

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 March 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39 Hill Street, London, W1J 5LZ		
Proposal	Alterations to all elevations of the property to include the installation of balconies and extended windows to create doors; installation of plant at main roof level and lower ground floor level; use of lower ground floor as 6 residential flats (Class C3) and reconfiguration of the existing residential units on the upper floors of the property; extension at lower ground floor level within the existing lightwell and at all floor levels on the Hay's Mews elevation; alterations at main roof level including the creation of an internal residential amenity space. (SITE INCLUDES 27A HAY'S MEWS)		
Agent	Montagu Evans LLP		
On behalf of	Hills Investment Limited		
Registered Number	18/07737/FULL	Date amended/ completed	7 September 2018
Date Application Received	7 September 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission, including a condition to secure the following benefits:

- i) mitigation of the potential increased demand for on street residents' car parking

2. SUMMARY

39 Hill Street is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The building has frontages to Hill Street, Waverton Street and Hay's Mews and comprises a restaurant at lower ground floor level accessed off a courtyard at the rear of the building and residential flats on the ground to eighth floor level.

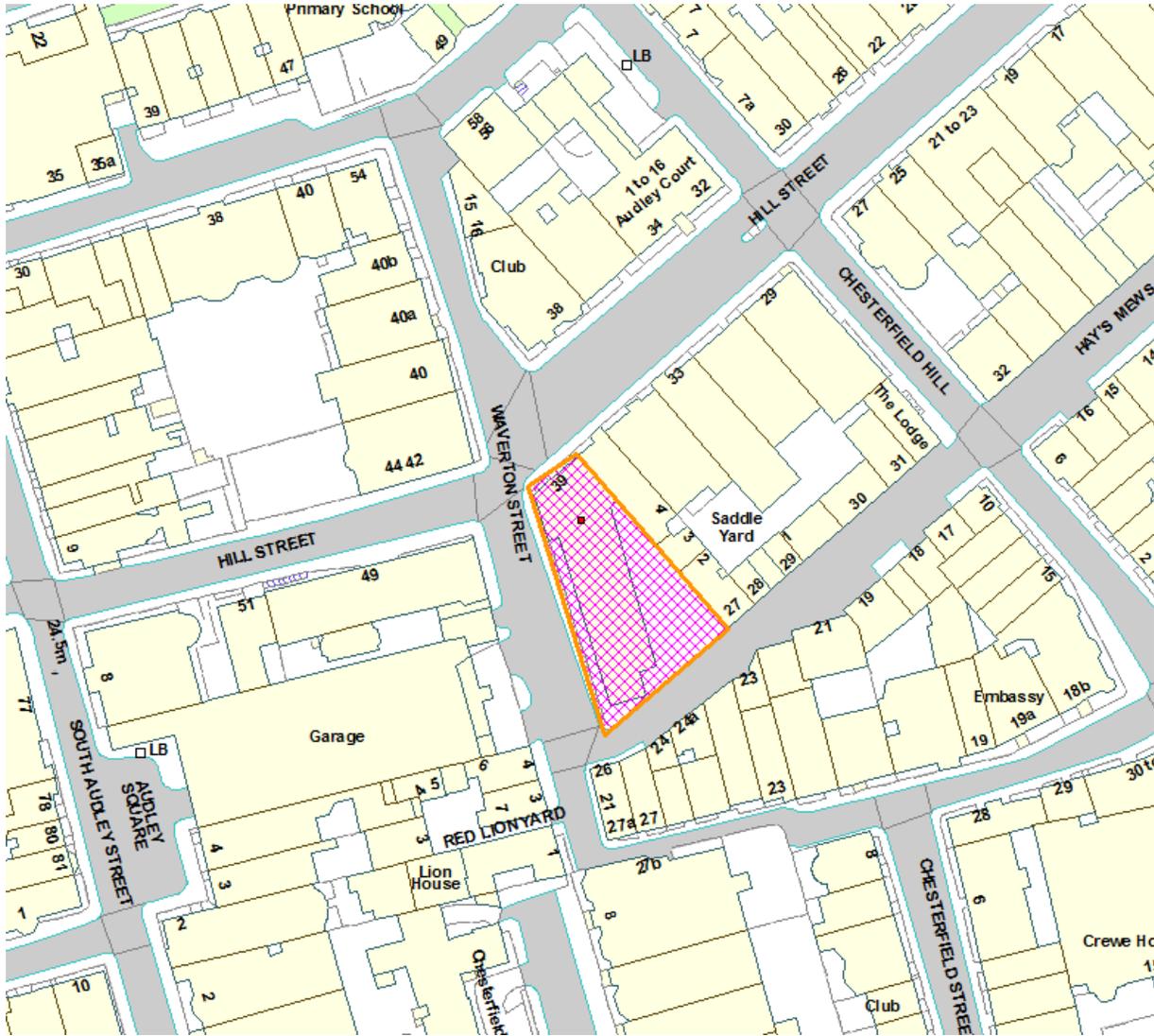
Planning permission is sought for the change of use of the restaurant to form six residential flats, alterations to all elevations of the building including an extension on the southern side of the building at all floor levels and the introduction of balconies and erection of replacement single storey extensions at the rear and in the lower ground floor lightwell.

