

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Clarewood Court, 86 Seymour Place, London, W1H 2NG		
Proposal	Erection of a single storey roof extension to rear block to provide two residential units (Class C3) with roof terraces and associated screening. Extension of existing chimney stacks and provision of cycle parking at basement level.		
Agent	GL Hearn		
On behalf of	First Penthouse Ltd		
Registered Number	16/00173/FULL	Date amended/ completed	14 January 2016
Date Application Received	11 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Clarewood Court comprises an unlisted building located within the Portman Estate Conservation Area and the Central Activities Zone (but located outside of the Core CAZ). The building is in use as commercial units at ground floor levels and residential flats above and has frontages on Seymour Place and Crawford Street. The residential block comprises two elements, the front part which extends to seven floors and the rear block which comprises six floors. The two blocks are connected by rear stairwells.

Permission is sought to erect a mansard roof extension above the flat roof in the rear block for use as two flats (Class C3). Two terraces on the southern and eastern parts of this roof are proposed to provide outdoor amenity spaces for these flats.

The key issues for consideration are:

* Whether the proposed roof extension will preserve or enhance the character and appearance of the

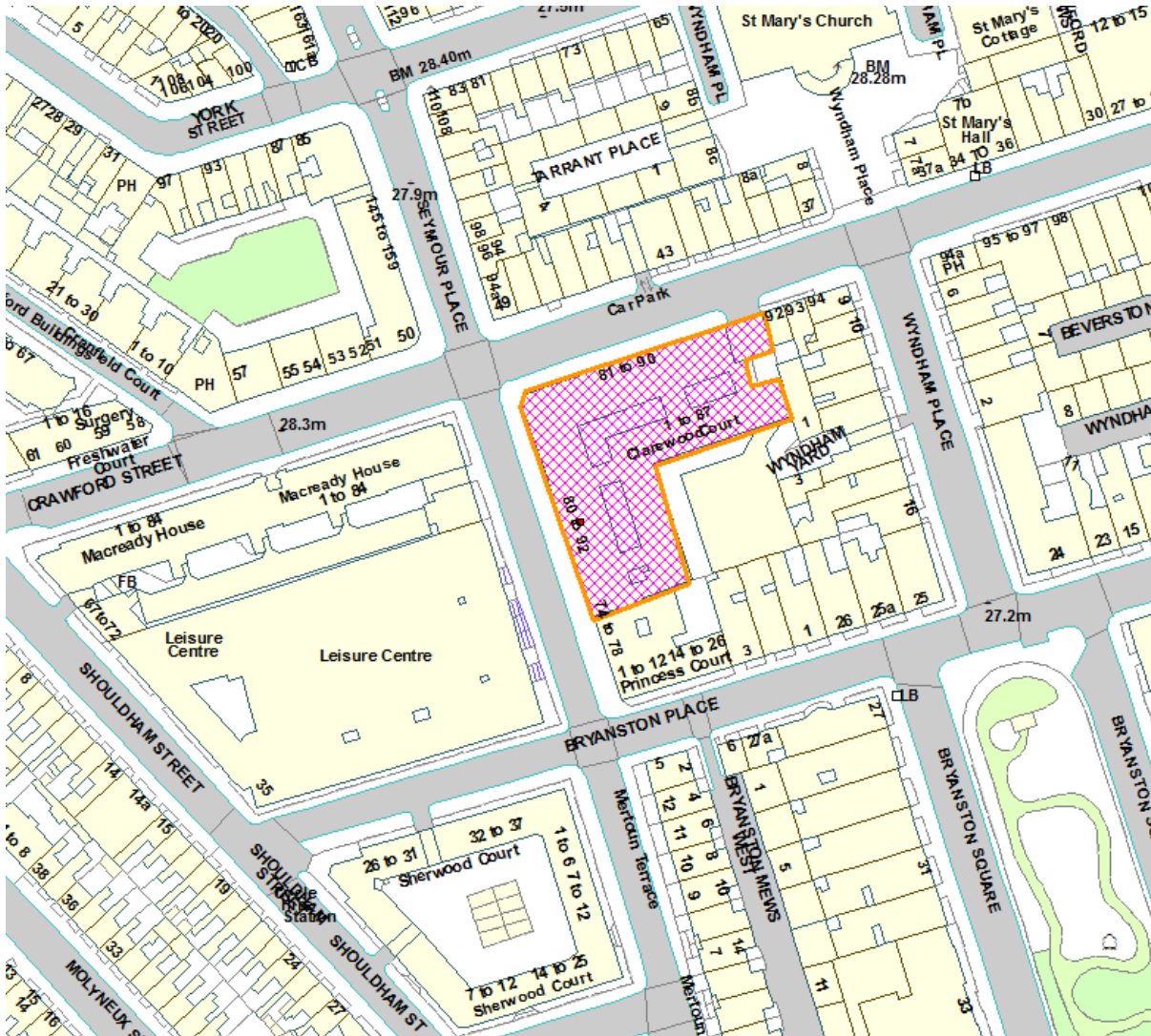
Portman Estate Conservation Area.

* Whether the amenity of the occupants of adjoining residential properties will be unacceptable harmed by the proposed development from losses of daylight, sunlight, outlook or privacy,

* Whether the increase in residential units will give rise to unacceptable impacts on on-street car parking stress.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear block

5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection to the proposal on the ground that the loss of daylight and sunlight to neighbouring residential properties are significant and the benefit of the proposal does not outweigh this harm.

