

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	30-31 Leinster Square, London, W2 4NQ,		
Proposal	Use of building as 8 residential flats (Class C3) with associated alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells and garden alterations. Internal alterations including lowering of the pavement vaults and installation of a lift.		
Agent	Simon Roberts		
On behalf of	FSR Acquire Ltd		
Registered Number	15/10884/FULL & 15/10885/LBC	Date amended/ completed	5 April 2016
Date Application Received	24 November 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1) Grant conditional permission subject to a S106 legal agreement to secure the following:

a) Provision of £125,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2) Refuse listed building consent.

2. SUMMARY

30-31 Leinster Square is an amalgamated pair of Grade II Listed terraced properties located within the Bayswater Conservation Area. Planning permission is sought for the change of use of the building from a hostel (sui generis) to residential (Class C3) to provide 8 residential flats with associated alterations, including new rear infill extensions at lower ground and ground floors, and the installation of a lift overrun. Listed building consent is sought for associated works including internal reconfiguration, removal of partition walls and installation of lift and the renovation of external facades.

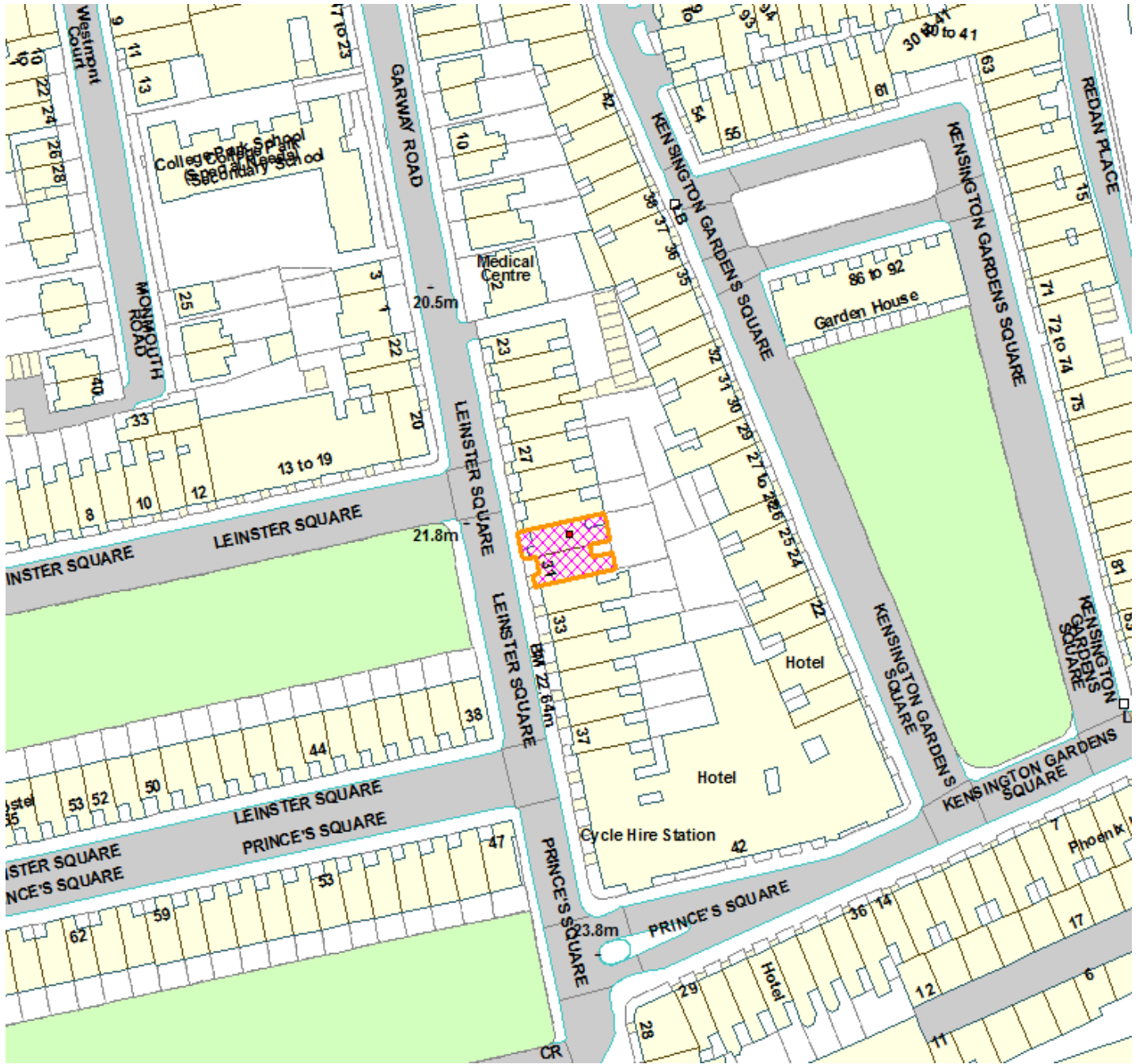
The key issues are:

- The acceptability of the loss of hostel use;
- The lack of affordable housing provision and the below policy compliant payment in lieu offer;
- The impact of the works on the character and appearance of the Grade II listed building and the Bayswater Conservation Area

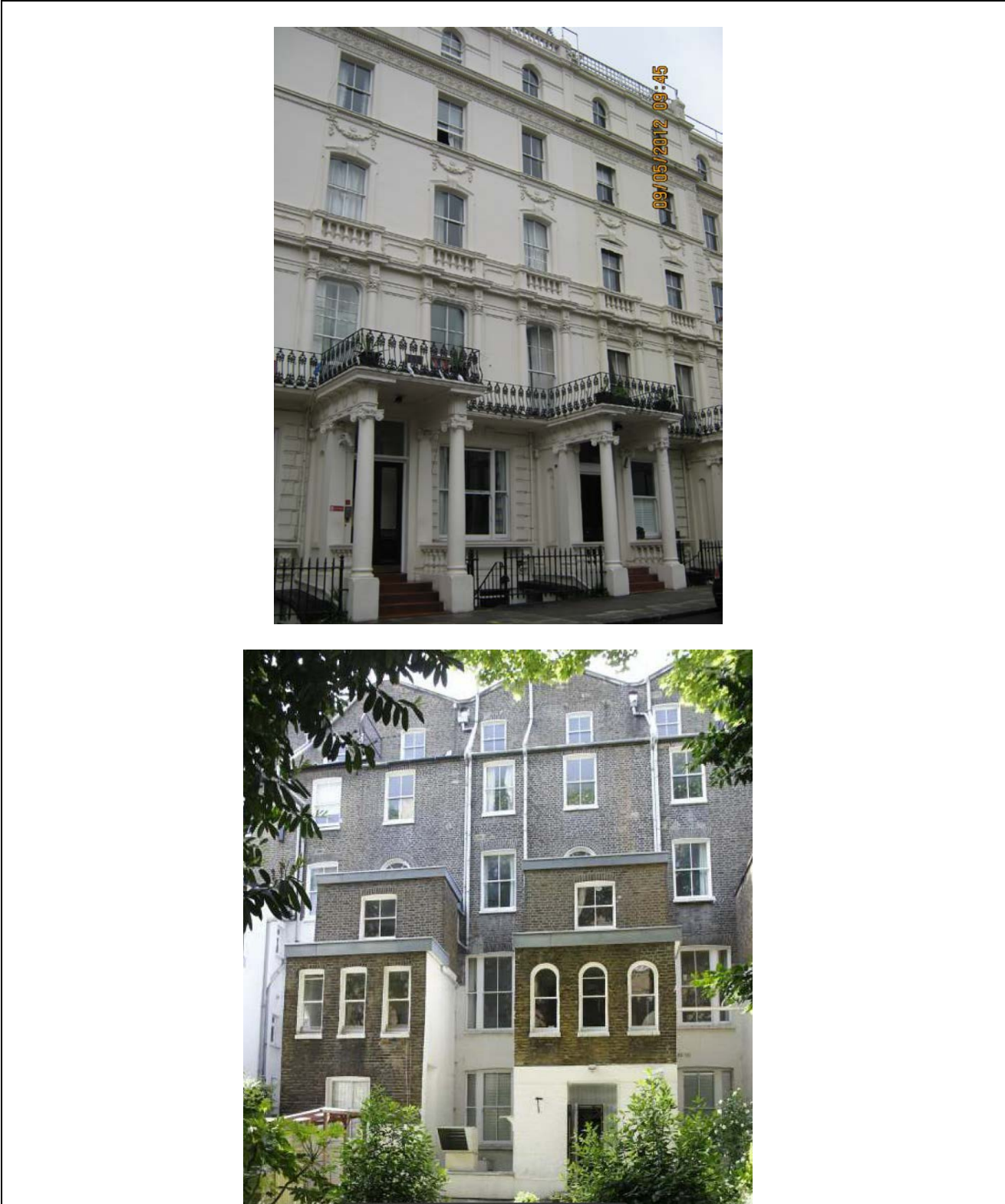
The planning application is considered, on balance, acceptable in land use, amenity, and design terms and is in accordance with policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and is therefore recommended for approval.