The key issues in this case are:

- * The impact of the proposed works on the appearance of the building and the character and appearance of the Mayfair Conservation
- * The quality of the proposed residential accommodation
- * The impact of the extensions and alterations on residential amenity
- * The principle of the loss of the restaurant use

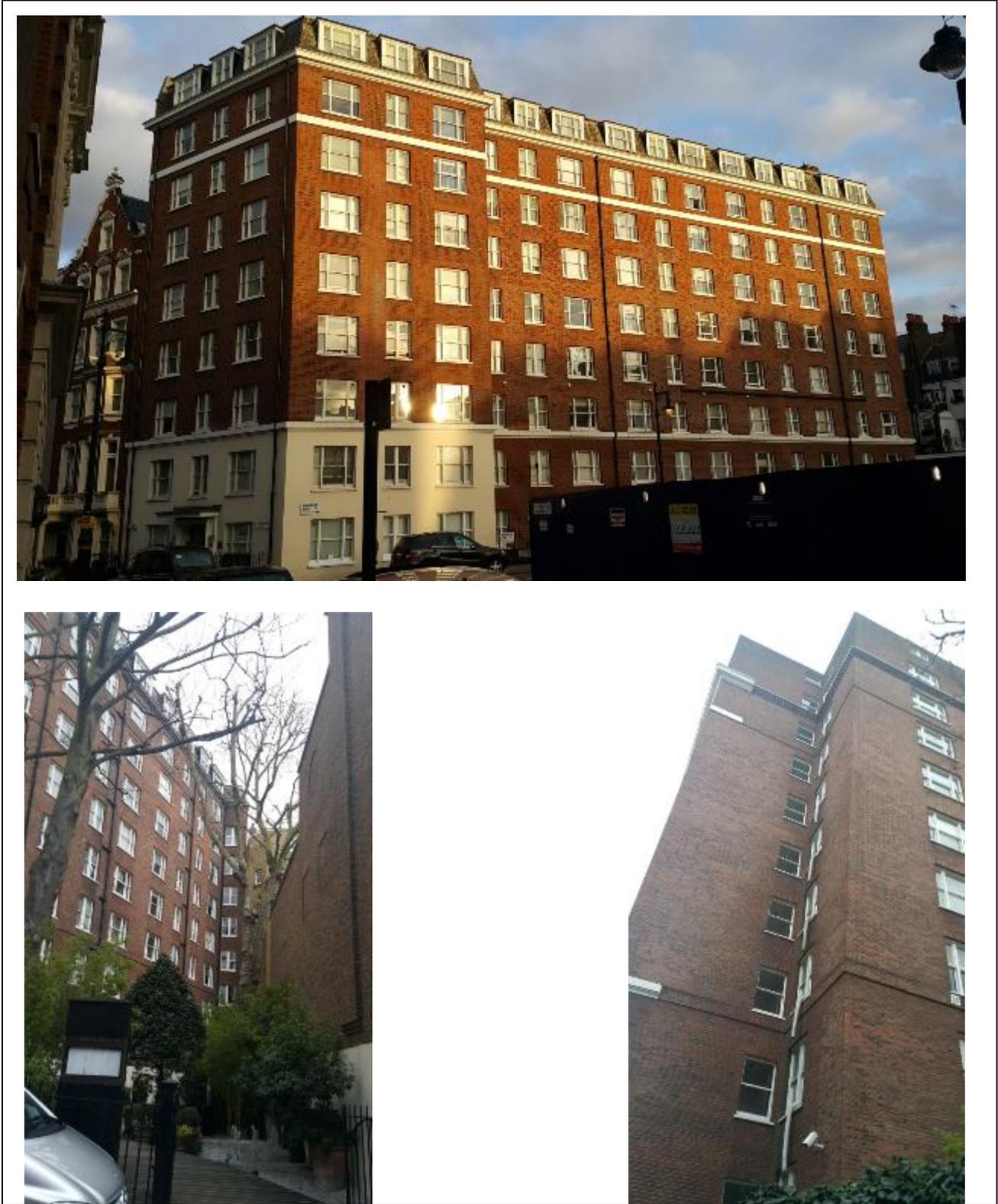
The proposal is considered acceptable in design terms in respect of the proposed extensions and alterations to the property. The change of use of the restaurant floorspace to provide residential flats is also acceptable and the quality and mix of the units provided is appropriate. It is therefore recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS

Acceptable subject to conditions.

