	17.92	13.26	4.66	26%
Fourth	W6/503	22.83	18.14	4.69	20.54%
Fourth	W7/503	18.52	12.31	6.21	33.53%
Fourth	W8/503	20.69	15.50	5.19	25.08%

Fifth	W6/504	19.39	14.23	5.16	26.61%
Fifth	W8/504	23.72	18.20	5.52	23.27%
Sixth	W2/505	20.93	16.01	4.92	23.51%
Sixth	W7/505	30.65	24.11	6.54	21.34%

It is likely that the windows affected by the proposal facing into the lightwell are secondary windows, with windows to the main habitable space overlooking Seymour Place. However, this cannot be confirmed as access has not been gained to the building.

Notwithstanding the above, it is considered that the actual losses in VSC are low and the loss of daylight to these windows is unlikely to be noticeable by the occupants of the flats.

The majority of windows currently receive very good levels of winter and annual sunlight and there are losses to winter and annual sunlight above 20%. However, the remaining levels of sunlight is considered to be acceptable, considering the built up location of the site.

#### 1-50 Bryanston Court

This building is located to the north east of the application site. An objection has been received from one of the residents on the grounds that the scheme will result in a loss of sunlight to their flat. Access has been gained to this flat; the windows to the living room overlook 10 Wythburn Place and there are only oblique views of the application site. On this basis it is not considered that the proposal will have an adverse impact on the daylight or sunlight to this residential block.

#### 29 Upper Berkeley Street

This is a grade II listed building situated to the south of the application site and the buildings share a party wall. The building is divided into five flats and the windows face north. The application site extends in front of the rear windows within No.29 and this has an impact on the existing levels of light received by this property. Objections have been received from this property on the impact the proposal will have on daylight. Access has been gained to the top floor maisonette.

Windows at basement level lose over 20% of VSC; these windows have low levels of VSC and the percentage losses are high. There are also losses above 20% to the stairwell windows, but as these windows do not serve habitable accommodation the losses are considered acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
Basement	W1/100	5.52	2.94	2.58	46.74%
Basement	W2/100	4.82	2.74	2.08	43.15%
Ground	W1/101	6.45	4.27	2.18	33.80%

#### 30 Upper Berkeley Street

This is a grade II listed building situated to the south of the application site and is divided into six flats. No objections have been received from this property and therefore access has not been gained to the property.

Similarly with No.29, there are losses over 20% to the lower levels of the building where the existing levels of VSC are low, therefore the percentage loss is high. One window loses 84.23%: this window is at ground floor level and directly looks onto the side elevation of the synagogue building; it also likely that this window is used as a WC. It is considered on this basis the losses are acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
Basement	W1/120	3.72	1.79	1.93	51.88
Ground	W1/121	6.66	3.45	3.21	48.20%
Ground	W2/131	13.13	2.07	11.06	84.23%
First	W1/122	15.88	10.17	5.71	35.96%

### 31 Upper Berkeley Street

This is a grade II listed building situated south of the application site and is divided into flats. Similarly with the other buildings in this terrace the losses are confined to the lower levels of the building and three windows lose over 20% of VSC. It is considered that due to the existing levels of VSC that the proposed losses are acceptable in this instance.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

### 32 Upper Berkeley Street

This building is divided into two flats; the windows over the lower floors lose over 20% of VSC and it is likely that some of the windows will serve the stairwell. These windows have railings fixed to the outside and obscure glazing. It is considered that due to the low levels of VSC the occupants are unlikely to notice the losses to VSC and the scheme is therefore considered acceptable.

The windows do not need to be tested for sunlight as the face north and the development is to the north

### 34 Seymour Place

This building is opposite the application site and is divided into flats. The windows in this property face west, the building is slightly taller than the application site. None of the windows in this building lose more than 20% of VSC. There are small losses ranging between 0.21% and 8.38% and these are considered acceptable.

The losses to 26, 28, 30 and 32 Seymour Place are also below 20% and are considered acceptable.

The losses to sunlight are also within acceptable levels.

### **Privacy**

Objections have been received from residential flats opposite the application site on the grounds that there will be a loss of privacy from the proposed residential units at third and fourth floor level. It is recognised that there is already a degree of mutual overlooking between the two buildings. The objector notes as the application site is not used on a 24 hour basis and the impact of this mutual overlooking dissipates in the evening. The new residential windows are set back from the building edge by 2m, however a terrace area is proposed to the front of these set-back windows. The windows directly opposite the new extension, within 34 Seymour Place are set within the mansard and it is not considered that creation of a terrace in this location will cause a loss of privacy.