The listed building consent application is considered unacceptable in terms of the impact of the works on the special interest / significance of this Grade II listed building and it is therefore recommended that this is refused.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

Bayswater Residents Association

Approve change of use to residential however state that car parking for 8 flats will be an issue.

Designing Out Crime Group

Will not make any official comment on an application of this size.

Arboricultural Section

Any comments to be reported verbally.

Environmental Health

No objection subject to standard noise conditions.

Cleansing

Objection on the grounds of inadequate waste store provision.

Highways Planning

No objection to there being no off street car parking provided because survey data shows the area within the sites vicinity as below the 80% off street car parking occupancy threshold. The development would therefore be consistent with TRANS 23. Cycle car parking provision according to FALP should be increased from 8 spaces to 14 and should be conditioned to ensure this provision.

City Council's Commissioning Manager – Rough Sleeping

Response stating that in 2014, it was considered that there was no longer a need for such a hostel in Bayswater and therefore it was recommended that the hostel be de-commissioned.

St Mungo's

Response stating that there were no funds available to buy and retain this building as a hostel.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 129

Total No. of replies: 3

No. of objections: 1

No. in support: 2

1 letter of objection on the following grounds;

Amenity

- noise impact of new plant room and lift overrun
- loss of privacy

Design and Conservation

- loss of visual amenity
- changes to the roof will affect the listed building detrimentally
- the property is located within conservation area where few properties have condensing units or lifts at roof level.

2 letter of support have been received on the grounds that the previous hostel caused noise and anti-social problems and therefore the residential units are welcomed in principle.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

30-31 Leinster Square is a converted pair of Grade II Listed terraced properties located within the Bayswater Conservation Area. Its most recent use has been as a hostel (operated by Look Ahead) for the homeless with 29 rooms and shared communal facilities, however the building is now vacant. The properties were listed in 1965.

6.2 Recent Relevant History

13/00807/FULL

Installation of extractor flue within the rear lightwell.

Application Permitted 3 September 2013

13/00808/LBC

Installation of new extractor flue within the rear lightwell.

Application Permitted 3 September 2013

7. THE PROPOSAL

Planning permission is sought to use the building as 8 residential flats with associated alterations including renovation of external facades, internal works, new rear infill extensions at lower ground and ground floors, and the installation of a lift. The units comprise of two x 3 bed, four x 2 bed, one x 1 bed and a studio.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of hostel

Under UDP Policy H6 and City Plan Policy S15, hostels are protected uses as they provide valuable affordable housing required to meet specialist housing needs. Policy H6 of the UDP states that planning permission will only be granted for the change of use of hostels to housing, however the existing hostel must be surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location. The policy goes on to state that the City Council will require the developer to demonstrate that the hostel is not required by the current occupier and that it has been marketed as a hostel in order to prove that it is surplus to requirements.

The applicant has not produced evidence that the property has been actively widely marketed as a hostel. It would appear that instead the property was marketed purely on the instruction to achieve the highest price. According to the applicant, a targeted marketing exercise was carried out with letters sent to four hostel operators on 3rd November 2015, three weeks prior to the initial submission of the planning application.

Officers have not seen any evidence of this. The applicant has confirmed that no responses were received to these letters.

Following requests during the course of the application, the applicant provided a report from Savoy Stewart (a commercial property surveyors and estate agents) regarding the suitability for the continued use of the property as a hostel. This report concludes that there was clear evidence that with the level of London property prices and the cost of bringing the property into a good standard of repair, it would not be able to be run as a profitable hostel when considering the amount of beds that can be provided, compared to the levels of income that it is estimated this property could generate. The report states that four hostel operators made contact with the agent marketing the property following the initial marketing exercise however none followed this up with the submission of a bid. The agent has stated that all these hostel operators were ones which provide overnight accommodation for budget travellers.

In addition, the applicant has submitted an appraisal by Lacayo Wolfe (design consultant) of the site, which concludes that a significant amount of investment would be required on the property for it to comply with City of Westminster HMO regulations, building regulations, equalities requirements and Health and Safety legislation. This together with the listed building restrictions and cost of acquisition, it claims would mean it is unlikely to appeal to a commercial hostel operator.