ARBORICULTURAL

Acceptable subject to conditions.

WASTE PROJECTS OFFICER

Objection – further information required.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 129; No Replies: 5

5 letters of objection on the following grounds:

Design

*Alterations to the elevations have a detrimental impact on the appearance of the building and wider Mayfair Conservation Area.

Amenity

- *Proposed daylight and sunlight levels in the new flats would be unacceptable.
- *Loss of daylight and sunlight to neighbouring properties.
- *Installation of balconies will affect daylight / sunlight of other units in the block.
- *Overlooking from proposed balconies and roof terrace
- *Loss of daylight/sunlight
- *Inaccuracies within daylight report

Land use

- *Loss of the restaurant use would be detrimental to Mayfair and the wider Central Activities Zone.
- *Lack of provision of family sized residential units.
- *Lack of affordable housing provision.
- *Loss of the restaurant reduces employment opportunities.

Other

- *Possible smells from bins affecting residents.
- *Alterations to the internal layout of the flats would not suit the resident.
- *Electric vehicle charging should be included.

- *Cycle parking provision is insufficient.
- *More attention should be given to improving energy and water efficiency.
- *Unclear what arrangements have been put in place during the construction period and how construction would take place concurrently with the Audley Square redevelopment.
- *Loss of the restaurant garden.
- *Works could detrimentally impact on the survival of the trees within the courtyard.
- *Full planning application has not been sufficiently amended to account for comments in the pre-application response.
- *Fire safety
- *Consider the address on the neighbour notification letter to be misleading as well as the notice served on the restaurant occupier.
- *Lack of consultation

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

39 Hill Street is an unlisted building in the Mayfair Conservation Area. The property comprises of lower ground, ground and first to eighth floor levels with roof access and plant room on the main roof level. The building has frontages to Hays Mews, Waverton Street and Hill Street.

The lower ground floor of the property is occupied by a restaurant called 'The Greenhouse' which is accessed from a courtyard at the rear of the main property fronting Hays Mews to the south. The remainder of the property is utilised as 65 residential flats with ancillary services on various floors including laundry rooms, a reception area and storage cupboards.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Planning permission is sought for the change of use of the restaurant at lower ground floor level to provide six residential flats together with internal reconfiguration of the upper floors of the existing residential flats. Alterations are proposed to all elevations of the property including the installation of balconies and conversion of existing windows to doors. An extension is proposed on the Hay's Mews frontage of the building from lower ground to roof level with alterations at roof level to provide a new internal residential amenity area. Single storey structures are removed from within the front basement lightwell and replaced with new extensions to the proposed residential flats at this level.

Following negotiation during the application, amendments have been made to remove certain contentious elements including a large terrace at main roof level and extensions into the rear courtyard garden.

Land Use Table:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (A3)	495.8	0	-495.8
Residential (C3)	4,302.2	5,060.4	+647.8
Total	4,798	5,060.4	+262.4

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of restaurant use

The City Plan recognises that there is a mix of land uses within the Core CAZ and that this contributes towards the character and vitality of the area. The restaurant operator has also objected to the loss of the restaurant on this basis and have stated that they provide a 'benefit to the local area' and have been an 'impeccable' neighbour to neighbouring residential occupiers.

Restaurant uses are noted as providing an important contribution to the night-time economy in the city within the Mayor's 'Culture and the night time economy' SPG. The London Plan Policy 4.6 also states that boroughs, '*...should support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors*'.

With regard non-A1 retail premises, such as the existing restaurant, these are only afforded specific protection within the City Plan within the designated shopping centres. This restaurant is not located within a designated shopping centre and therefore the loss is not specifically resisted by policies within Westminster's City Plan.

Policy S18 of the City Plan considers general commercial development within the City and states, '*Although the priority for Core CAZ, the Opportunity Areas and the Named Streets is commercial, where residential streets and areas within those areas are wholly residential, commercial encroachment is not appropriate*'.

These policies promoting the night-time economy and mix of uses within the Core CAZ need to be considered in the context of other policies which seek to increase the number of residential units within the city including London Plan policy 3.3 which states there is a '*...pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford*'.

Taking into account this is an isolated restaurant premises outside of any designated shopping centre surrounded by other residential uses and the proposal will result in six new residential units including a number of family sized units with outside amenity space, the loss of the restaurant floorspace is considered acceptable in this instance.

Residential use

In addition to the change of use of the lower ground floor to residential accommodation, extensions are proposed at lower ground floor level within the front lightwell and to the upper floors to extend into a recessed area to the south of the building. New balconies to the existing residential units are also proposed and the upper floors are re-configured internally.