A terrace is also proposed to the roof of the southern building (third floor); this will be used by one of the proposed residential flats. An objection has been received from the top floor maisonette within 29 Upper Berkeley Street on the grounds that there will be a loss of privacy. It is considered that there is the potential for people using the terrace to overlook the objector's property. It is considered that the terrace should be set back from the rear elevation by 2m and its length along the roof by 3m to prevent a loss of privacy, and this is to be secured by condition. On this basis the proposed terrace is considered acceptable.

### **8.4 Transportation/Parking**

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 50%. During the day, the uptake is 90% meaning that on-street parking is already at 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site. Objections have been received from neighbouring residential occupiers on the grounds that the additional flats will have an adverse impact on on-street parking in the area.

The new flats will be in a location which is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs the impact on parking. The Highways Planning Manager has suggested lifetime membership to a car club is likely to reduce car ownership and a condition requiring car club membership for each flat is recommended.

No cycle parking is provided for the residential flats. As the flats will be built above the Class D1 use there is no space of the cycle parking to be accommodated. On this basis it is not considered reasonable that cycle parking can be accommodated in this building.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## 8.6 Access

A separate residential entrance will be created on Seymour Place. Level access will be provided, and this will lead to the stair and lift access to the upper floors.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

A new plant room is proposed at rear first and second floor level and this will be enclosed by the rear extensions. The Environmental Health officer has no objection to the proposal on the basis that a supplementary noise condition is attached to the decision.

### Noise

An objection has been received to the third floor terrace on noise grounds. The terrace is proposed to be reduced in size by condition, which will result in a terrace comprising 18sqm. It is considered that the terrace is not so large to have an impact on neighbouring residents and is acceptable.

## 8.8 London Plan

This application raises no strategic issues.

## 8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## 8.10 Planning Obligations

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

## 8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment

## 8.12 Other Issues

### Crime and security

An objection has been received on the grounds that the proposed roof terrace will pose a security risk for the adjacent residential flat at 29 Upper Berkeley Street. As previously mentioned, it is proposed to impose a condition to ensure that the terrace is set away from this property. On this basis it is considered that the terrace will not cause security implications.

## 9. BACKGROUND PAPERS

1. Application form

2. Letter from Historic England dated 30 April 2015
3. Letter from the Council of British Archaeology dated 3 July 2015
4. Response from The Marylebone Association dated 6 May 2015
5. Response from Highways Planning Manager, dated 22 April 2015
6. Response from Environmental Health, dated 28 April 2015
7. Letters from occupier of 50 Bryanston Court, George Street, dated 17 and 19 April 2015
8. Letter from occupier of Flat 1 , 29 Upper Berkeley Street, dated 6 May 2015
9. Letter from occupier of Flat 5, 29 Upper Berkeley Street, dated 29 April 2015
10. Letter from occupier of Flat 2, 29 Upper Berkeley Street, dated 29 April 2015
11. Letters from the Chairman Bryanston Court, George Street, dated 25 April 2015 and 5 May 2015
12. Letters from occupier of 84 Bryanston Court 2, George Street, dated 27 April 2015 and 13 July 2015
13. Letter from occupier of 10 Wythburn Court, 34 Seymour Place, dated 27 April 2015
14. Letter from occupier of 47 Bryanston Court, 133 George Street, dated 4 May 2015

#### Revised application

15. Letter from occupier of Flat 47 Bryanston Court, George Street, dated 10 November 2015
16. Letter from the Chairman of Bryanston Court, George Street, dated 2 November 2015
17. Letter from Managing Agent of Wythburn Court, London, dated 2 November 2015
18. Letter from occupier of 12 Wythburn Court, London, dated 5 November 2015
19. Email from occupier of Flat 5, 29 Upper Berkeley Street dated 14 December 2015

#### **Selected relevant drawings**

(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 PAUL QUAYLE BY EMAIL  
AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)





NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	PROJECT	CLIENT

**SPPARC**  
ARCHITECTS LTD

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33 SEYMOUR PLACE WITH SAU

EXISTING SEYMOUR PLACE ELEVATION

Client: WLS SEYMOUR PLACE LTD

Project: 1210\_SP-E-25-MF-01-01

Scale: 1:100

Date: 15.09.18

Sheet: P1

PLANNING

Existing and proposed front elevation



NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	PROJECT	CLIENT

**SPPARC**  
ARCHITECTS LTD

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33 SEYMOUR PLACE WITH SAU

PROPOSED FRONT ELEVATION

Client: Grosvenor Securities Ltd.