HIGHWAYS PLANNING

Refuse on the ground that the increase to the number of residential units will add to on-street car parking pressure.

CLEANSING

No objection but requests that amended plans are submitted specifying the storage capacity for the waste and clearly marking the different types of waste stores.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 445

Total No. of replies: 27

No. of objections: 23

No. in support: 4

Letters of objection on the following grounds:

Land Use

- Increase in the density of Clarewood Court which is already in a crowded area.

Amenity

- Loss of daylight and sunlight.
- Overlooking.
- Noise from the proposed flats and terraces.

Design and Conservation

- The failure to use matching building materials and the pre-fabricated nature of the construction is not in keeping with the host building.
- Requests that the design of the privacy screens be more imaginative and not be black.

Other

- Increased pressure on the facilities within Clarewood Court.
- Requests that a roof top garden accessible to existing residents of the existing building be provided as compensation.
- Harm to the structure of building.
- Disruption during the course of construction.
- Insufficient consultation.
- No detail on how the new flats will be provided with water, heating and sewerage and what implications this might have for the existing residents of Clarewood Court.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Clarewood Court is a large unlisted part six, part seven storey building with commercial units located at ground floor level and residential flats on the upper floors. The building sits at the junction between Seymour Place and Crawford Street and consists of two, L-shaped blocks which are separated by lightwells but joined at points by stair / lift cores.

The building is within the Portman Estate Conservation Area and is located within the Central Activities Zone (but outside the Core CAZ).

6.2 Recent Relevant History

None of relevance.

7. THE PROPOSAL

It is proposed to erect a single storey roof extension to the south-eastern part of Clarewood Court so that the rear element is the same height as the front parapet of the existing mansard facing Seymour Place and Crawford Street. The outer face of the proposed mansard is proposed to be a pitched roof clad in slate. The inner face is proposed to be largely set in from the edge of this part of the roof by 1.5m and clad in white render.

The roof extension is proposed to accommodate a two-bedroom flat (169 sqm GIA) on the western part of the building and a three-bedroom flat (229 sqm GIA) on the northern part of the building. Each flat is proposed to have outdoor amenity space in the form of a terrace.

Also proposed is the extension of existing chimney stacks and provision of cycle parking at basement level. Four cycle parking space spaces are proposed for the two new flats and 28 additional cycle parking spaces are proposed for communal use by other residents of Clarewood Court.

There are currently two satellite dishes on this part of the roof of the building. These are proposed to be relocated to the lower roof of the existing lift overruns.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Like much of Marylebone and Fitzrovia, the area surrounding the site is predominately residential in character. In this context, the provision of additional residential units is welcome, in accordance with City Plan Policy S14 and UDP Policy H3. One of the two units is 'family-sized' (i.e. contains at least three bedrooms) which exceeds the normal requirement within UDP Policy H5 and will play a role in meeting the City's housing needs, in accordance with City Plan Policy S15.

At 169 sqm (GIA) and 229 sqm (GIA), the units are large when compared to the minimum size standards for such flats within the London Plan (March 2016) (70 sqm GIA and 95 sqm GIA, respectively). City Plan Policy S14 requires the number of residential units on development sites to be optimised, with the supporting text stating that this applies to larger development sites and this should take into account other policies and objectives. It is considered that, when Clarewood Court is taken as a whole, it provides an appropriate mix of units in terms of size. The addition of two large units on the site will cater for a particular housing need. This, combined with the site not being a 'larger development site', means that the proposal is considered to optimise the site's potential. As such, the proposal is considered to comply with City Plan Policies S14 and S15.

As set out above, the two proposed flats easily exceed the minimum internal space standards. Combined with being dual aspect and having good quality light levels and outlook, this means that the proposed flats provide a good standard of residential accommodation.

The increase in residential floorspace falls well short of the 1,000 sq.m (GEA) threshold within City Plan Policy S16 above which the provision of affordable housing is required.

8.2 Townscape and Design

Clarewood Court is identified within the Portman Estate Conservation Area Audit (2003) as a building where roof extensions are unlikely to be considered acceptable. However, there is no objection to adding a roof extension to the rear part of Clarewood Court so that it matches the height of the parapet of the existing mansard to the front part of the building.

The proposed roof extension's traditional form, detailing and materials would replicate the existing mansard to the front of the building. The window / door pattern relates sensitively to the fenestration below. Whilst the mansard roof slope is slightly steeper than the City Council's guidance normally permits, it matches the roofslope of the mansard on the publically visible elements of Clarewood Court. In this instance this element is considered to be acceptable. Like the rear face of the existing mansard roof, a sheer elevation to the internal courtyard is proposed. This is acceptable in design and conservation terms.

The applicant has indicated that the proposed roof extension will be fabricated off-site and lifted into position by crane. Concerns have been raised by neighbouring residents that such a means of construction will mean that the roof extension will not be in keeping with the host building. Whether the roof extension is constructed in situ or off-site, conditions requiring the materials used to match those on the host building and requiring the slates used to clad the mansard roof in natural blue-grey slate will ensure that the roof extension's appearance is consistent with the host building.

Given the above, it is concluded that the proposal would preserve the character and appearance of the Portman Estate Conservation Area.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

Objections have been received on daylight / sunlight overlooking and noise grounds.