The increase in residential floorspace is welcomed and complies with Policies H3 of the UDP and S14 of the City Plan, both of which seek to maximise the amount of land or buildings in residential use. The proposal results in an increase in the number of residential units from 65 in the existing building to 71, an increase of 6 residential units.

Policy H5 of the UDP normally requires that in new developments 33% of the residential units should be family sized (three bedrooms or more), whilst Policy S15 of the City Plan states, *'Residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities'*. Currently there are only two family sized units in the building which equates to 3% of the total units. In the redeveloped building there are 9 family sized units which represents 12.5% of the units in the property. Of the new flats created 66% of them will be family sized (4x3 bed, 1x2 bed and 1x1 bed flats). Some of the flats on the upper floors are owned by leaseholders (as demonstrated by the consulting responses received) and there are likely to be leasehold issues with converting these units to family sized dwellings. Given this, and the overall increase in family sized units, the proportion of family sized accommodation is acceptable in this instance. An objection has been received to the application due to the low level of family sized accommodation but for the reasons set out above it is not considered the application can be reasonably refused on these grounds. A condition is included to ensure the three bedroom units are provided and retained as such to ensure the level of family sized units is maintained.

All the new flats accord with the minimum room sizes as set out in the London Plan (2016) and conditions are proposed to ensure noise levels inside the flats meet the Council's standard in respect to internal noise limits.

A Daylight and Sunlight Assessment has been submitted which assesses the internal levels of daylight / sunlight for the new residential units at lower ground floor level. An objection has been received to the application on the grounds that the new residential units would not receive acceptable levels of daylight / sunlight and would therefore not provide an acceptable form of living accommodation. The daylight and sunlight assessment shows that all new flats within the lower ground floor level will receive acceptable levels of daylight as set out in the BRE Guidance. The levels of sunlight are entirely dependent on the orientation of the windows as well as the location of existing obstructions. Indeed the BRE Guidance states that, *'If a room faces significantly north of due east or west, it (the sunlight criterion) is unlikely to be met'*. The building is on a north-south axis and therefore it is very difficult to meet the sunlight criteria and it is recognised that only 3 of the 21 windows fully meet the sunlight criteria. However, the guidance also states that "sensitive layout design of flats will attempt to ensure that each individual dwelling has at least one main living room which can receive a reasonable amount of sunlight." The family sized units have been designed with a dual aspect layout

meaning that individual rooms within the flats will receive some sunlight at different parts of the day. These levels are considered acceptable within this built-up urban location. All the windows receive acceptable levels of daylight and in this regard it is considered that the flats will provide an acceptable form of living accommodation.

An objection has also been received that the new balconies might impact on the daylight / sunlight of the flats below, however, the balconies do not project far from the building façade and as the existing windows are enlarged into door openings this is likely to increase the levels of daylight and sunlight within the units. The objection on these grounds is not therefore considered sustainable.

Affordable housing

Given the residential floorspace increase of 647.8 sq.m, resulting in six new residential units, there is no requirement for affordable housing provision as set out in Policy S16 of the City Plan as neither then 1,000 sq.m nor ten unit threshold has been breached. An objector has commented on whether the proposal generates an affordable housing requirement but this is not the case.

8.2 Townscape and Design

The main design implications of the proposal involves a full height extension to the south elevation fronting on to Hays Mews, alterations to the existing facades including the installation of balconies to the east and west facades, infill of the lightwells to the west elevation and alterations to the existing fenestration.

The proposed extension is located on the south east corner of the site and extends the full height of the building. This is contrary to DES 5 of the Council's Unitary Development Plan which seeks to resist extensions which exceed the penultimate height of the existing building. However, in this instance the proposal for a full height infill within the existing recess will have a minimal impact on the appearance of the building and the character and appearance of the conservation area. The visuals provided in the submission demonstrate that the proposed extension will not cause harm to local views and will not harm the architectural composition of the building. The fenestration is designed to relate to the pattern of fenestration on the existing building, details of which are to be secured through condition, along with details of the proposed materials to ensure these blend sensitively with the existing. This aspect of the proposals is therefore considered acceptable in design terms.

Permission is also sought to partially infill the existing lightwells to the front (west) elevation. This is also contrary to DES 5 which resists the enclosure of basement areas. However, in this particular instance the existing lightwell is largely infilled with plant enclosures and storage structures. It is considered that this lightwell does not make a significant contribution to the character and appearance of the conservation area. The proposal to infill it is therefore considered acceptable in this instance, subject to the imposition of a condition to secure details of the proposed materials.