Project: 1210\_SP-S-25-MF-02-01

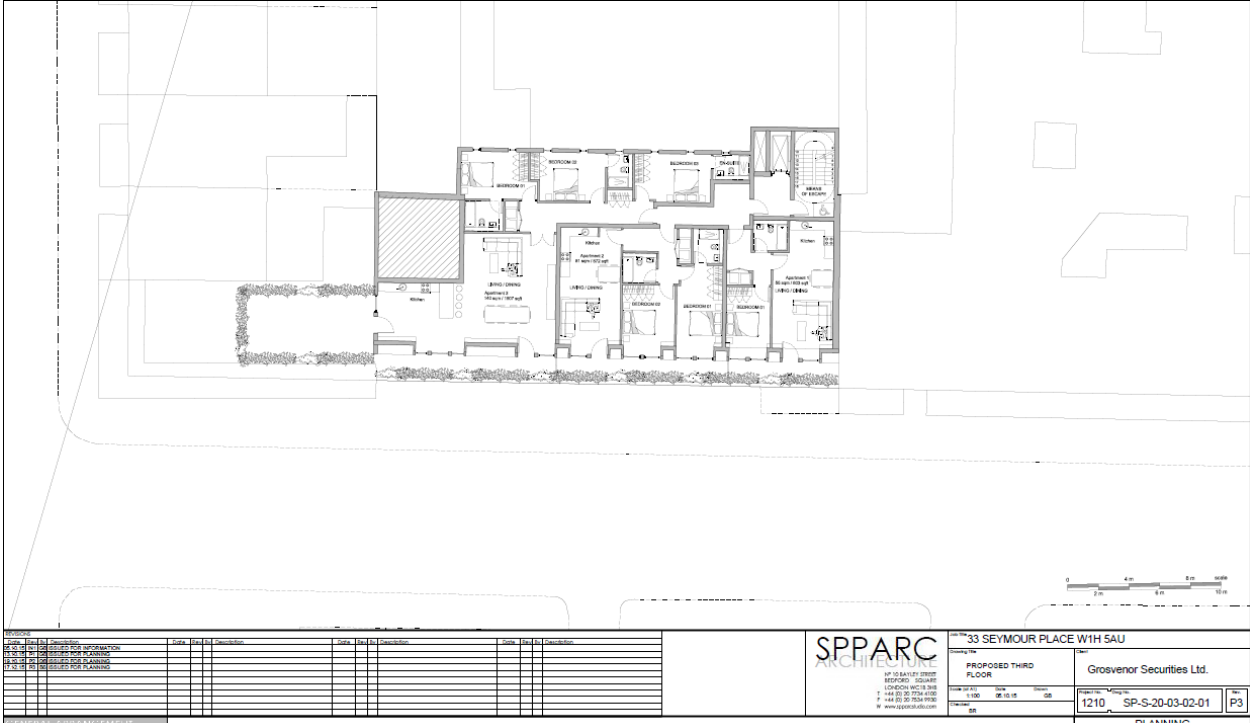
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Date: 08