The City Council's Commissioning Manager for Rough Sleeping has confirmed that when they worked with the provider of the previous hostel use, Look Ahead, to decommission the use, the Council was confident that there was no longer a need for this particular hostel use. A copy of a letter from the City Council's Strategic Director for Housing dated September 2014 (included in the applicant's submission) states that although the property was not identified as requiring closure, Look Ahead feel that due to the condition of the building and cost of necessary works they felt it is not feasible for the hostel to remain in operation and that it was agreed that the hostel will no longer operate as of 31 March 2015. The letter goes on to state that the Council does not intend to commission any other supported housing service on the site.

This information does not make it clear that there is no longer demand for the hostel use, although it does provide a background as to why the previous operator chose to cease the hostel use at the site.

Policy H6 further requires that the City Council will consult hostel operators to see whether there is a demand for the use of the hostel and whether funding is available to purchase the hostel at a price that reflects the hostel use. The City Council contacted four hostel operators in an attempt to identify the level of demand and funding. One letter of response was received from St Mungo's, stating that it did not have the funds available to buy and retain the building as a hostel.

Although the applicant has only undertaken a limited marketing exercise of the property as a hostel, as required by policy H6, on balance the information submitted along with the City Council's own consultation exercise suggests that there is no evidence that there remains a clear demand for the hostel use. In this instance therefore, there is considered to be no objection to the loss of the existing hostel.

Residential use

Policy H6 states that the only permitted change of use from hostel will be to housing. City Plan policy S14 and UDP policy H3 seek to optimise housing delivery and prioritise residential use in Westminster. The change of use therefore accords with these policies.

The proposed mix of units includes two x 3 bed, four x 2 bed, one x 1 bed and one studio. Although the proposals fall short of the City Council's mix of unit requirements under Policy H5, in that only 25% of the development will be family sized, it is not considered in this instance to be an unacceptable mix. All units meet the Nationally Described Space Standards (Technical Housing Standards DCLG 2015) and are considered to provide a suitable standard of accommodation with adequate natural light and ventilation.

Private amenity space is proposed to four of the units. Whilst provision has not been made for the other flats, primarily for design and listed building reasons, the proposals are considered acceptable and to accord with policy H10 of the UDP.

Affordable housing

Policy S16 of the City Plan requires that in new residential schemes of 10 or more additional units or 1,000+ sqm (GEA) of additional floor space an element of on-site affordable housing should be provided. In this case, the creation of 1126m² of new residential floor space requires 80m² of the floor space to be provided as affordable housing.

The policy requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible. In this case the policy compliant payment in lieu would be £307,573.

The applicant argues that providing affordable housing on site will make their development unviable and have provided a viability assessment to support this. The Council's independent consultants, Lambert Smith Hampton accept this position and confirm that this cannot be accommodated within the current scheme given the alterations required to bring this property upto standard and having regard to the listed building.

Subsequent to this, the applicant initially argued that providing any payment in lieu for affordable housing would also make their development unviable. Following negotiations and discussions Lambert Smith Hampton have concluded that the proposal shows a notional surplus of £42,000.

Notwithstanding this, the applicant has offered a payment of £125,000 which is welcomed and this is to be secured by legal agreement.

Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

The relevant policies in the assessment of this application are DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP and S25 and S28 of the City Plan.

Firstly, it is worth noting that the hostel was a longstanding use and many alterations in terms of room divisions and bathrooms/toilets and the rooftop plant room appear to have been carried out at an unknown time in the past, although likely to be during or before the 1970s and there is no evidence of listed building consent being granted. It is possible that some of the works occurred prior to listing.

Internal Works

A lift is proposed from basement to fourth floor within no.30. The applicant argues that the new lift is required to make the building viable and that the lift causes no harm because it occupies the position of an existing riser, which has already caused harm to the listed building.

Whilst it is acknowledged that there is an existing riser, this is a small feature occupying approximately 25% of the area of the lift and is not sufficient justification for the lift on its own. The new lift, which will be accompanied by a new riser will exacerbate the the loss of historic fabric (floors and ceilings) associated with cutting through all floors and inserting a steel or concrete shaft. Unlike functional additions such as bathrooms and kitchens, which can be treated as pods within rooms and therefore mitigating their impact, the lift shaft has to run from floor to ceiling and imposes a major volume into the floor plan and rooms, creating some unusual and truncated room sizes and proportions, harmful to the floor plan.

