

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 September 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Basement Flat, 47 Cleveland Square, London, W2 6DB		
Proposal	Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.		
Agent	Ms Carol Shea		
On behalf of	Ms Lorraine Connolly		
Registered Number	19/05283/FULL and 19/05284/LBC	Date amended/ completed	10 July 2019
Date Application Received	8 July 2019		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

Planning permission and listed building consent are sought for the retention of lights inserted into the paving within an internal lightwell and two downlighters. An objection was received from the South East Bayswater Residents Association on design and amenity grounds. Objections have also been received from three neighbours and are summarised in Section 5 of the report.

The key issues in this case are:

- The impact on the special interest of the Grade II listed building.
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area and Cleveland Square as a Grade I listed Historic Park and Garden of Special Historic Interest.
- The impact on the amenity of neighbouring residents.

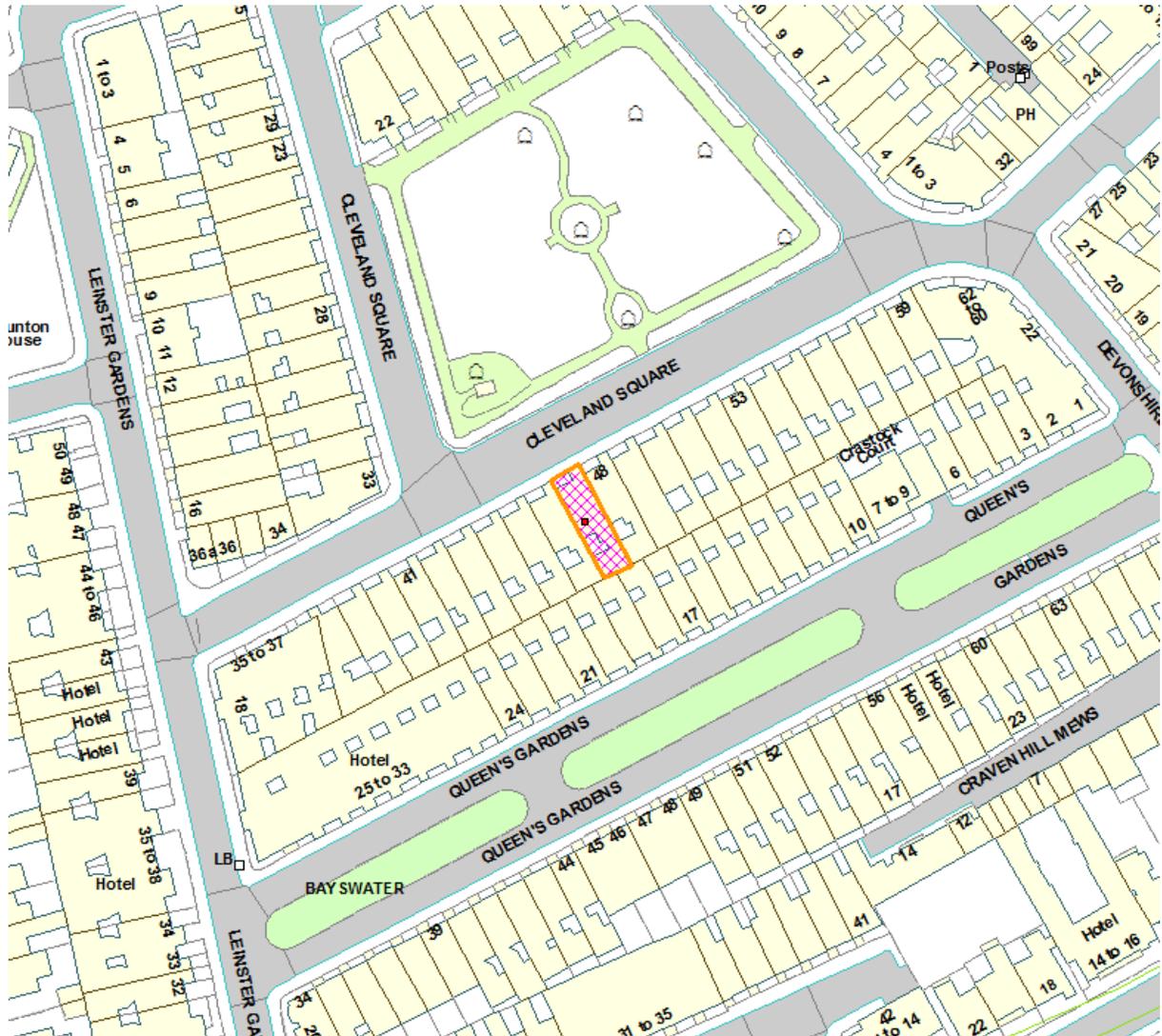
The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in

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November 2016 (the City Plan). The applications for planning permission and listed building consent are therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Lights as installed.