Daylight / Sunlight

The applicant has submitted a Daylight and Sunlight Report assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. Where layouts are known, the 'no sky line' (NSL) can be calculated. The NSL is the point on the working plane within the affected room between where can and where cannot see the sky.

The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms). Bedrooms and kitchens (not kitchen / diners) should be analysed but are protected to a lesser extent.

Within Clarewood Court, there are a number of fire escape walkways and staircases that already block daylight received by neighbouring flats. In order to assess whether it is the presence of these obstructions or the size and closeness of the proposed roof extension that is the main factor in the relative losses of daylight for these flats, the applicant has provided an alternative daylight analysis without these obstructions in place. Such an approach is advocated within Para. 2.2.11 of the BRE Guide (2011).

The NSL within affected rooms has been calculated based on reasonable assumptions from information in the public domain about the layout of the affected flats.

All of the affected flats within Clarewood Court are dual aspect, with the main living rooms and larger bedrooms facing Crawford Street or Seymour Place. These relatively wide roads and the absence of any adjoining tall buildings means that the main living spaces within the affected flats have good levels of natural light and, in the case of the flats on the

western wing (with windows on Seymour Place) of Clarewood Court, good amounts of sunlight during the evenings (particularly in the summer months). The impact of the proposed development is therefore largely limited to small kitchens (not dining/habitable) and the second or third bedrooms. Whilst some of the neighbouring residents have pointed out that they currently use these rooms as studies, it is considered appropriate to treat them as bedrooms in following analysis as: (i) This is the intended and most common use of these rooms; and (ii) The City Council protects the long-term quality of residential units rather than the particularly way they may currently be used.

The daylight impact upon each of the main windows serving habitable rooms within Clarewood Court is summarised in Table 1 below:

	Window	Use	VSC				NSL			
			As existing (%)	As proposed	Percentage loss	Absolute loss (%)	Room	As existing proportion of room	As proposed proportion of room	Percentage loss
Fourth	W18	Kitchen	10.10	8.00	21%	2.10	R5	39%	30%	22%
	W19		9.02	7.15	21%	1.87				
Fifth	W14	Kitchen	16.53	12.68	23%	3.85	R4	79%	53%	33%
	W15		16.28	12.45	26%	3.83				
	W16		18.49	13.96	25%	4.53				
	W17		16.26	12.18	25%	4.08				
	W18	Kitchen	18.47	13.62	26%	4.85	R5	79%	51%	35%
	W19		16.51	12.17	26%	4.34				
	W48		Bedroom	4.13	2.24	22%				
	W51	Bedroom	3.52	2.74	22%	0.78	R15	80%	50%	38%
	W52		10.66	8.43	21%	2.23				
	W55	Kitchen	11.48	9.01	22%	2.47	R16	54%	34%	37%
	W56		9.62	7.61	21%	2.01				
W57	10.88		8.48	22%	2.40					
W14	Kitchen		27.86	21.04	24%	6.85				
W15		27.72	20.71	25%	7.01					
W16		30.21	22.86	24%	7.35					
W17	Kitchen	27.87	20.33	27%	7.54	R5	98%	88%	10%	
W45	Bedroom	23.91	18.24	24%	5.67	R13	99%	95%	4%	
W46		8.27	6.34	23%	1.93					
W47	Bedroom	17.13	13.12	23%	4.01	R14	95%	94%	1%	
W49	Bedroom	7.28	5.35	27%	1.93	R15	99%	98%	1%	
W50		21.16	15.49	27%	5.67					
W53		19.82	15.42	22%	4.40					
W54	Kitchen	16.11	12.54	22%	3.57	R16	93%	71%	24%	
W55		17.64	13.87	21%	3.77					

Table 1: Summary of windows that are predicted to lose VSC above the 20% threshold and the corresponding impact upon NSL within the rooms that these windows serve.

Due to the highly enclosed nature of the lightwell between the wings that make up Clarewood Court and the set back of the proposed roof extension, there will be no material loss of daylight to any of the flats at first, second and third floor levels. Indeed, because the proposed roof extension is largely set in 1.5m from the internal face of this part of Clarewood Court, it will not be visible from a number of flats on the lower floors of the building.

Fourth floor

The two windows that see reductions in VSC in excess of the 20% threshold both serve the same kitchen. Window 18 is the fanlight above the door and Window 19 is the main window. The impact upon the amenity of occupants of this flat is deemed to be acceptable as: (i) The affected room is a kitchen that is afforded less protection by the BRE Guide (2011); (ii) The losses in VSC to the two windows and the NSL of the room are only

marginally above the 20% threshold; (iii) The losses in VSC to the windows are very small in absolute terms; and (iv) The loss of NSL in this kitchen is only also only marginally above the 20% threshold.

Fifth floor

Whilst 12 windows will see reduction in VSC in excess of the 20% threshold, a number of these windows serve the same room. In total, five rooms are affected; all of which are bedrooms or kitchens. In the site's context in a highly built up environment, the impact upon the occupants of these flats is deemed to be acceptable as: (i) The affected rooms are kitchen and bedrooms that is afforded less protection by the BRE Guide (2011); (ii) The VSC losses are between 21% and 26% which is modest; and (iii) The losses in VSC to the windows are small in absolute terms and are therefore unlikely to materially affect the enjoyment of these rooms.