The proposed lift would be accessed from the staircase compartment of no.30. This is an original compartment as is the staircase and retains elements of historic fabric and detailing. The positioning of a lift opening off this space would significantly erode the character and special interest of this space, compromising its historic interior.

As well as its harmful intervention on the floor plan, the lift would result in the loss of parts of the roof structure, from a projecting lift overrun which will sit adjacent the unauthorised roof plant room which straddles the two properties. The lift would involve the removal of a section of both sides of the butterfly roof to create an overrun. Visually, this is considered to further diminish the roof due to it bridging the gutter, affecting the pitches and the central spine of the roof. The applicant argues that further to installation of the roof overrun, the butterfly roof will be restored and what would remain of the roof would be slated in natural slate. However, officers do not accept this mitigation as offering sufficient public benefits as to outweigh the harm caused by the lift's insertion.

An appeal against the refusal of listed building consent for an internal lift from basement to roof level in the rear room at 34 Leinster Square was dismissed in 2014 (the appeal decision for this is contained within the background papers). The impact on the internal character and structure and issues of harm and public benefits were part of the informal hearing discussion. The Inspector considered that:-

“The NPPF (para 134) requires that when considering the impact of a proposed development on the significance of listed buildings, great weight should be given to their conservation and that any harm or loss should require clear and convincing justification.

Where a development proposal would lead to harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

Public benefits should be of a scale or nature to the public at large and should not be just a private benefit”.

The Inspector found that the lift would cause harm to the historic building through the loss of fabric, the number of rooms being truncated and the impact on the butterfly roof. While there would be easier access to the upper floors, there would still be steps to the front door and therefore there would not be wheel chair access to the rooms.

The Inspector found that that there was no persuasive evidence that the building would not be viable or saleable without a lift. He found that the limited public benefits would not outweigh the harm to the special interest of the listed building and dismissed the appeal.

As referred to above, the applicant argues that the lift is required to make the new accommodation viable. Given that the majority of the listed properties in the area do not have a lift and the accommodation remains as high value and highly desirable residential accommodation, this applicant's justification is not considered to outweigh the harm caused to the listed building.

As a final point to note in regards to the lift overrun, the addition of another alien feature to the butterfly roof exacerbates the impact of the existing oversized plant room. There is no record of planning permission or listed building consent being granted for this plant room and thus it is not considered that a harmful addition to the roofscape, in the form of the plant room, which did not benefit from planning permission or listed building consent, can be regarded as an acceptable basis upon which to aggravate this harm.

In terms of other alterations to the interiors, these include a re-ordering of partitions and the introduction of new services and incorporate spaces which impact on the floor plan. For example, one room is annotated on the floor plan for each level 'hydro' and one for 'plant vent'. The impact of these installations further compromise the historic plan form and should be avoided, with options explored which minimise services impacts. Officers note that a communal heating system and heat recovery system may be more appropriate, providing a more sensitive approach is undertaken as this would create a less cluttered floor plan. At ground and first floors, which are areas which should be afforded most care, the original ceilings which still exist are being overboarded with plasterboard seemingly to meet building regulations. Again it is considered that alternative options to address sound transfer and fire protection are considered. The ground floor bulkhead has still not been investigated, despite requests, to see what fabric exists beneath and therefore at this time the proposals are considered unacceptable. Other internal works are proposed including oversized lobbies being created, particularly at first floor level. These lobbies are considered to be too large and have a harmful impact on the floor plan. At second, third and fourth floor level all the partitions are being removed. Whilst many of these are likely to be non-original, some of them will be original but no investigation has been made as to which ones are original and therefore no attempt to retain original fabric and plan form has been made.

While it is acknowledged that the plan form and interior of these buildings has been altered, albeit with no evidence of consent, the historic plan form remains discernible and elements of the historic fabric survive throughout. There is every opportunity to develop a scheme which seeks to restore and enhance the historic interior, but instead the current proposal only exacerbates the harm already caused and does so in a less ephemeral way.

It is noted that the statutory duty as stipulated in the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for

any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is not considered that this duty would be served by accepting the current proposal.

External Works

At the rear, two, two-storey infill extensions are proposed at lower ground and ground floor level. These extensions are of a contemporary design which would normally be considered contentious in design and listed building terms. However, as they are sited between the existing closet wing projections and the side elevations of adjacent properties and are recessed behind the existing building line, the visibility of the extensions is considered to be minimal and therefore the character and appearance of the conservation area is not considered to be harmed. Extensions of this nature would normally be considered unacceptable as the associated alterations to change the rear ground floor window to a door to allow access to the proposed room space is often considered unacceptable in listed building terms. In this instance however, the large ground floor window is retained and access is achieved through an opening in the closet wing, which is of lesser interest.

