

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 April 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>5 Spanish Place, London, W1U 3HZ</b>		
<b>Proposal</b>	Erection of a rear two storey extension at lower ground and ground floor level in order to enlarge dwellinghouse (Class C3), excavation under pavement vaults, relocation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations and general refurbishment works.		
<b>Agent</b>	Neil Wilson Architects Limited		
<b>On behalf of</b>	Mr Andrew Clark		
<b>Registered Number</b>	18/08517/FULL 18/08518/LBC	<b>Date amended/ completed</b>	10 October 2018
<b>Date Application Received</b>	4 October 2018		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site is a Grade II Listed townhouse situated mid-terrace with residential neighbours either side and lying within a conservation area.

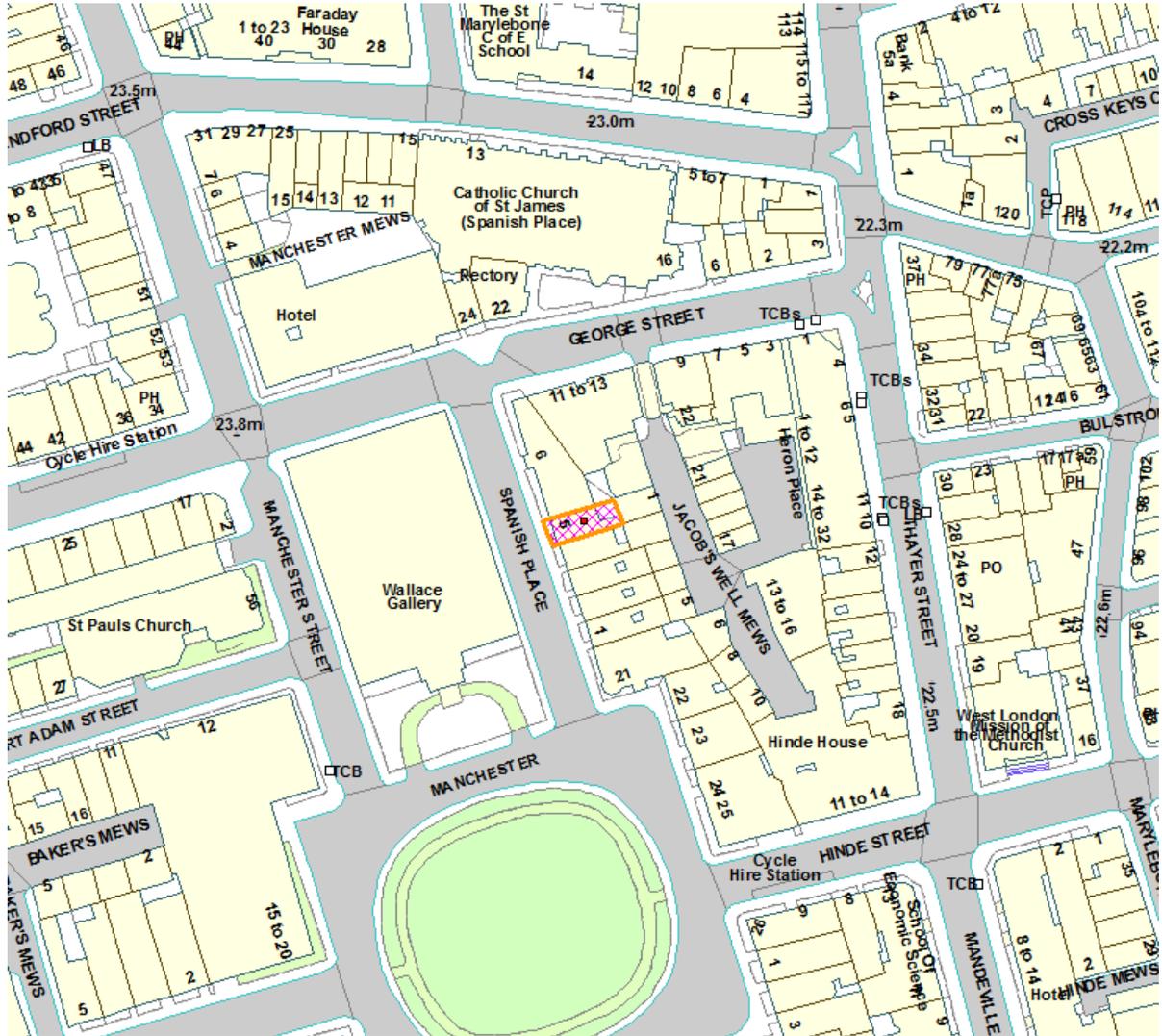
The proposal is to erect a two-storey rear extension at basement and ground floor level, to relocate existing rooftop air conditioning plant and to install a rooftop terrace with access from a new roof opening, and to lower the floor of the existing pavement vaults to create additional useable domestic floorspace

The key issues for consideration are:

- \* The impact of the proposals on the special character of the listed building and wider conservation area;
- \* The effect of the proposed extension on the amenity of the neighbouring residential occupiers;
- \* Whether the terrace and plant at roof level would lead to an unreasonable disturbance for neighbours
- \* The acceptability of lowering the floor of the pavement vaults.

The proposals are considered to be in accordance with relevant national and local policies with regard to design, heritage, amenity and other matters and is therefore recommended for approval.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

- Acknowledge objections from neighbours
- Raise concern of light pollution from glazed extension
- Request condition to address concerns regarding vibration from roof level plant
- Request retention of nibs at lower ground floor
- Note that creation of doorway between ground floor rear room and extension alters the historical circulation, and that this is usually resisted by the Council.

Declaration of Interest made by the Marylebone Association:

*“The Association would like it noted that a member of their planning panel has links with this application. This member has not been involved in making the submission.”*

### ENVIRONMENTAL SCIENCES

No objection subject to conditions

### BUILDING CONTROL

Request structural calculations and construction methodology for the lowering of the pavement vaults.

### HIGHWAYS PLANNING

No objections raised.

### HISTORIC ENGLAND

Authorisation to determine as seen fit.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30;

Total No. of replies: 6 (5 letters of objection and one raising neutral comments)

Objections have been received on some or all of the following grounds:

#### Amenity:

- Impact on daylight and sunlight of rear extension and proposed pergola
- Quality of Daylight and Sunlight report submitted and details assessed within it
- Request that only a single floor extension is permitted
- Noise and vibration of re-located roof level plant and internal ventilation flues
- Outdated noise report
- Proposed roof terrace will generate noise and light pollution

#### Structural Concerns:

- Impact of additional load on shared boundary wall footings
- Disturbance to footings of buildings as a result of lowering of vaults and possible damage to structural integrity as a result of these works, and
- Impact of affixing plant to party wall resulting in further loading.