Permission is also sought for alterations to the existing facades including the installation of balconies to the east and west elevations. The balconies on the west elevation are to be positioned on the recessed element of the facade and therefore do not project

beyond the principal building line. Given that this part of the façade is recessed, it is considered that the balconies will not dominate local views and are considered acceptable. To the east elevation, the proposal for balconies is considered acceptable given that this is a secondary frontage in a more discreet position. The imposition of a condition to secure design details of the balconies is recommended.

Alterations are also proposed to the existing window openings, in order to accommodate full height glazing behind the balconies. One objection has been received to this aspect of the proposals, on the grounds that the proposed glazing pattern does not accord with the style of the building and is an unnecessary removal of windows which fit the traditional style of the period. The mansion block building has been designed in the Neo-Georgian style and the proportions of the existing fenestration are reflective of this architectural style. The proposal for full height glazing would alter the proportions of the window openings and disrupt the consistent cill height. However, given that the proposed full height glazing would be largely obscured behind the proposed balconies, it is not considered sustainable to refuse the application on these grounds. It is therefore considered that this objection cannot be supported.

Alterations are also proposed to the palette and materials of the façade, including the proposal for a Portland stone band between the lower ground and first floors, reflecting the existing treatment of the north elevation. A vertical bronze coloured anodised aluminium band is also proposed to the west and north elevations. Details of the proposed materials are to be secured through condition.

Permission was originally sought for alterations at roof level, including an increase in height to the existing plant enclosure and the installation of a glazed balustrade to accommodate a roof terrace. Due to the impact of the proposed roof development on local views from within the conservation area, this aspect was considered unacceptable in design terms and following negotiations has been omitted from the scheme. The proposed elevation drawings have been amended to show the balustrade retained in the position of the existing. For clarity, the imposition of a condition requiring the existing balustrade to be retained is recommended. The only roof level works now proposed are alterations to the existing plant enclosure to accommodate new full height window openings. This aspect of the proposals is considered acceptable in design terms. The applicant has provided a statement confirming that the plant required for the building can be accommodated within the reduced designated plant area.

Overall, the revised proposals are considered compliant with DES 5 and DES 9 of the Council's Unitary Development Plan and are recommended for approval in design terms.

8.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

The daylight and sunlight report submitted with the application has assessed the changes to all sensitive properties surrounding the site and concludes the changes to sensitive windows are all compliant with the BRE Guidance. Whilst an objection has been received to the application from the restaurant operator concerned about any losses to surrounding buildings, the expected reductions are all in accordance with the BRE Guidance and very minor. A resident on Charles Street has raised concerns on the grounds that their property has not been included within the sunlight/daylight report, however, the daylight report does assess the impact of light levels to their property and the report shows that only negligible losses would be experienced (0.03% losses at third floor and none at fourth floor).

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

Initially the application also included the introduction of a large terrace at roof level for use by residents of the block. Concerns were expressed by officers and objectors to the potential for unacceptable noise and overlooking and the impact on the appearance of the building. The terrace aspect of the scheme was subsequently removed from the application.

The development includes the creation of small balconies for all the flats at first to seventh floor level. Objections have been received to this element of the scheme from the representative of the restaurant occupier concerned about overlooking of neighbouring buildings and a leasehold owner within the block concerned about overlooking of the flats they own in the block. A resident on Charles Street is also concerned about overlooking. The balconies are all relatively small and serve individual units and it is not considered that the provision of the balconies and their use would result in a 'significant' increase in the degree of overlooking such that the proposal would be contrary to the requirements of policies ENV13 and S29.

8.4 Transportation/Parking

UDP Policy TRANS 23 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'. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays has exceeded 80%. Within a 200m radius of the development site the occupancy of on-street parking during the day is currently 77%. This reduces to 53% overnight. The proposals would not therefore be contrary to TRANS 23 and given the close proximity of this site to excellent public transport facilities it is considered that the lack of parking in this instance is likely to be acceptable, subject to the addition of a condition requiring lifetime membership of a car club for each of the new residential units.

An objection has been received stating that the cycle parking provision is insufficient. However, the scheme has been amended during the course of the application to increase the level of cycle parking to 18 spaces and new internal cycle storage is now

proposed. This now accords with the requirements of the London Plan and is considered acceptable. A condition is included to require the provision and retention of this cycle parking provision.

An objector has commented on the proposal stating that electric charging points should be provided, but there is no off-street parking in the development and no alterations to the highway are proposed so it is not considered there is any possibility of providing such a facility.

8.5 Economic Considerations

An objector has commented on the loss of employment opportunities at the restaurant premises resulting from the proposal. Whilst the loss of a small number of jobs at the restaurant premises is regrettable and will undermine the ability to meet the job targets set out within City Plan Policy S18, as set out within Section 8.1 of this report, the benefits of the additional residential units is considered to outweigh the loss of the restaurant in this instance.