Sixth floor

Twelve windows will see reductions in VSC in excess of the 20% threshold, with maximum losses of 27%. A number of these rooms serve the same room meaning that in total six rooms are affected; all of which are bedrooms or kitchens. The rooms at this level have better quality light levels than the floors below and therefore the absolute losses in VSC are larger (although in most cases not significant). Five of the six rooms will see a NSL loss below the 20% threshold. This gives comfort that the light penetration with these rooms will not be materially harmed. The only room that will see a loss in NSL above the 20% threshold is a kitchen (Room 16). The losses in VSC to the three windows serving this kitchen are only fractionally above the 20% threshold at between 21% and 22%. Furthermore, the loss in NSL is 24% which is only just above the 20% threshold above which it will be noticeable. In the site's context in a highly built up environment, these modest losses in daylight are considered to be acceptable.

There are no breaches to other properties in the vicinity of the site.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested. This means that only the windows serving flats within the northern wing (on Crawford Street) of Clarewood Court need to be assessed. Again, all main living areas should be assessed but kitchens (not kitchen/diners) and bedrooms are of less importance.

As was the case in respect to daylight, the existing fire escape walkways and staircases block sunlight received by neighbouring flats. In order to assess whether it is the presence of these obstructions or the size and closeness of the proposed roof extension that is the main factor in the relative losses of sunlight for these flats, the applicant has provide an alternative sunlight analysis without these obstructions in place. Such an approach is advocated within Para. 3.2.9 of the BRE Guide (2011).

Of the 90 windows requiring assessment due to their southerly orientation, only six fail the tests set within the BRE Guide (2011).

Floor	Window	Use	APSH			Winter		
			Existing	Proposed	Loss	Winter	Proposed	Loss
Fourth	W42	Kitchen	22	17	23%	0	0	0%
Fifth	W23	Bedroom	24	19	21%	3	2	33%
	W52	Bedroom	18	11	39%	1	0	100%
	W57	Kitchen	24	19	21%	4	1	75%
Sixth	W46	Bedroom	30	23	23%	11	5	55%
	W49	Bedroom	28	20	29%	11	3	73%

Table 2: Summary of windows that are predicted to fail the sunlight test set out within the BRE Guide (2011).

Fourth floor

The glazed element of the entrance door (W42) is predicted to experience a loss in APSH of 23%. Not only is this loss only slightly above the 20% threshold set out within the BRE Guide (2011), this window is not the main source of sunlight to this kitchen. The main window (W44) is not predicted to see a material reduction in sunlight. As such, the sunlight levels to this kitchen will not be materially degraded.

Fifth floor

The losses in APSH to Window 23 (a bedroom) and Window 57 (a kitchen) are only fractionally above the 20% threshold set out within the BRE Guide (2011). This is not considered to be materially harmful in the context of the site's context in a dense urban environment. The loss in APSH to Window 52 is predicted to be larger (39%). However, this room is served by three windows in a canted bay. The two remaining windows within this bay are not materially affected and will retain reasonable levels of sunlight. As such, when taken as a whole, the sunlight to this room will not be materially harmed.

The losses in winter sunlight to these windows are so small in absolute terms that the losses will not be materially harmful. This is particularly the case in respect to the affected rooms which are all bedrooms and kitchens.

Sixth Floor

As these windows are further up the building, they currently receive good levels of APSH and sunlight during the winter months. Although the APSH are predicted to reduce by marginally above the 20% threshold, they will still retain reasonable levels of APSH and sunlight during the winter months for bedrooms in a dense urban environment. As such, the loss of sunlight to these windows is considered to be acceptable.

Sense of Enclosure

The set back of the proposed roof extension from the internal lightwell within Clarewood Court by 1.5m is considered to be sufficient to mean that the occupants of the affected kitchen / bedrooms will not feel not feel materially more enclosed than currently. This is

particularly the case given that the main living accommodation within the affected flats face Seymour Place and Crawford Street and will not be affected by the proposed development.

Privacy

The three narrow sections of flat roof facing the internal lightwell of Clarewood Court are required for refuse storage / fire escape. The applicant is not proposing these as roof terraces and has requested that a condition be imposed limiting their use for emergency escape and for refuse storage. Subject to such a condition being imposed, this element of the proposal is acceptable in terms of overlooking.

Overlooking from the roof terrace on the eastern part of the building will be adequately mitigated by a 1.8m high privacy screen that will prevent close and direct overlooking to the flats within Clarewood Court on the other side of the lightwell. The substantial distance between this terrace and the properties on the west side of Wyndham Place means that the privacy of these residential properties will be preserved.

The applicant has been amended during the course of its consideration to pull back the railings enclosing the terrace on the southern part of the building from the edge of the roof by 1.0m. This set back and the presence of planters on the inside of the railings will ensure that users of this terrace will only be able to see a small part of the existing terrace below. As such, the amenity of the occupants of this flat will be preserved.

Noise

The domestic nature of the proposed roof terraces means that they are unlikely to cause a material loss of amenity for adjoining residents.

8.4 Transportation/Parking

The Highways Planning Manager advises that the parking stress within the vicinity of the site is 62% during the night time and 80% during the day. UDP Policy TRANS 23 states that, in situations where new residential development could increase the stress levels to 80% or more during the day or night, the City Council will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated.

It is considered that a condition requiring the applicant to submit appropriate arrangement to secure car club membership for each of the flats for a period of 25 years is sufficient mitigation in this instance to reduce the likelihood of the occupants of these flats owning a private car.