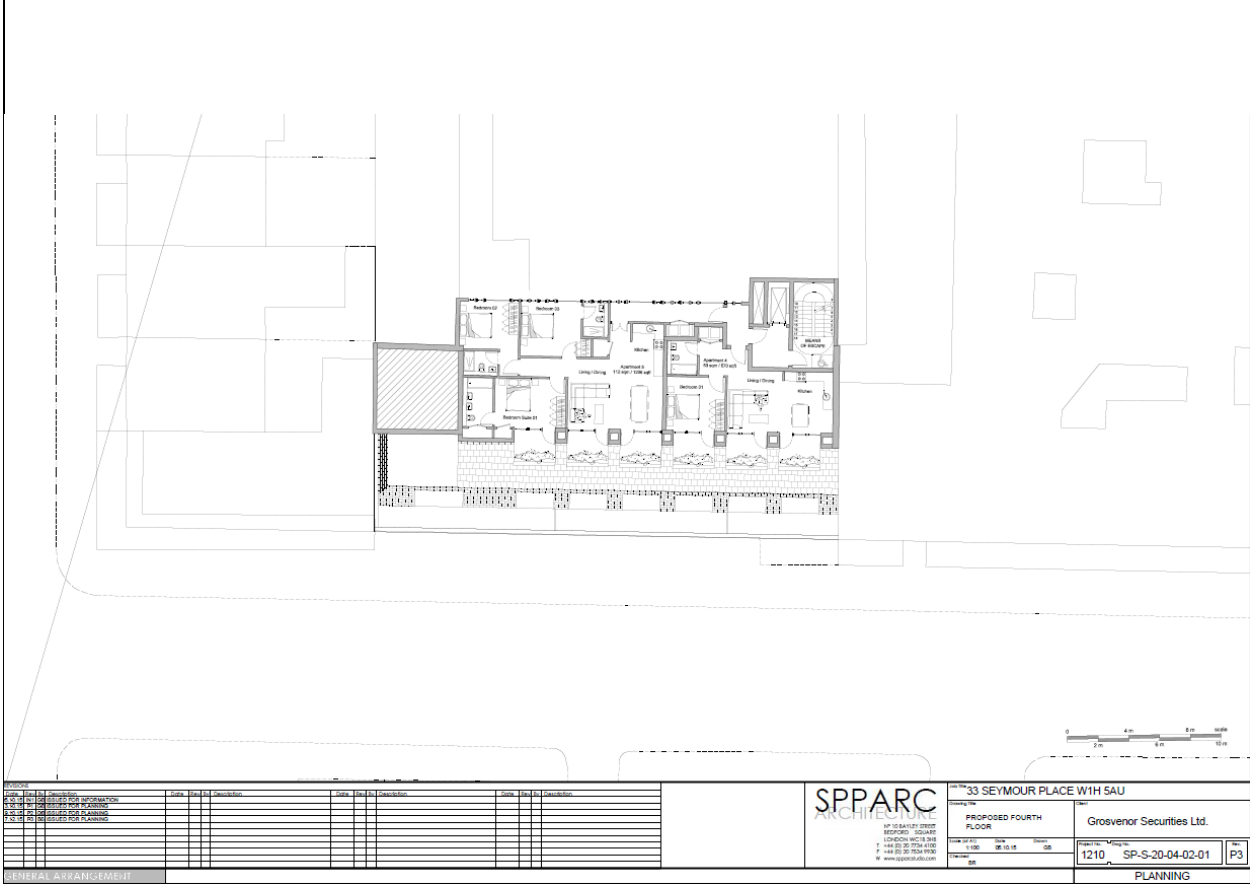
Sheet: P2

PLANNING





Proposed third and fourth floor



**DRAFT DECISION LETTER**

**Address:** 33 Seymour Place, London, W1H 5AP,

**Proposal:** Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.

**Plan Nos:** SP-S-25-MF-02-02 P2, SP-S-26-MF-02-01 P2, SP-S-20-02-01-01 P5, SP-S-20-04-02-01 P3, SP-S-20-0G-01-01 P2, SP-S-20-01-01-01 P5, SP-S-20-03-02-01 P3, SP-S-20-0R-01-01 P3, SP-S-25-MF-02-01 P2

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**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 listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 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)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

- the terrace at third floor level must be set back from the rear elevation by 2m and set back (in length) from the Upper Berkeley Street by 3m.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 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 L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 9 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 10 You must carry out any building work which can be heard at the boundary of the site only:

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring 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 Conditions 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 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.**

- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

**DRAFT DECISION LETTER**

**Address:** 33 Seymour Place, London, W1H 5AP,

**Proposal:** Erection of a two storey roof extension on the northern building for use as five residential flats and creation of a new ground floor entrance door in Seymour Place with associated terraces at third and new fourth and fifth floor levels and on the flat roof of the southern building. Erection of extensions at rear first to new fourth floor to accommodate the new residential access, and a new plant room at rear first floor level.

**Plan Nos:** SP-S-25-MF-02-02 P2, SP-S-26-MF-02-01 P2, SP-S-20-02-01-01 P5, SP-S-20-04-02-01 P3, SP-S-20-0G-01-01 P2, SP-S-20-01-01-01 P5, SP-S-20-03-02-01 P3, SP-S-20-0R-01-01 P3, SP-S-25-MF-02-01 P2

**Case Officer:** Helen MacKenzie **Direct Tel. No.** 020 7641 2921

**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 listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you

have sent us. You must then carry out the work using the approved materials. (C26BC)

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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)

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**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.



Item No.
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