8.6 Access

New ramped access will be provided to the ground floor at the main entrance eliminating the current stepped access. There is an existing lift in the building providing access to all floors. The new flats at lower ground floor level are to be accessed from the courtyard garden to the rear of the property. It is not possible to provide level access to these flats as any alterations to the pathways through the gardens could have detrimental impacts upon the protected trees in the garden.

8.7 Other UDP/Westminster Policy Considerations

Plant Noise

In relation to noise from the proposed plant the application has been considered in the context of Policies ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

An acoustic report has been submitted in relation to the installation of the new plant equipment. The nearest noise sensitive properties are located within the same building at a distance of approximately 2m. It is proposed that the plant could be operated at any time over a 24hour period (as it is serving residential properties) the design criteria for noise from the plant is 37dB. The plant is to be installed within acoustic enclosures which ensures that the noise levels from the plant operations accords with the City Council criteria. The proposal has been reviewed by Environmental Sciences who confirm the plant operation is compliant with the standard Westminster noise criteria detailed above. Standard conditions are imposed with regard acceptable levels of noise, hours of operation, installation of the screening and vibration from the plant operation as required by Environmental Health.

Refuse /Recycling

The existing arrangements for the storage of refuse and recycling are to be retained to serve the new residential units. The Waste Projects Officer has requested the submission of further information to confirm the bin capabilities and show appropriate waste and recycling storage provision. It is considered this can be dealt with by a suitable condition requiring the submission of drawings to show this capacity in the existing waste storage area. The existing bin store is connected internally to the ground floor level of the building and also has existing doors to street level to allow the collection of the waste / recycling.

Trees

There is a London plane and sycamore tree within the rear garden area which are subject to Tree Preservation Orders. Single storey extensions were originally proposed at the rear of the property into the courtyard area, but following concerns about the impact of these extensions on these trees, this element of the proposal has been removed. Extensions are still provided to the building at all floor levels on the south east corner of the building fronting Hays Mews and on the rear north side of the property but there are already built structures in these locations so the extensions would not have a detrimental impact upon the trees in the courtyard area. These works have been considered acceptable by the Arboricultural Officer and would not have an impact on the long term survival of the trees. An objector has commented on the potential damage to the trees but, due to the reduced scope of the application, this is no longer the case and the objection has been addressed.

As it is likely the rear garden area will be used in some form during the development process a condition is proposed requiring the submission of information detailing how the trees will be protected during construction.

Sustainability

An objector has commented on the potential for energy and water efficiency savings to be made in the proposal. There is no requirement for the applicant to submit an energy strategy in this instance, however, the installation of replacement windows to the block should result in improved energy efficiency for the residential dwellings and the alterations will have to be carried out in accordance with relevant building regulations.

Other

The Environmental Health Officer has commented on the submitted drawings stating that potentially the flats include 'remote rooms' which would not provide acceptable 'Means of Escape in Case of Fire'. This is a matter for the Building Regulations and would be considered under separate legislation. An informative is included to advise the applicant of this potential issue.

Objections have also been received from a local resident and the representative of the restaurant operator stating that the courtyard will not be accessible to the public. The courtyard currently forms part of the restaurant space and is in private ownership. It is not a public space and the City Council has no control over access. Whilst the courtyard

would move into the ownership of the lower ground floor flats proposed in this application, this has no wider implications for the public.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012.

Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition relating to the protection of trees and the parking mitigation measures. The applicant has not responded within the required time frame and therefore the City Council can now impose these conditions without the applicant's express agreement.

8.12 Planning Obligations

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

The estimated CIL payment relating to the proposal is £18,709 for the mayoral CIL and £188,059 for the Westminster CIL.

8.13 Other Issues

An objector has commented on how some elements of the proposal identified as contentious at pre-application stage have been remained in the planning application which they consider inappropriate. The application has been amended since it was initially submitted and all contentious elements removed.

The restaurant occupier also considers the notice served on them was misleading, although it is not clear why. The notice clearly states 'change of use of lower ground floor from A3 (restaurant) to C3 (residential)', this would clearly identify to the restaurant operator it related to their premises as they are the only restaurant in the building. In any event, the occupier of the restaurant has submitted representations on the application and therefore officers are content that it has had full opportunity to comment on the application.

An objector is concerned that the immediate neighbours were not notified. However, all adjoining neighbours were notified in accordance with the Council's normal procedures and the application was advertised with both press and site notices. The restaurant occupier is also concerned that the original neighbour letter may have misled neighbours with the address being 39 Hill Street. New neighbour letters were also sent out which included 27A Hay's Mews within the description of development and again included reference to extensions on the Hay's Mews elevation of the property.