The proposed cycle storage in the basement of the building is acceptable and will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The existing access arrangement to Clarewood Court will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Refuse / Recycling

Despite the concerns of the Cleansing Manager, there is plenty of space that can be used for the storage of waste and recyclable material and this can be adequately deal with by condition.

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

Condition 14 requires the applicant to submit appropriate arrangements to mitigate the impact of the residential development upon on-street parking demand in the area. This is likely to take the form of a unilateral undertaking under Section 106 of the Town and Country Planning Act (1990) (as amended) to provide Lifetime car club membership (minimum 25 years) with a Carplus operator.

The estimated Westminster CIL payment is £159,280 (index linked).

8.11 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

A number of concerns have been raised to the proposal in respect to disruption during the course of construction. The concerns are noted, but planning permission cannot reasonably be withheld for these reasons.

Similarly, the impact upon the facilities within Clarewood Court and how the new flats will be provided with water, heating and sewerage cannot be controlled through planning. These are private matters between the existing occupants and the applicant.

9. BACKGROUND PAPERS

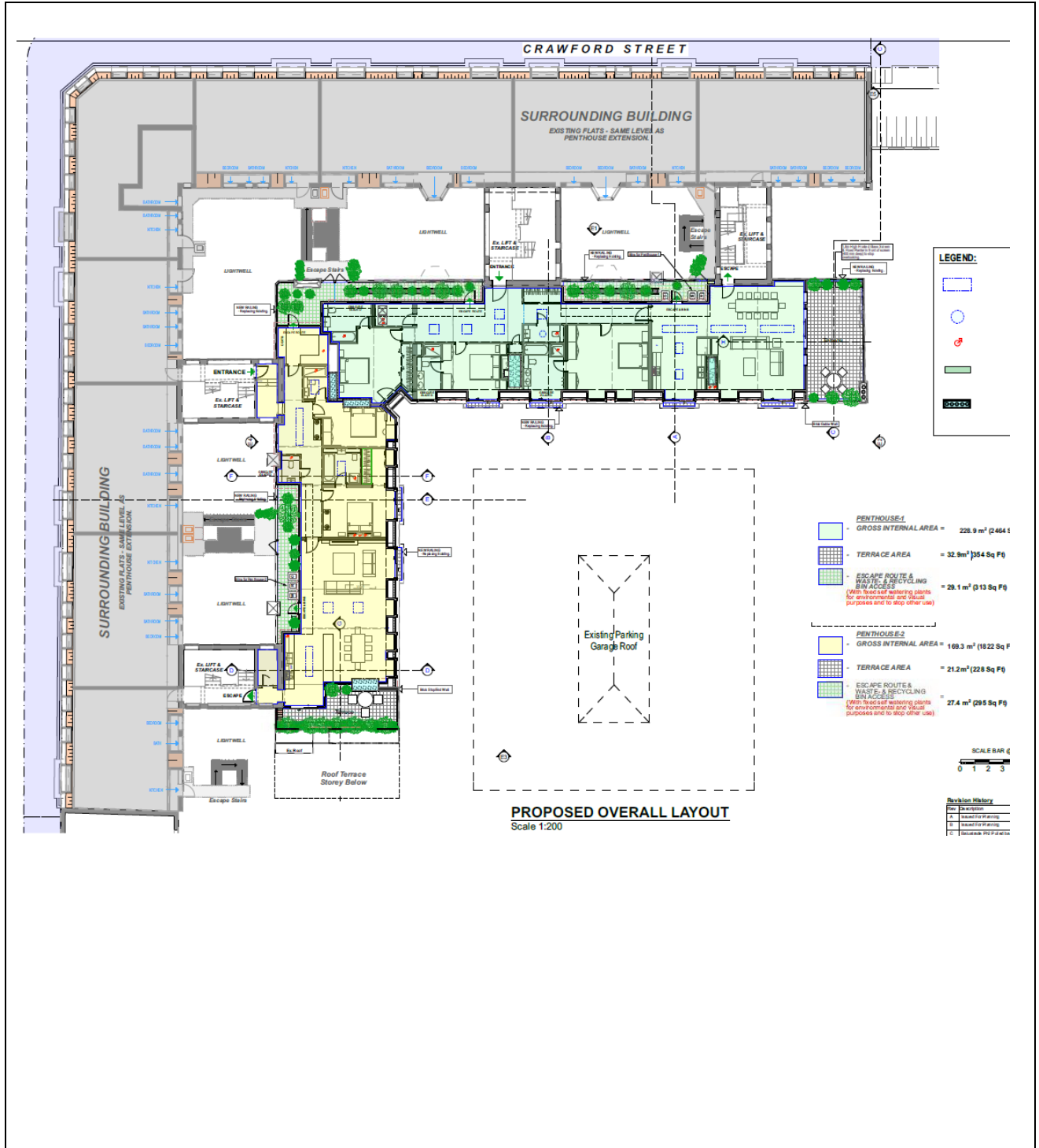
1. Application form
2. Letter from the Marylebone Association dated 29 February 2016
3. Memorandum from Highways Planning dated 26 January 2016.
4. Memorandum from Cleansing dated 27 January 2016.
5. Letter from occupier of 34 Clarewood Court, Seymour place, dated 31 January 2016
6. Letter from occupier of 41 Clarewood Court, 92A Seymour Place, dated 1 February 2016
7. Letter from occupier of Flat 84 Clarewood Court, 90 Crawford Street, dated 11 February 2016
8. Letter from occupier of 75 Clarewood Court, Crawford St, dated 1 February 2016
9. Letter from occupier of Flat 36 Clarewood Court, Seymour Place, dated 3 February 2016
10. Letter from occupier of Bryanston Place, 21 Princess court, dated 2 March 2016
11. Letter from occupier of 76 Clarewood Court, Crawford Street, dated 1 February 2016
12. Letter from occupier of Flat 58 Clarewood Court, Crawford Street, dated 2 February 2016
13. Letter from occupier of 37 Clarewood Court, 86 Seymour Place, dated 2 February 2016
14. Letter from occupier of 25 Clarewood Court, 86 Seymour Place, dated 3 February 2016
15. Letter from occupier of Flat 82 Clarewood Court, Crawford Street, dated 7 February 2016
16. Letter from occupier of Flat 3, 15 Wyndham Place, London, dated 8 February 2016
17. Letter from occupier of Flat 52, Clarewood Court, Seymour Place, dated 26 January 2016
18. Letter from occupier of 29 Clarewood Court, 86 Seymour Place, dated 1 February 2016
19. Letter from occupier of 61 Clarewood Court, Crawford Street, dated 1 February 2016
20. Letter from occupier of Flat 57 Clarewood Court, Crawford Street, dated 1 February 2016
21. Letter from occupier of 38 Clarewood court, 86 Seymour place, dated 2 February 2016
22. Letter from occupier of 5 Clarewood Court, London, dated 10 February 2016
23. Letter from occupier of Flat 68, Clarewood Court, Crawford Street, London, dated 29 January 2016
24. Letter from occupier of 71a Belsize Park Gardens, London, dated 30 January 2016
25. Letter from occupier of 76 Clarewood Court, Crawford Street, dated 31 January 2016
26. Letter from occupier of Flat 35 Clarewood Court, Seymour Place, dated 1 February 2016
27. Letter from occupier of Flat 62, Clarewood Court, Crawford Street, dated 2 February 2016
28. Letter from occupier of 9 Clarewood Court, 82 Seymour Place, dated 1 February 2016
29. Letter from occupier of 71 Clarewood Court, Crawford Street, dated 28 January 2016
30. Letter from occupier of 85 Clarewood Court, Crawford Street, dated 3 February 2016
31. Letter from occupier of 51 Clarewood Court, London, dated 2 February 2016