Other external changes include the general refurbishment of facades, including windows (now largely retained, rather than replaced with double glazing as originally proposed), the removal of unnecessary pipes, wires etc, redecorating and stucco repairs. The external fabric is largely in good condition so much of the refurbishment works proposed will be minimal and are not considered to result in harm to the listed building. Retiling of the entrance and the new stone basement steps and paving are improvements and are welcomed.

Conclusion

Whilst there are merits to the application both in conservation and listed building terms, there remain a number of harmful elements associated with the residential use on the integrity of the listed buildings. In the terms of the NPPF the degree of harm caused is considered to be less than substantial and in such circumstances paragraph 134 indicates that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there are not considered to be public benefits which outweigh the harm caused and there is no evidence that the properties would be unviable, in the absence of the proposed internal alterations. It is therefore recommended that the listed building consent application is refused.

While the lift overrun is considered to have a harmful impact upon the historic roof form, it is considered that the external works would not have a harmful impact on the Bayswater Conservation Area and it is therefore recommended that planning permission be approved.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the City Plan aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight. Policy ENV7 of the UDP relates to noise from plant and machinery and internal activity and sets out noise standards to be achieved in relation to noise sensitive properties.

One objection has been received from a neighbour on the grounds of potential noise disturbance from the proposed roof top plant. The City Council's Environmental Health officers has assessed the submitted acoustic report and have concluded that the proposed plant is likely to meet the Council's noise criteria and therefore has no objection to the proposal, subject to standard noise conditions.

The proposed lift overrun is set back from the roof parapet and would have no impact on neighbouring properties in terms of residential amenity.

The lower ground and ground floor rear extensions are relatively modest in size and are infill extensions confined to the areas between existing closet wings, sited lower than the existing garden boundary treatments. It is therefore considered that there will be no impact in terms of overlooking, loss of daylight or sunlight or sense of enclosure on neighbouring properties.

Two terraces are proposed above the extensions at first floor level, however, as these are located between the closet wings and behind the existing building line it is not considered that these will result in any significant overlooking to neighbouring properties.

The use of the building as permanent residential accommodation rather than as hostel accommodation is welcomed.

The proposals are therefore acceptable in amenity terms.

8.4 Transportation/Parking

The Bayswater Residents Association has raised concerns regarding the eight additional residential units impact on parking in the area however the Highways Planning Manager has no objection to there being no off street car parking provision because survey data shows the area within the vicinity of the site is below the 80% off street car parking occupancy threshold. The development is therefore considered to be consistent with TRANS 23.

Eight cycle parking spaces are proposed within the front lightwell of the property. The Highways Planning Manager has stated that the London Plan requires that such a development should make provision for 14 cycle parking spaces. It is considered that this additional requirement can be accommodated within the building or the vaults, and therefore it is suggested that a condition to secure this is to be attached to any permission granted.

8.5 Economic Considerations

It is estimated that the proposal will require a Mayoral CIL contribution of £3,347 and a Westminster CIL contribution of £24,000.

8.6 Access

Access arrangements will not be significantly altered by the proposal.

8.7 Other UDP/Westminster Policy Considerations

The City Council's Cleansing officer has stated that the proposed waste and recycling storage provision is inadequate however it is intended that this will be secured by way of condition.

The City Council's arboricultural Officer has assessed the submitted tree survey and arboricultural impact assessment and has no objection to the proposals for the rear extensions subject to tree protection and landscaping conditions being placed on any permission.

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

A payment in lieu of £125,000 for affordable housing will be secured by a legal agreement.