#### Other:

- Fire hazard from proposed timber roof terrace and leaves, cigarette ends etc, which may get trapped below

- Proximity of 'explosive' air con plant to this fire hazard is a concern
- Concern over fireplaces being installed at basement level
- CO2 emissions from proposed air conditioning units
- Concern that the agent acting on behalf of the applicant is heavily involved with the Marylebone Association and that this might result in a conflict of interests.
- Impact of the proposals on the listed building

A neutral comment has been received covering the following grounds:

- Proposed works likely to cause disturbance to chimneys located on boundary  
Request that chimneys be swept before and after work
- An existing chimney stack is leaning over a property and will need to be re-built and stabilised, prior to proposed works to avoid damage
- Building works must be carried out only during permitted hours and noise levels should be kept to a minimum
- Concern about security of application site during works, and
- Request protection of all external and internal drains during works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises a mid-terrace Georgian townhouse of 4-storeys plus basement, and is in use as a single family dwellinghouse. It is Grade II Listed and located within the Portman Estate Conservation Area.

A rear courtyard exists across part of the width of the property, adjacent to a closet wing extension. The roof of the main house is M-shaped and there is existing air conditioning plant situated in the valley between the two central pitches of this roof. At the front of the property there are existing pavement vaults.

The application site is the last in the terrace of similar Listed Buildings of the same age and style on this side of Spanish Place, the others continuing to the south. To the north of the site, at no.6, there is the much taller Spanish Place Mansions apartment block which forms the corner with Charles Street.

To the rear of the site, backing onto the application site, there are smaller two-storey properties in Jacob's Wells Mews but these do not have windows in their rear elevations and are in commercial use.

### **6.2 Recent Relevant History**

In 2003 permission was granted for the retention of air conditioning units at roof level.

## **7. THE PROPOSAL**

The proposals include the infilling of the rear courtyard to extend the footprint of the building at basement and ground floor level with the creation of a two-storey extension. This would also involve the heightening of the party wall on the boundary with Spanish

Mansions, the line of which would broadly follow the line of the sloping glazed roof of the proposed two storey extension.

It is also proposed to excavate below the existing pavement vaults to provide sufficient head height to enable these to be used as part of the dwellinghouse - as a gym and plantroom.

At roof level, it is proposed to relocate the air conditioning plant to an area adjacent to the high gable end of the neighbouring Spanish Mansions to provide space between the roof slopes for a decked area to be installed for use as a rooftop terrace. In order to gain access to roof, it is proposed to install a new glazed opening.

Various internal changes are proposed within the Listed Building which would have no effect on its external appearance.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposals will provide a small increase to the residential floorspace of the building as a result of the rear infill extension at lower ground and ground floors. This would be in accordance with UDP Policy H3 and S14 of the City Plan, both of which seek to increase the amounts of residential floorspace within Westminster.

### **8.2 Townscape and Design**

The building is listed Grade II and was built circa 1770. It lies within the Portman Estate Conservation Area. It has been altered over the years and the interior contains a small number of original features. The basement and second and third floors have been much altered and contain no features of interest.

The proposals involve an extension at the rear at basement level, in the rear yard, with a glazed extension at ground floor level above. The floor of the front area vaults will be lowered slightly. A new partition will be introduced in the front room, thereby restoring the original plan form. The changes at basement level are uncontentious in historic building terms given its lack of architectural and historic interest.

The ground floor extension is also considered acceptable given that it is highly transparent and the rear wall of the building will remain exposed. The original plan form of the building will remain visible. The rear window will be converted to a jib type door, echoing the appearance of the window. In the front room the dumb waiter is removed, which is an improvement. These alterations will not harm the special interest and are considered acceptable.

The original M-shaped Georgian roof survives. A terrace will be created in the valley between the front and rear roofs, with a small access hatch and plant area. These works will have minimal impact on the appearance and fabric of the roof and are acceptable.

Concerns have been raised by objectors regarding the impact of the proposals on the listed building. However, these concerns are not considered to be able to be upheld. It is considered that overall the special interest of the listed building and the character and appearance of the Portman Estate Conservation Area will not be harmed and that the proposals comply with the City Council's urban design and conservation policies, including S25 of the City Plan and DES 1, DES 5, DES 6, DES 9 and DES 10 of the Unitary Development Plan.

### 8.3 Residential Amenity

Council records indicate that the site is neighboured by residential properties to the north at Spanish Place Mansions and to the south at 4 Spanish Place. The other properties to the south in Spanish Place are also in residential use. The application site faces, on the opposite side of Spanish Place, the large flank wall of The Wallace Collection building which has its main frontage on Manchester Square. The properties to the rear, which are located on Jacob's Well Mews, are in commercial use.

UDP Policy ENV13 requires any new development to take into the impact on neighbouring properties in terms of loss of sunlight and daylight, sense of enclosure and overlooking, whilst City Plan Policy S29 aims to protect the existing living environment from unneighbourly proposals.

#### **Sunlight and Daylight**

Objections have been received from some occupiers of Spanish Place Mansions regarding loss of light to their windows, especially from the resident of the ground floor flat (Flat 3) whose kitchen window is closest to the proposed two storey extension. The applicant submitted with their application a sunlight and daylight report as required by the Council which sets out the impact on neighbouring natural light levels in accordance with the Building Research Establishment's (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'. The resident of Flat 3 considered the applicant's initial report to be incomplete as it did not undertake an assessment from within his flat in order to quantify the BRE's No Sky Line test (NSL). This was subsequently undertaken by the applicant and the submitted report has been supplemented and updated.

In terms of measuring daylight, where possible both the Vertical Sky Component (VSC) and NSL are used. VSC represents the amount of visible sky that one would see from the midpoint of a window and the NSL measures the proportion of a room where one can see visible sky. Provided that in neither of these tests the loss of light would be greater than 20%, the BRE advises that any light reduction not be noticeable. In this case any loss of light to the windows in Spanish Place Mansions, including the nearest window in Flat 3 and the windows of the lower ground floor flat, would be no greater than 20% and based on this objective assessment the proposals are acceptable.

An objection has been received concerning the proposed pergola on the existing first floor rear terrace and the potential impact that this would have on sunlight and daylight, but this lightweight structure would be on the other side of the application site to Spanish Place Mansions and any additional impact would be marginal. The objector has also requested that only a single-story extension be permitted. Due to the reasons discussed above and the acceptability of the extension proposed, it is not considered this request can be upheld.

**Sense of Enclosure**

The relatively modest proposed heightening of the wall on the boundary with Spanish Place Mansions by a maximum of 1.7m, would cause no materially harmful increased sense of enclosure for the residents of that building.