An objector who claims to own the leasehold to three flats in the block has objected to the proposed internal layouts of flats and to the installation of balconies, stating that this would not suit their requirements. This is an issue between the leaseholder and the freeholder and is not a matter that could justify refusal.

An objector has commented on the potential for odours from the bins to affect future occupiers of the flats. The bin storage is retained in the existing location and, whilst there are new flats at lower ground floor level, these are no closer to the bin store than the flats at ground and first floor levels. Only one comment has been made about odours from the bin store and considering waste collections are on a daily basis it is not considered that waste odour can be a common occurrence. Planning consent cannot be reasonably withheld on these grounds.

Construction impact

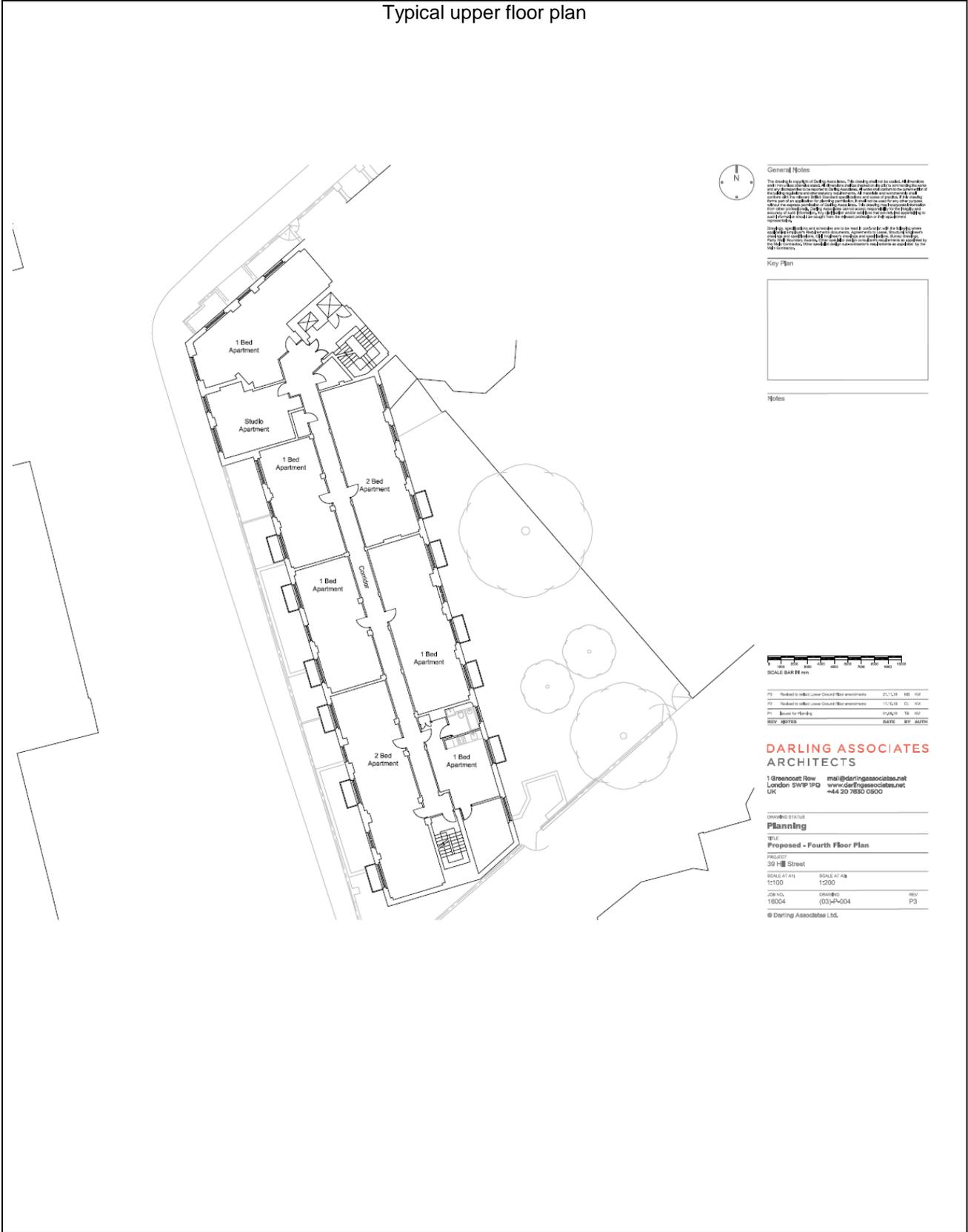
A resident of the building has commented on potential disruption during the construction period and a resident on Charles Street is concerned about how construction would take place concurrently with the Audley Square redevelopment. These concerns are noted, however, planning permission cannot be withheld on these grounds. The standard condition has been included which restricts the hours of noisy works to ensure that

construction does not impact on the amenity of existing tenants. An informative is also proposed to encourage the applicant to sign up to the Considerate Constructors Scheme.