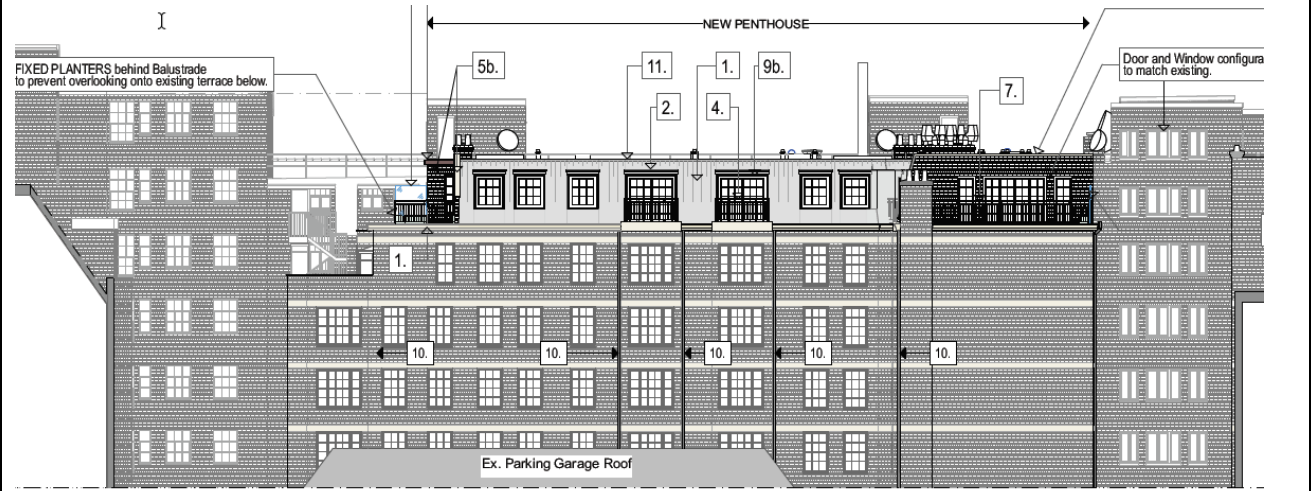
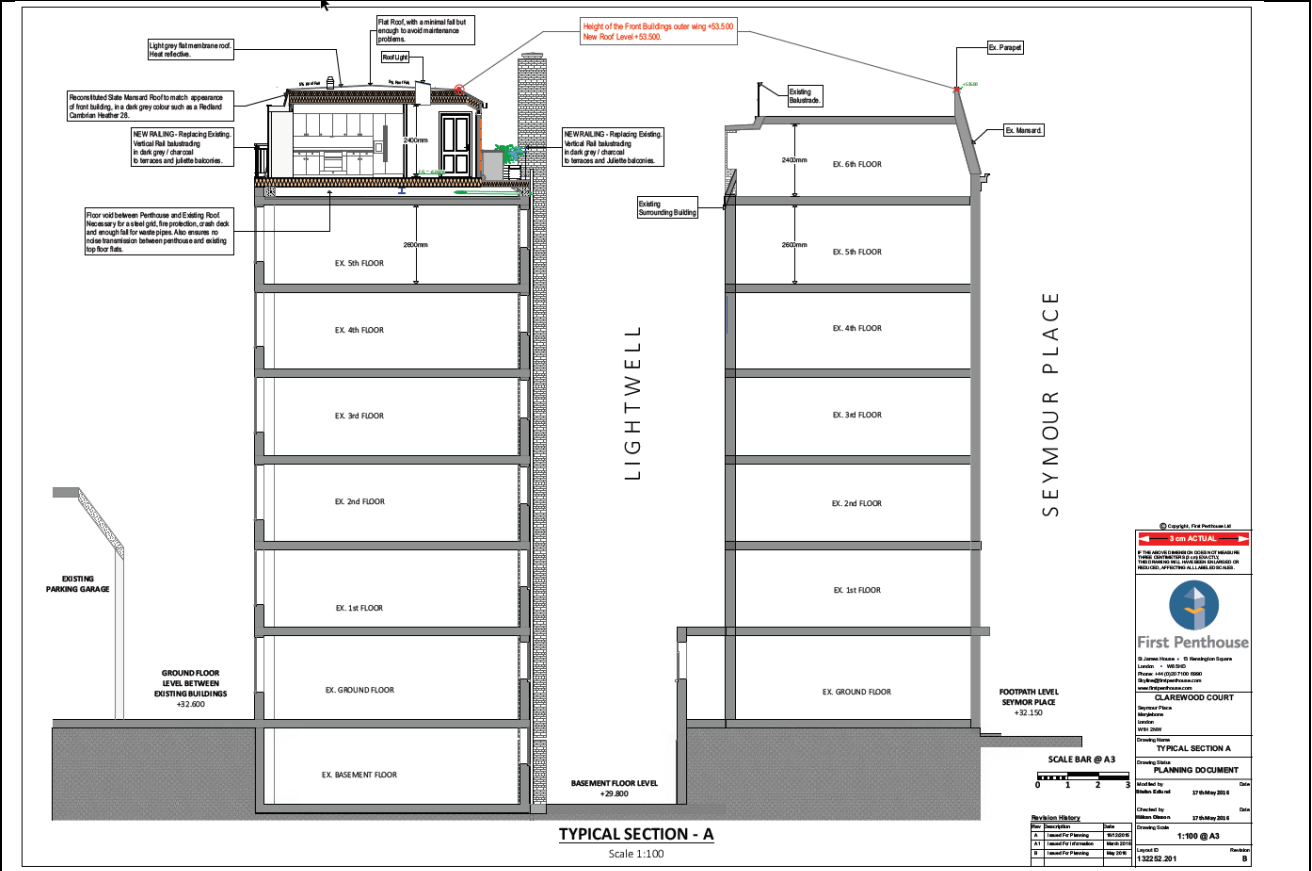
Selected relevant drawings