**Overlooking**

The windows in the proposed extension would face the properties at the rear in Jacob's Well Mews and would cause no overlooking of neighbouring dwellings.

The proposed rooftop terrace would be set well within the roof area and away from its edges ensuring that there would be no overlooking of neighbouring properties from this feature.

**Other Amenity Issues**

There has been an objection from the neighbouring Spanish Place Mansions on the grounds that the proposed roof terrace would be a source of noise and light pollution for the adjoining occupiers. The Marylebone Association also comment that light pollution from the glazed extension may be an issue. However, the terrace would be modest in size, being just large enough to accommodate a patio table and chairs, and therefore it is considered that it would be a low intensity use unlikely to cause significant disturbance to others. Roof terraces are familiar features in this type of urban setting and provide welcome external amenity space for residents.

With regard to light pollution, it is not considered that the proposed glazed roof access structure or other potential light sources on the terrace would create any unreasonable light pollution. As the rear glazed extension is set beneath the extended boundary wall on one side and the existing projecting rear closet wing on the other side, and fitted with an internal electric blind, it is unlikely to cause harm to neighbouring properties.

**8.4 Transportation/Parking**

The proposal does not create any additional demand for parking facilities.

**8.5 Economic Considerations**

No significant economic considerations are applicable for a development of this size

**8.6 Access**

The proposal does not require any changes to access arrangements to the dwellinghouse.

**8.7 Other UDP/Westminster Policy Considerations****Plant Noise**

Objections have been received from some residents at Spanish Place Mansions concerning the proposed relocation of the rooftop air conditioning units to a position

closer to the gable end of that mansion block. The objectors consider that these would be a potential source of disturbance, including the possibility of noise and vibration travelling through to the fabric of the neighbouring mansion block. At officers request the original submissions have been amended so that the units are now proposed to be set slightly away from the neighbouring property rather than attached to it to prevent that from happening. The standard vibration condition is also imposed.

The submissions also include a noise report to demonstrate that the air conditioning units would not be audible at any neighbouring residential window. One objector is concerned that the report is inaccurate and out of date. However, the report has been assessed by Environmental Health officers who are satisfied that, subject to the submission of a post-commissioning noise report, the proposed plant would comply with UDP policy ENV7 concerning noise limitations, and that the Council's standard noise condition would be complied with.

### **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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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 now.

### **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 London-wide 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.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

The proposals are not of sufficient scale to require the submission of an Environmental Impact Assessment.

## 8.14 Other Issues

Objections have been received concerning the proposal to lower the floor of the pavement vaults, on the basis that this may make the vaults unstable and effect the structural stability of the adjoining building. To ensure that there is no possibility of this occurring, the applicant will be required by condition to submit for approval a structural engineering report setting out the methodology for undertaking the vault works, and this part of the development will not be allowed to proceed until the condition has been satisfied.

Objections have also been received on the grounds that the proposed new roof terrace would cause a significant fire hazard to the site and neighbouring properties (as a result of leaf litter, cigarette ends etc. falling below the timber) which would be exacerbated by “explosive” air conditioning units located on the boundary wall. It is not considered that such issues fall within the planning process and would more likely be an issue covered under building control regulations. Furthermore, such elements are a common feature at properties through central London. It would be unreasonable to withhold planning permission on such grounds and therefore the comments cannot be upheld.

Various objections have been received in relation to possible noise and vibration from internal ventilation flues against party walls and concern that the proposed new fireplaces at basement level will not be attached to existing flues, as well as being used in contravention of Smoke Control laws. These flues have been confirmed by the applicant as existing and smoke emission is subject to separate legislation. It is therefore not reasonable to withhold permission on these grounds.

With regards to the relocation of the air conditioning, an objection has been raised regarding CO2 emissions from these units. However the application involves the relocation of existing units and as a result there will be no increase in CO2 emissions.

Objectors have also raised concerns that the agent acting on behalf of the applicant is heavily involved with the Marylebone Association and that this might result in a conflict of interests. The Marylebone Association made a statement setting out that the agent has not been involved in the comments submitted on behalf of the Association. The Council does not consider that such a conflict of interest may arise and it would be unreasonable for permission to be withheld on such grounds.

A neutral comment was received raising a range of concerns relating to chimneys between the properties and construction related issues such as noise and disturbance during this process, security of the site, and accumulation of construction debris in drains etc. Aside from the matter of impact during construction, which is covered as far as possible by the Councils standard condition restricting hours of noisy work, all of these other matters are considered private issues which cannot be addressed through the planning system. It is not reasonable to withhold permission on any of these grounds.

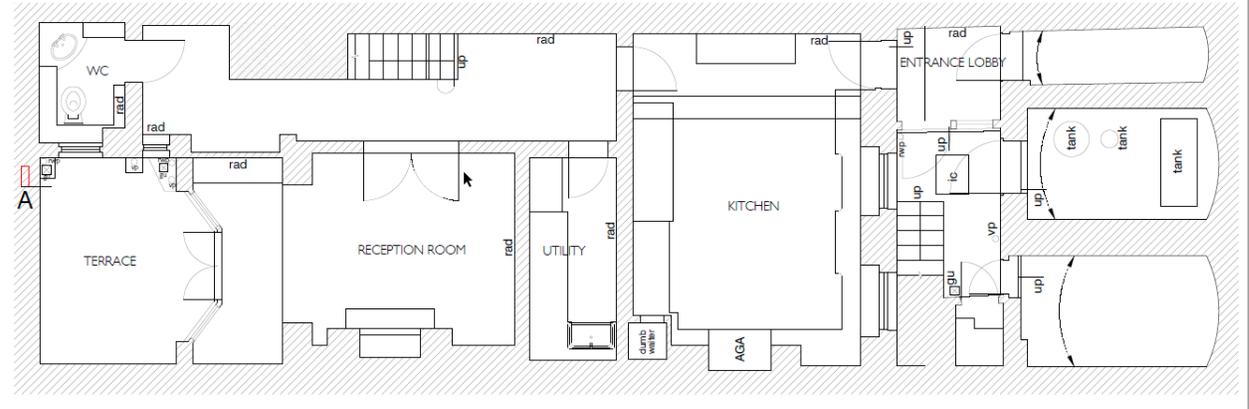
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