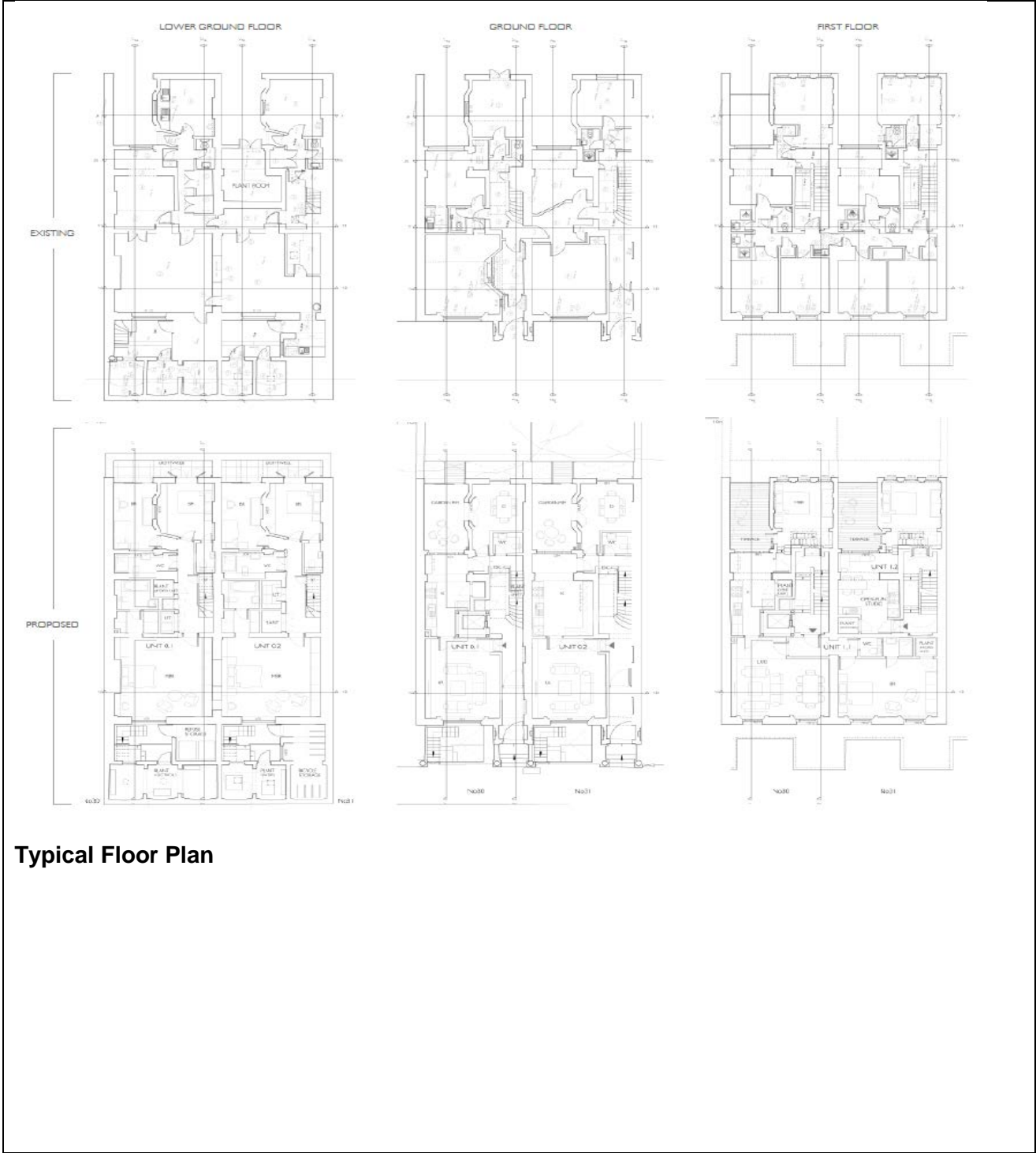
The estimated Westminster CIL payment is £24,000 and the Mayor of London's CIL payment is £3,347.

9. BACKGROUND PAPERS

1. Application form
2. Table of floor areas.
3. Resonse from Bayswater Residents Association 9 December 2015
4. Response from Designing Out Crime, dated 1 June 2016
5. Response from EH Consultation, dated 2 February 2016
6. Response from Arboricultural Section dated 11 July 2016
7. Response from Cleansing dated 18 December 2015
8. Response from Highways Planning dated 22 December 2015
9. Response from St Mungo's dated 15 July 2016
10. Response from Rough Sleeping Team dated 2 August 2016
11. Letter from occupier of 32F Leinster Square, London, dated 23 December 2015
12. Letter from occupier of 32 Leinster Square, London, dated 7 January 2016
13. Letter from occupier of 27F Leinster Square, London, dated 25 July 2016
14. Appeal Decision dated 14 April 2014.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk



Typical Floor Plan

DRAFT DECISION LETTER-15/10884/FULL

Address: 30-31 Leinster Square, London, W2 4NQ,

Proposal: Use of building as 8 residential flats (Class C3) with associated alterations including a lift overrun at roof level, renovation of external facades, alterations to windows, minor increase in height to parapets and new rear infill extensions at lower ground and ground floors with associated lightwells,