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

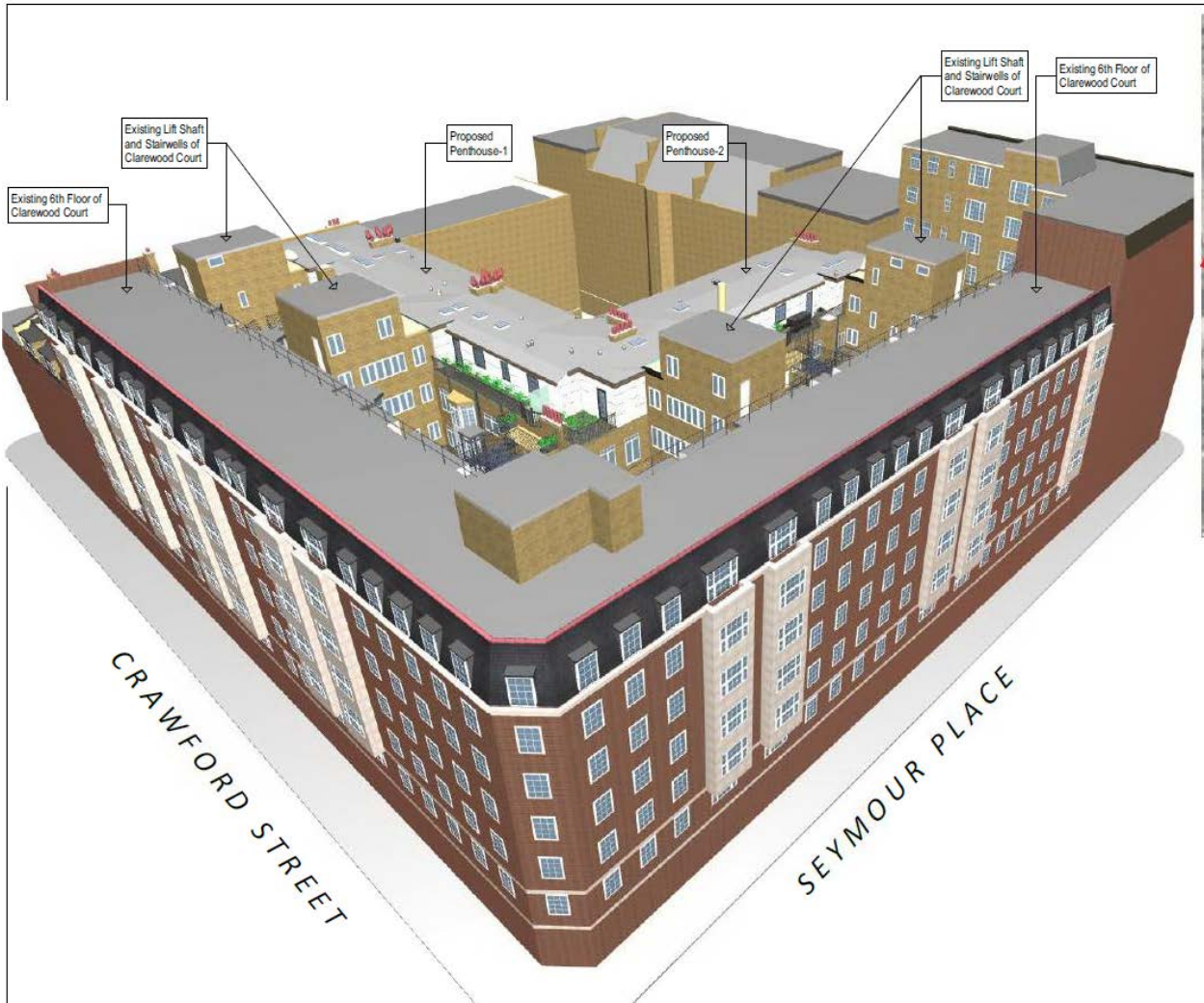
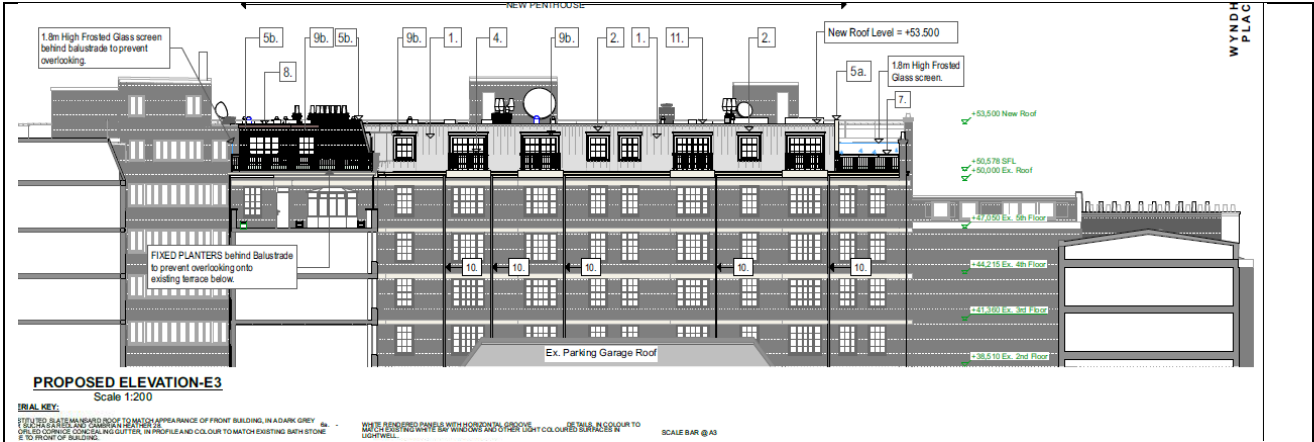
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk.

10.KEY DRAWINGS





PROPOSED ELEVATION-E2
Scale 1:200





DRAFT DECISION LETTER

Address: Clarewood Court, 86 Seymour Place, London, W1H 2NG,

Proposal: Erection of a single storey roof extension to rear block to provide two residential units (Class C3) with roof terraces and associated screening. Extension of existing chimney stacks and provision of cycle parking at basement level.

Reference: 16/00173/FULL

Plan Nos: 132251.004 Rev. B, 101 Rev. C, 102 Rev. B, 111 Rev. B and 112 Rev. C; 132252.201 Rev. B, 202 Rev. B, 203 Rev. B, 204 Rev. B, 205 Rev. B, 206 Rev. B, 207 Rev. B and 208 Rev. B; 132253.301 Rev. B, 302 Rev. C, 303 Rev. C and 304 Rev. C; and 132254.401 Rev. B, 402 Rev. B and 405 Rev. C.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 4 The slates to the mansard roof slope hereby approved shall be natural blue-grey slates.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 5 The three areas of flat roof not annotated as 'roof terraces' on the approved drawings shall be only used for refuse storage and to escape in an emergency. These areas of flat roof shall not be used as outdoor amenity space for the flats hereby approved.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 The privacy screens shown on the approved drawings shall be erected in full prior to the occupation of either of the flats hereby approved and shall be retained in situ. The glass that you put in these privacy screens must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on these privacy screens until we have approved the sample. You must then fit the type of glass we have approved and must not change it.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 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.

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 13 You must provide the waste store shown on drawing 132251.101 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the two flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 14 You must not occupy either of the residential flats hereby permitted until we have approved appropriate arrangements to secure the following:

- Means to mitigate the impact of the residential development upon on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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 (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 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)

- 3 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.

- 4 Under Condition 14 we are likely to accept a unilateral undertaking under section 106 of the Town and County Planning Act to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand as set out in the email dated 22 September 2016 from Chris Benham (GL Hearn). This is likely to take the form of a unilateral undertaking to provide Lifetime car club membership (minimum 25 years) with a Carplus operator). Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)