Item No.
<b>1</b>

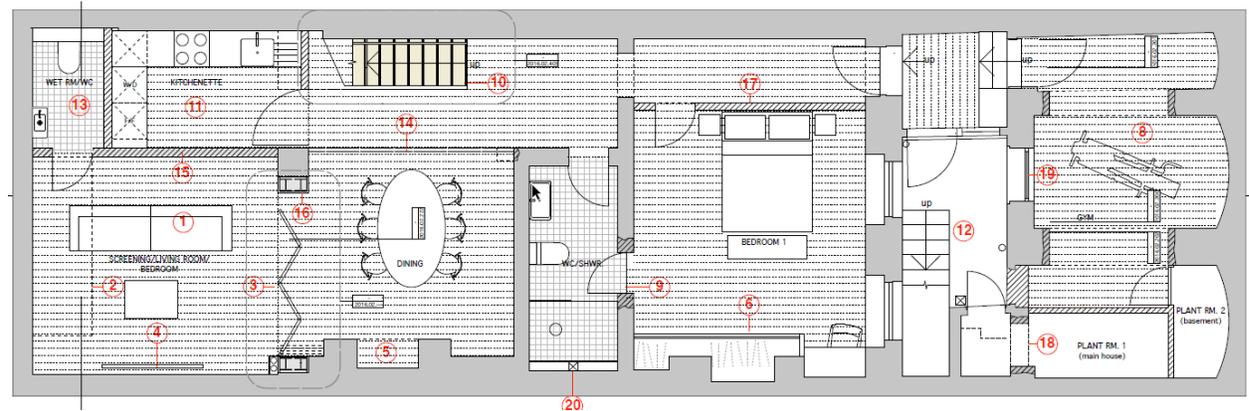
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