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

Typical upper floor plan



General Notes

The study is based on the information provided by the client. It is the responsibility of the client to ensure that the information is accurate and complete. The architect is not responsible for any errors or omissions in the information provided. The architect is not responsible for any errors or omissions in the information provided. The architect is not responsible for any errors or omissions in the information provided.



Notes



PT	Product to reflect Local Ref amendments	21.11.18	MB	AM
PT	Product to reflect Local Ref amendments	11.10.18	DS	SM
PT	Product to reflect Local Ref amendments	09.04.18	TR	SM
REV	NOTES	DATE	BY	AUTH

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DRAWING STATUS

Planning

TITLE
Proposed - Fourth Floor Plan

PROJECT
33 Hill Street

SCALE AT A1 1:100 **SCALE AT A8** 1:200

JOB NO. 18004 **DRAWING** 03-P-004 **REV** P3

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Proposed Waverton Street elevation



Proposed Hill Street and Hay's Mews elevations



DRAFT DECISION LETTER

Address: 39 Hill Street, London, W1J 5LZ,

Proposal: Alterations to all elevations of the property to include the installation of balconies and extended windows to create doors; installation of plant at main roof level and lower ground floor level; use of lower ground floor as 6 residential flats (Class C3) and reconfiguration of the existing residential units on the upper floors of the property; extension at lower ground floor level within the existing lightwell and at all floor levels on the Hay's Mews elevation; alterations at main roof level including the creation of an internal residential amenity space. (SITE INCLUDES 27A HAY'S MEWS)

Plan Nos: Acoustic Report (15824.PCR.01), Drawings: (03)-E-001 RevP3, (03)-E-002 RevP6, (03)-E-003 RevP3, (03)-P-0LG RevP7, (03)-P-00G RevP7, (03)-P-001 RevP3, (03)-P-002 RevP3, (03)-P-003 RevP3, (03)-P-004 RevP3, (03)-P-005 RevP3, (03)-P-006 RevP3, (03)-P-007 RevP3, (03)-P-008 RevP3, (03)-P-0RF RevP3, (03)-X-001 RevP1, (03)-X-002 RevP2, (03)-X-003 RevP2, (03)-X-015 RevP2.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 (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 (November 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. (R46AB)

- 4 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. (R48AA)

- 5 You must install the acoustic enclosures as shown on the submitted drawings to the specification detailed in the acoustic report at the same time as the plant is installed and maintain them in this form for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 6 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. (R49AA)

- 7 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 8 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Balconies and railings (1:5 and 1:20)
2. New windows and doors (1:5 and 1:20)

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

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 Notwithstanding the drawings hereby approved, the existing roof level hand rail shall be retained in situ.

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 Mayfair Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan (November 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 facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 13 **Pre Commencement Condition.**

Prior to the commencement of any demolition or construction on site the applicant shall submit details to secure the following:

1. Mitigation of the potential increased demand for on street resident's car parking.

You must include in the arrangements details of when you will provide the benefits and how you will guarantee this timing. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application.

Reason:

To mitigate the potential impact on-street car parking stress and to promote more sustainable modes of transportation, in accordance with Policy S41 of the City Plan adopted November 2016 and Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 14 The three bedroom residential units 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 (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 15 **Pre Commencement Condition.**

You must apply to us for approval of the ways in which you will protect the trees within the rear garden area. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 16 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the residential use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the flats. You must not use the waste and recycling store for any other purpose. (C14GA)

Reason:

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

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 (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

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).

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 4 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)
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 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.

- 7 You are advised to carefully consider the internal layout of the flats with regard Building Regulations and acceptable Means of Escape in Case of Fire.
- 8 You are advised that condition 8 of this planning permission requires you to submit details of the proposed materials. You are advised that the front lightwell infills should not be glazed over. Lead or zinc are likely to be considered more favourably.
- 9 You are advised that condition 11 of this planning permission requires you to retain the existing roof level hand rail. Permission is not granted for a new balustrade or railings.
- 10 You are advised that permission has not been granted for the installation of any external plant at roof level. You will be required to submit a separate application for planning permission if this is required, which is not likely to be considered favourably. You are also advised that any future proposals for a roof level terrace are not likely to be supported.
- 11 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 12 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)
- 13 Under Condition 13 we are likely to accept a legal undertaking under Section 106 of the Town and County Planning Act (1990) (as amended) to secure 20 year membership provision for each of the new residential dwellings to a Car Plus accredited car club.
- 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.
- 14 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.