Reference: 15/10884/FULL

Plan Nos: E(--)B1RevB; E(--)00RevB; E(--)01RevB; E(--)02RevB; E(--)03RevB; E(--)04RevB; E(--)05RevB; L(so)00RevD; L(so)001RevD; L(so)002RevD; L(so)B1RevD; P(12)00RevC; P(12)01RevC; P(12)02RevC; P(12)03RevC; P(12)04RevC; P(12)B1RevC; P(--)00RevJ; P(--)01RevK; P(--)02RevH; P(--)03RevJ; P(--)04RevH; P(--)09RevE; P(--)10RevC; P(--)11RevC; P(--)20RevE; P(--)B1RevJ; P(30)00RevA; P(30)01RevA; P(30)02RevA; P(30)03RevA; P(30)04RevA; P(30)B1RevA. Planning Statement; Arboricultural Survey; Arboricultural Impact Assessment dated October 2015; Heritage Statement dated November 2015; Design and Access Statement Rev A dated March 2016; Appraisal Report; letter dated 16 March 2016; Legal Advice dated 14 March 2016; Report by Savoy Stewart dated 15 March 2016; Structural Engineers Report; Acoustic Report; Environmental & Energy Assessment Rev2 19 November 2015.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

4. You must apply to us for approval of details of the following parts of the development ;

- Sample of the stone to be used for re tiling the basement steps and paving
- Detailed drawings of the joinery of any windows to be replaced.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

5. The metal framing used for the glazed rear extensions must be dark grey in colour.

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 (July 2016) 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)

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 (July 2016), 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 detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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

Reason:

To protect the trees and the character and appearance of this part of the Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

10. You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building.. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

11. You must apply to us for approval of details of 14 secure cycle storage for the building. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

Informatives

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), 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 site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

3. Please read the following.

* British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction

* National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)

* Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

4. The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

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

6. The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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

DRAFT DECISION LETTER 15/10885/LBC

Address: 30 Leinster Square, London, W2 4NQ,

Proposal: Alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells and garden alterations. Internal alterations at all levels, including lowering of the pavement vaults and installation of a lift in association with the use of the building as a 8 residential flats.

Plan Nos: E(--)B1RevB; E(--)00RevB; E(--)01RevB; E(--)02RevB; E(--)03RevB; E(--)04RevB; E(--)05RevB; L(so)00RevD; L(so)001RevD; L(so)002RevD; L(so)B1RevD; P(12)00RevC; P(12)01RevC; P(12)02RevC; P(12)03RevC; P(12)04RevC; P(12)B1RevC; P(--)00RevJ; P(--)01RevK; P(--)02RevH; P(--)03RevJ; P(--)04RevH; P(--)09RevE; P(--)10RevC; P(--)11RevC; P(--)20RevE; P(--)B1RevJ; P(30)00RevA; P(30)01RevA; P(30)02RevA; P(30)03RevA; P(30)04RevA; P(30)B1RevA. Planning Statement; Arboricultural Survey; Arboricultural Impact Assessment dated October 2015; Heritage Statement dated November 2015; Design and Access Statement Rev A dated March 2016; Appraisal Report; letter dated 16 March 2016; Legal Advice dated 14 March 2016; Report by Savoy Stewart dated 15 March 2016; Structural Engineers Report; Acoustic Report; Environmental& Energy Assessment Rev2 19 November 2015.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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

Reason:

- 1 Because of the impact of the proposed lift overrun, internal works, including partitions, lift shaft and introduction of services and loss of fabric on the character and integrity of the building, the works would harm the internal character of these grade II listed buildings. This would be against the advice set out in S25 and S28 of Westminster's City Plan adopted July 2016 and DES 1, DES 10 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 2.3 and 2.4 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

- 2 Because of the impact of the new roof level interventions on the form and appearance of the butterfly roof the proposed lift shaft overrun would harm the appearance and integrity of the roof structure and harm the special interest / significance of these grade II listed buildings. This would not meet S 25 of Westminster's City Plan adopted July 2016 and DES 1, DES 6 and paras 10.108 to 10.146 of our Unitary Development Plan that adopted in January 2007.

The works are contrary to advice contained in the National Planning Policy Framework (NPPF) section 12 and adopted and published supplementary planning guidance namely Roofs: A Guide to Alterations Extensions on Domestic Buildings (City Of Westminster: 1995) and Repairs and Alterations to Listed Buildings (City of Westminster: 1996).