9. KEY DRAWINGS

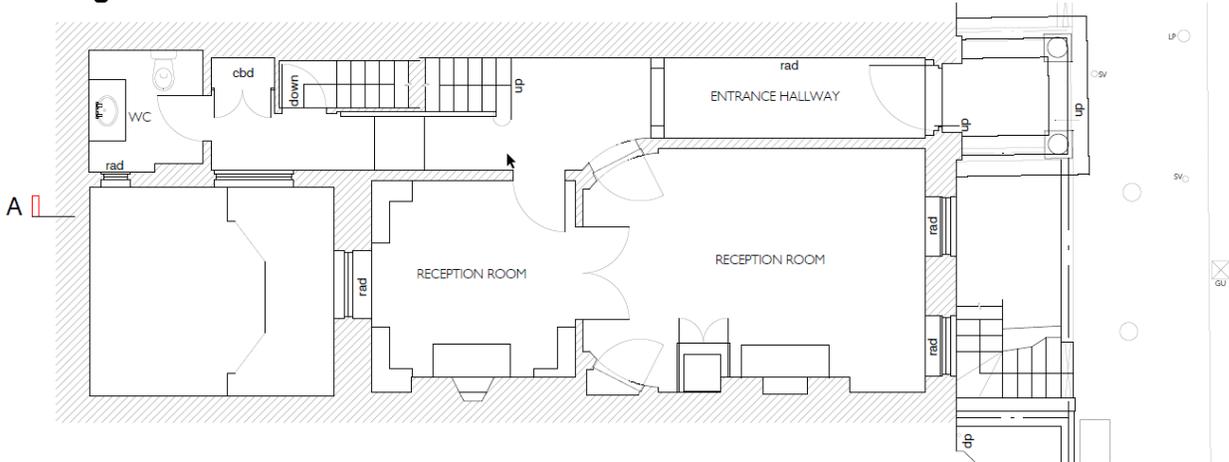
Existing Lower Ground



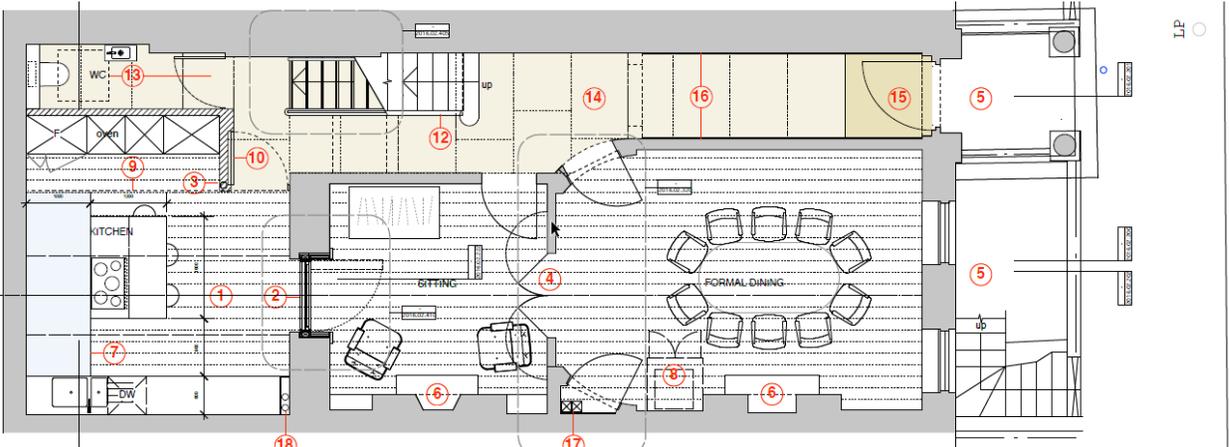
Proposed Lower Ground



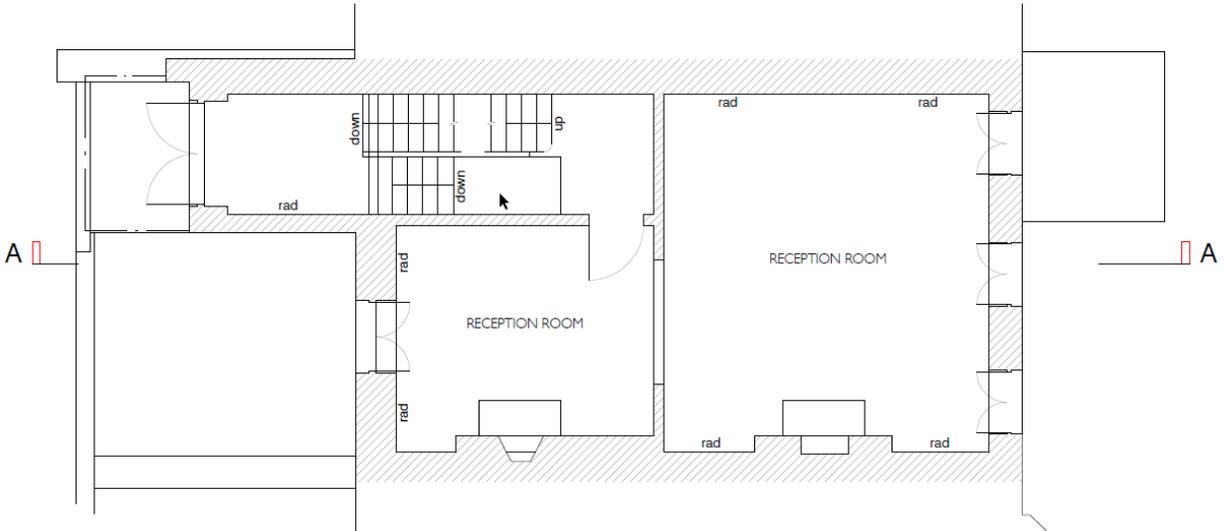
**Existing Ground Floor**



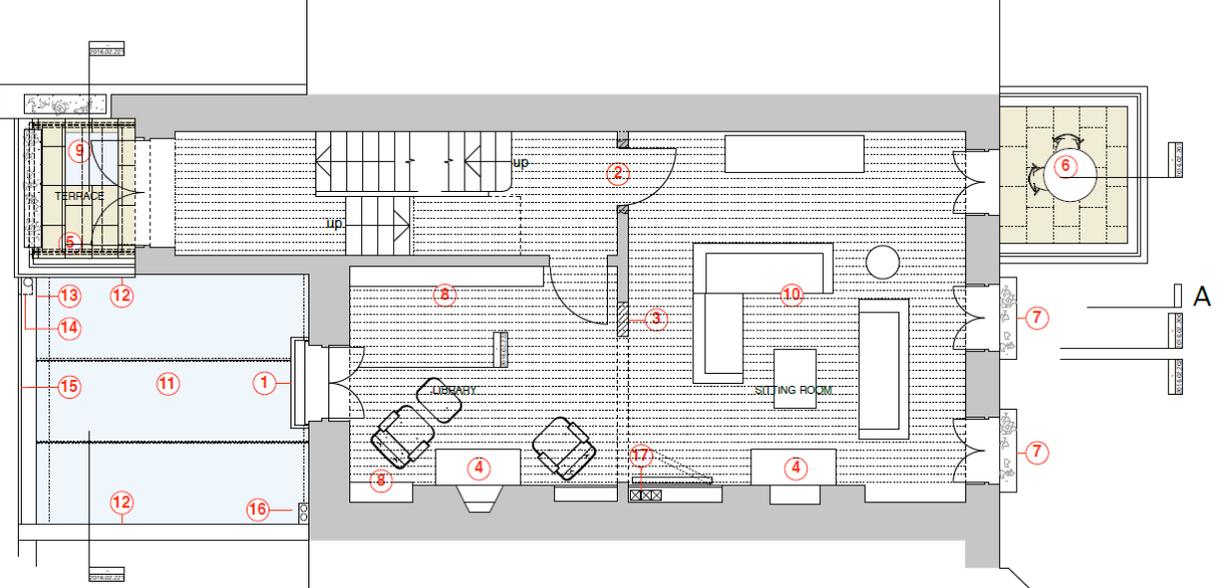
**Proposed Ground Floor**



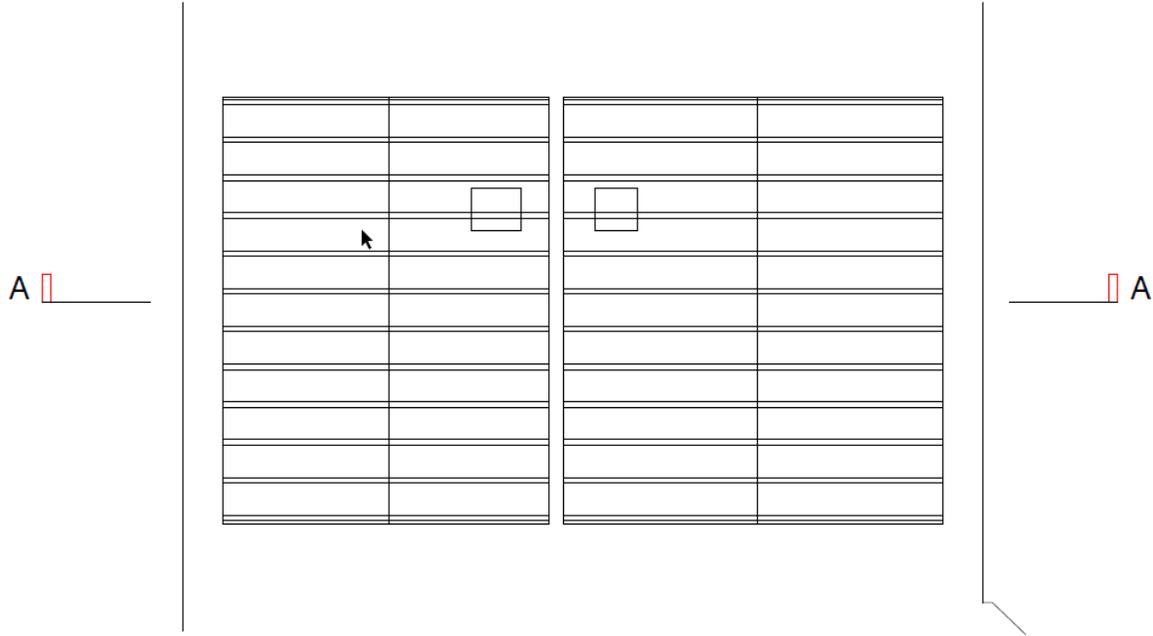
**Existing First Floor**



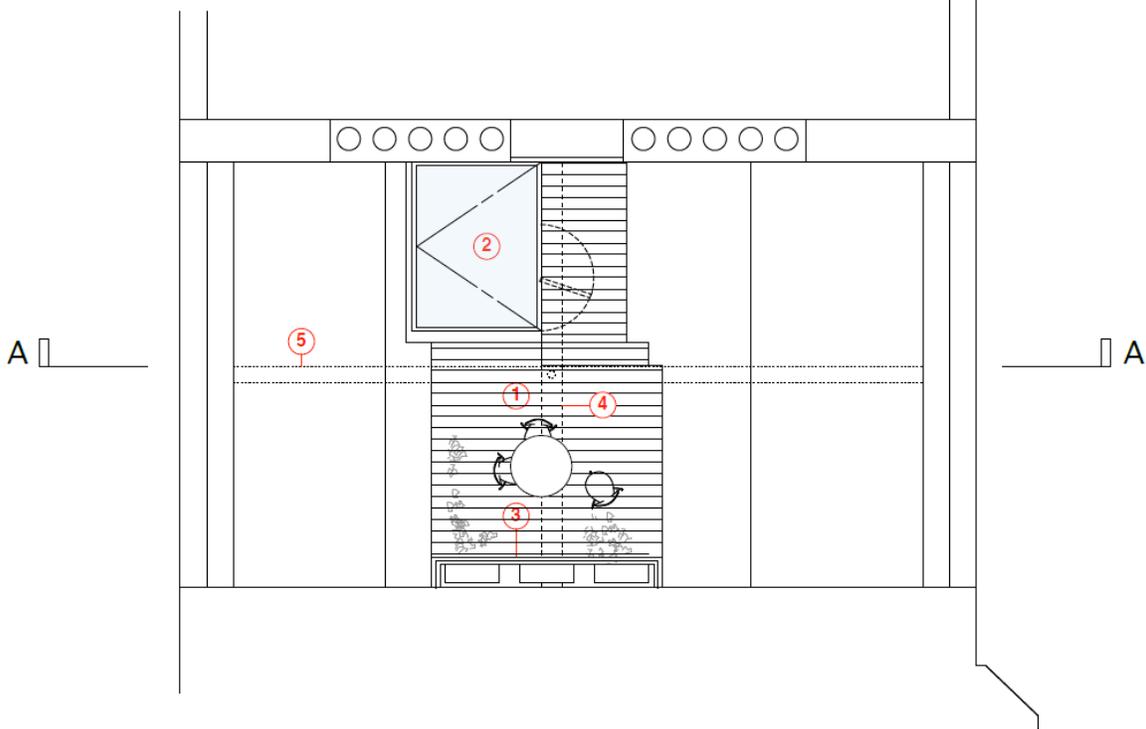
**Proposed First Floor**



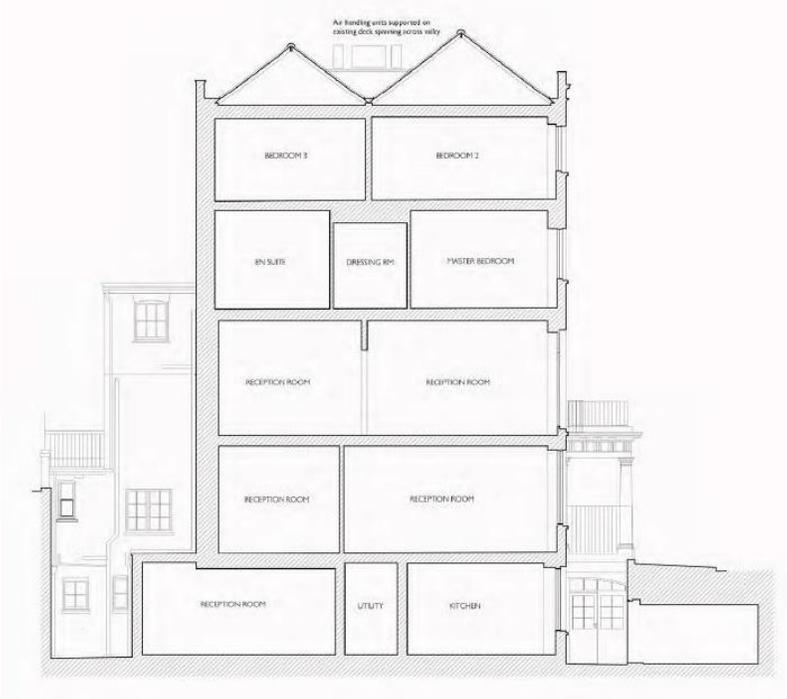
**Existing Roof Plan**



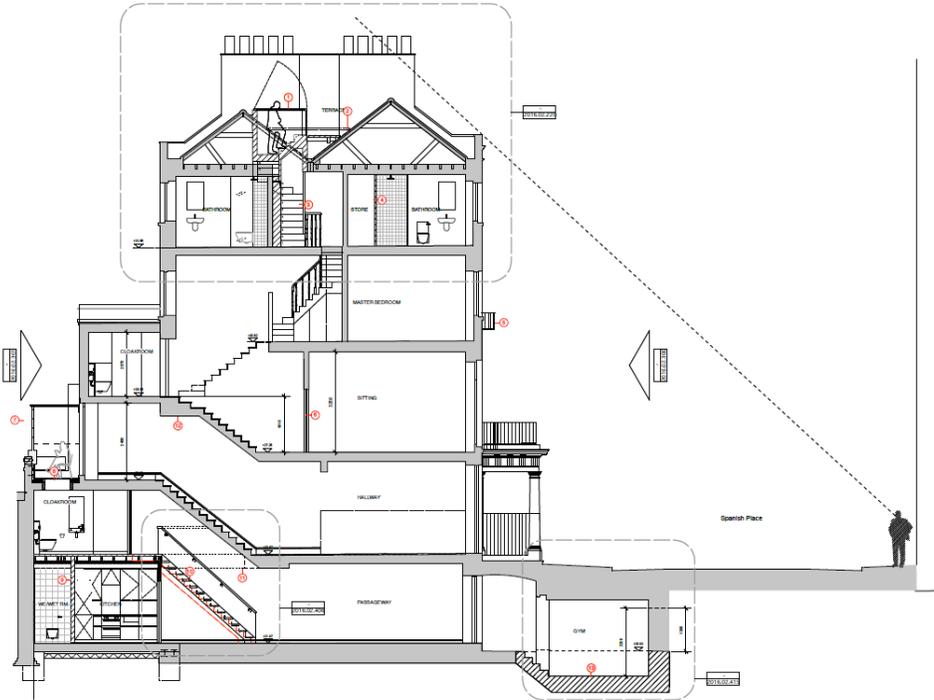
**Proposed Roof Plan**



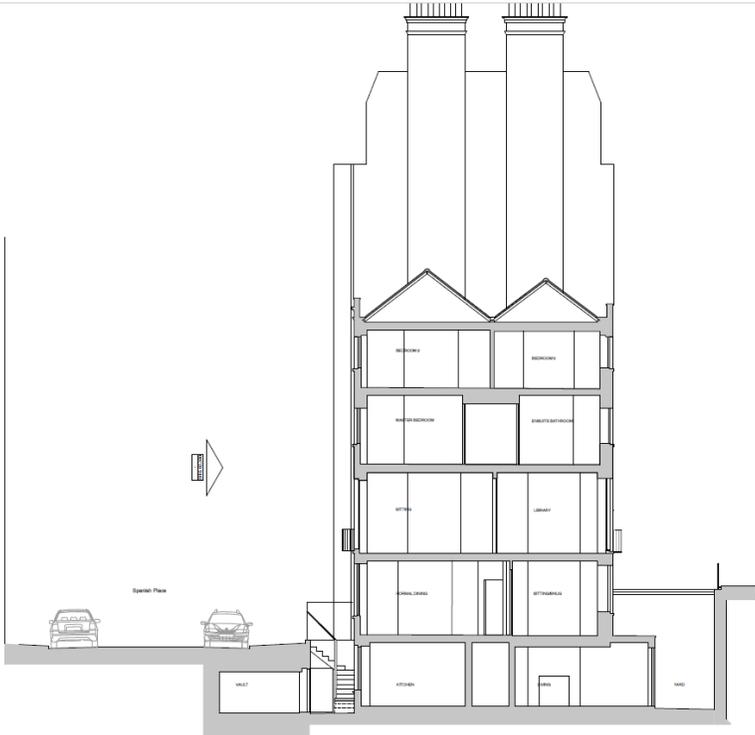
**Existing Section 1**



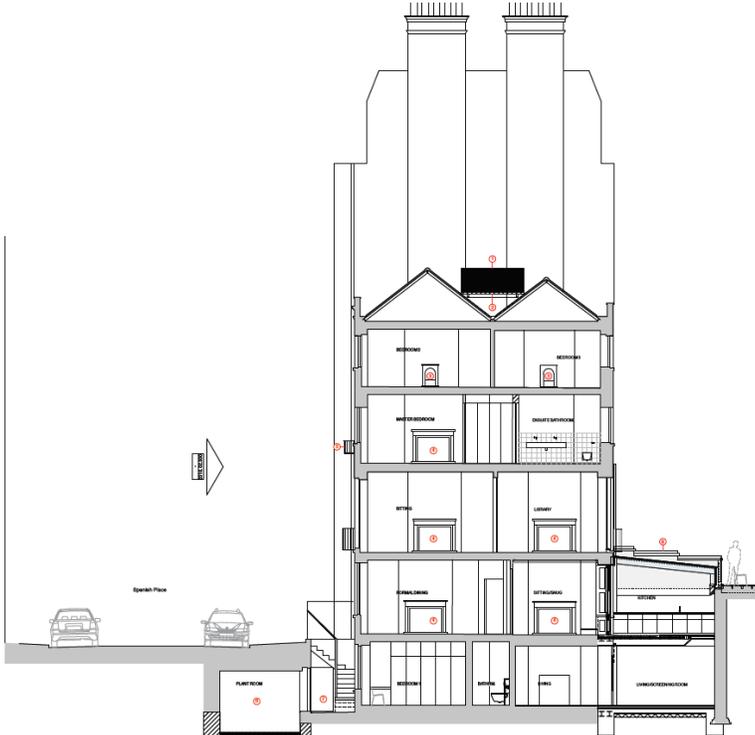
**Proposed Section 1**



**Existing Section 2**



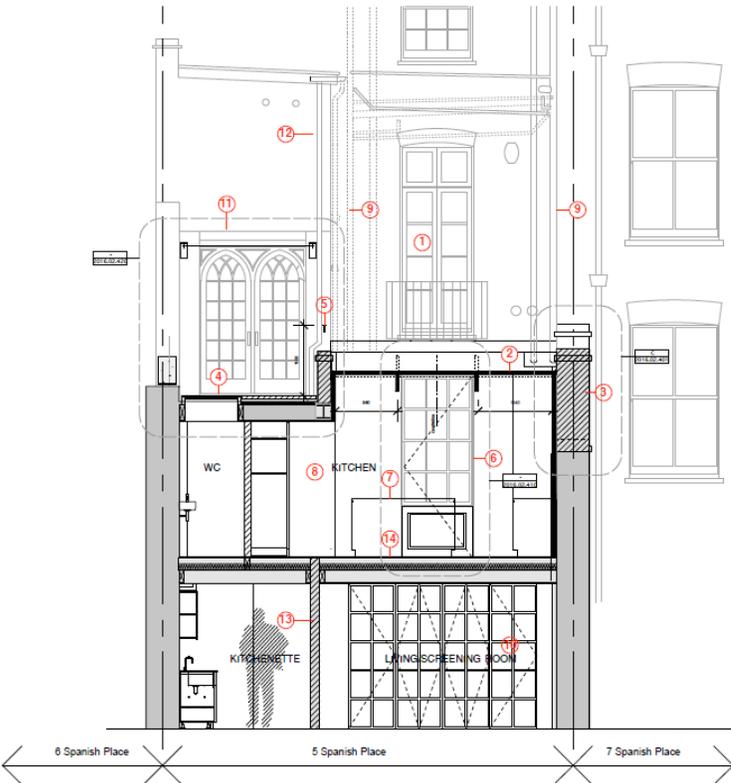
**Proposed Section 2**



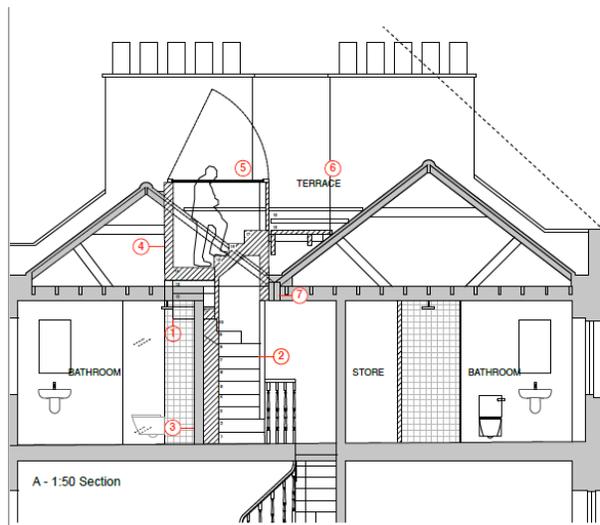
**Existing Rear Elevation (close up)**



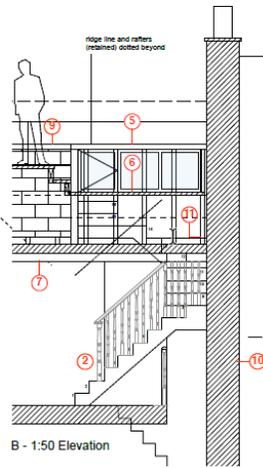
**Proposed Rear Elevation (close up)**



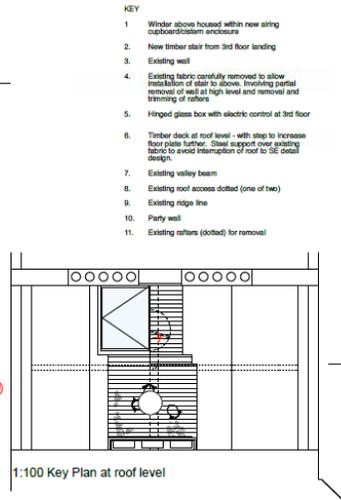
## Details of Proposed Roof Terrace



A - 1:50 Section

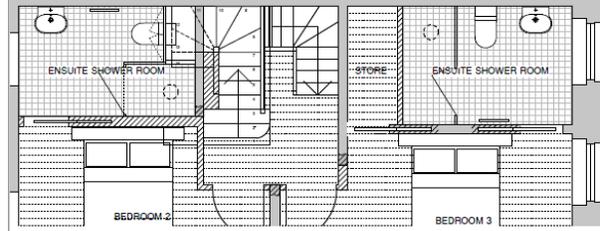


B - 1:50 Elevation

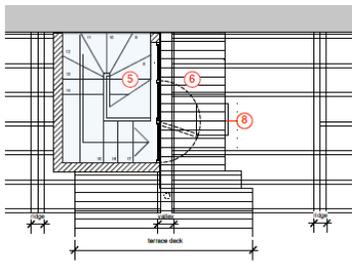


1:100 Key Plan at roof level

- KEY**
- 1 Winder above housed within new sitting cupboard/staircase structure
  - 2 New timber stairs from 3rd floor landing
  - 3 Existing wall
  - 4 Existing fabric carefully removed to allow installation of stair to above. Involving partial removal of wall at high level and removal and trimming of rafters
  - 5 Hinged glass box with electric control at 3rd floor
  - 6 Timber deck at roof level - with step to increase floor plate surface. Steel support over existing fabric to avoid interruption of roof to SE detail design
  - 7 Existing valley beam
  - 8 Existing roof access ducted (one of two)
  - 9 Existing ridge line
  - 10 Party wall
  - 11 Existing rafters (dotted) for removal



C - 1:50 Part Plan at 3rd Floor



D - 1:50 Part Plan at Roof

<p>Revisions</p> <table border="1"> <tr> <td>A</td> <td>Initial</td> </tr> <tr> <td>B</td> <td>Initial</td> </tr> <tr> <td>C</td> <td>Initial</td> </tr> </table>	A	Initial	B	Initial	C	Initial	<p>Notes: All dimensions in mm.</p> <p>Revisions added later date</p> <p>Drawn by: [Name]</p> <p>Checked by: [Name]</p> <p>Project: [Name]</p>
A	Initial						
B	Initial						
C	Initial						
<p>Type: <b>PLANNING DRAWING</b></p> <p>Drawn by: [Name]</p> <p>Checked by: [Name]</p> <p>Date: [Date]</p> <p>Scale: [Scale]</p> <p>Project: [Project Name]</p> <p>Job No: [Job Number]</p> <p>Revision: [Revision Number]</p>							

**DRAFT DECISION LETTER (RN: 18/08517/FULL)**

**Address:** 5 Spanish Place, London, W1U 3HZ,

**Proposal:** Erection of a rear two storey extension at lower ground and ground floor level in order to enlarge dwellinghouse (Class C3), excavation under pavement vaults, relocation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations and general refurbishment works. (Linked to 18/08518/LBC)

**Plan Nos:** Demolition Drawings:  
A - 2016.07.100 B ; A - 2016.07.101 A ; A - 2016.07.102 B ; A - 2016.07.103 ; A - 2016.07.104 B ; A - 2016.07.105 ; A - 2016.07.200

Proposed Drawings:  
P - 2016.07.100-D ; P - 2016.07.101-C ; P - 2016.07.102-C ; P - 2016.07.103-B ; P - 2016.07.104-C ; P - 2016.07.105-D ; P - 2016.07.200-B ; P - 2016.07.201-B ; P - 2016.07.202-C ; P - 2016.07.220-C ; P - 2016.07.221-D ; P - 2016.07.222-D ; P - 2016.07.300-B ; P - 2016.07.305 ; P - 2016.07.400 B ; P - 2016.07.401-A ; P - 2016.07.405 A ; P - 2016.07.406 A ; P - 2016.07.410-A ; P - 2016.07.420

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 4 (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)

- 5 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)

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 5 of this permission.

Reason:

(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.

- 7 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 8 You must apply to us for approval of structural engineering report to demonstrate that the proposed works to the pavement vault would cause no structural harm to the application building, the neighbouring building, or the highway.

You must not carry out any excavation work to the pavement vaults until we have approved what you have sent us.

You must then carry out the work according to this structural engineering report.

Reason:

In the interests of public safety and to protect the parts of the building and adjoining which are to be preserved during building work. (R28AA)

**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 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 With regards to condition 8, the submitted structural engineering report must show the proximity and effects on any adjacent foundations, stages of excavation and temporary supports, as well as the sequencing of any underpinning or piling proposed. An investigation of existing structures and geology has yet to be undertaken and submitted as part of the construction methodology. The existence of groundwater, including underground rivers, should be researched and the likelihood of local flooding or adverse effects on the water table should be assessed.

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

**DRAFT DECISION LETTER (RN: 18/08518/LBC)**

**Address:** 5 Spanish Place, London, W1U 3HZ,

**Proposal:** Erection of a rear two storey extension at lower ground and ground floor level, excavation under pavement vaults, installation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations including removal of walls, new kitchen, bathrooms, new openings and removal of staircase. (Linked to 18/08517/FULL)

**Plan Nos:** Demolition Drawings:  
A - 2016.07.100 B ; A - 2016.07.101 A ; A - 2016.07.102 B ; A - 2016.07.103 ; A - 2016.07.104 B ; A - 2016.07.105 ; A - 2016.07.200

Proposed Drawings:  
P - 2016.07.100-D ; P - 2016.07.101-C ; P - 2016.07.102-C ; P - 2016.07.103-B ; P - 2016.07.104-C ; P - 2016.07.105-D ; P - 2016.07.200-B ; P - 2016.07.201-B ; P - 2016.07.202-C ; P - 2016.07.220-C ; P - 2016.07.221-D ; P - 2016.07.222-D ; P - 2016.07.300-B ; P - 2016.07.305 ; P - 2016.07.400 B ; P - 2016.07.401-A ; P - 2016.07.405 A ; P - 2016.07.406 A ; P - 2016.07.410-A ; P - 2016.07.420

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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)

Item No.
<b>1</b>

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1) of the following parts of the development -

1. New railings on portico
2. Internal doors - to be traditional (six) panelled doors at ground and first floor levels.

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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 The metal flower boxes on the front facade at second floor level shall not be installed.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 The external rear wall of the main house at ground floor level (within the proposed kitchen) shall remain as unpainted brickwork.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

Item No.
<b>1</b>

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

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

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