Day time view with lights on.



Downlighters



5. CONSULTATIONS

PLANNING ENFORCEMENT TEAM
Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
Objection on the following grounds:

- Harms the setting of the listed building
- Impact of light pollution on the amenity of the neighbours
- Unacceptable precedent

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 3

No. of objections: 3 (against the listed building consent application)

Objections on some or all of the following grounds:

- Lights are left on at night time
- Light pollution and the impact on neighbouring residents
- Lights are visible by neighbouring residents
- Lights are cosmetic and do not enhance the architecture of the building
- Lights change the function of the shared lightwell
- There are no benefits to outweigh the harm.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a lower ground floor flat within a Grade II listed building, located on the south side of Cleveland Square. The site is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

04/01045/FULL

Retention of wooden decking with uplighters to rear basement lightwell.

Application Permitted 24 June 2004

04/01046/LBC

Retention of wooden decking and up lighters to rear basement patio area.

Application Permitted 24 June 2004

7 THE PROPOSAL

The application seeks the retention of external lights which have been installed within the lightwell of the application site at lower ground floor level. Four uplighters have been recessed into the slate paving and two recessed downlights have been installed above the door into the lightwell.

The installation of 4 uplighters in the lightwell was granted on 26 June 2004 (04/01045/FULL and 04/01046/LBC). In the approved scheme, the uplighters were small circular lights recessed into timber decking and were dimmable; the uplighters currently installed are in the same location as those in the approved scheme but are recessed into slate paving. They are small and circular and are dimmable.

The two downlights replaced a previous surface mounted light fitting. The installed downlights are of the same design as those installed within the paving, being small, circular and dimmable.

8 DETAILED CONSIDERATIONS

8.1 Land Use

This application raises no land use issues.

8.2 Townscape and Design

Section 66 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The 1990 Act also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and conservation, DES 5 relating to alterations to existing buildings, DES 9 that concerns the impact of development on conservation areas and DES10 which relates to works affecting listed buildings.

The lights that have been installed are discreet in terms of number and scale. The uplighters have been set within slate paving and consequently the visibility of them is limited. It is appreciated that lights within the floor of the lightwells is not a traditional arrangement. However, this lightwell has historically been compromised by the introduction of modern paving and as such the uplighters are not considered to further detract in this context.

When illuminated the lights are more visible in private views from the flats which share this lightwell. However from a design and heritage perspective, given the lights are

viewed in the context of the modern paving, the impact on the special interest of the heritage asset is considered to be limited.

The two downlights which have been installed above the access door are also discreet in scale. As they replaced a previous larger light, the positioning and scale of the lights are considered to be more sympathetic than the previous arrangement. These lights are acceptable in design and heritage terms.

Although objections have been received on the grounds that the lights are inappropriate for this Grade II listed building, they are not considered to be harmful to the special architectural and historic interest of this building and given the fact that it is not visible from public views, it will not affect the character and appearance of this part of the Bayswater Conservation Area.

8.3 Residential Amenity

Planning permission was granted at sub-committee in 2004 for 'Retention of wooden decking and up lighters to rear basement patio area. '

At planning committee, it was agreed that to protect residential amenity, the lights should be limited by condition to use between the hours of 7am and 10pm only.

In 2014 planning permission and listed building consent were granted for the removal of the existing timber decking and the installation of slate flooring to the lightwell. The drawings and supporting text did not include lighting. Works commenced in November 2015 to install the slate flooring, up lights were installed in the slate flooring and down lights above the doors in locations similar to previously approved lights. The lighting was not included on the 2014 permissions and has therefore been installed unlawfully.

Following a complaint to the planning enforcement team in February 2019 relating to the unlawful lighting and the impact on neighbouring residential amenity and this listed building an application has been submitted to regularise the situation.

Policy ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. Policy ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight. Policy ENV 10 states that when planning permission is granted for developments which involve the installation of lighting apparatus, conditions will be attached to ensure minimal upward lightspill. The reasoned justification for policy ENV 10 states '*Light spill can also impinge directly on residents, destroying their sense of privacy and interfering with sleep*'

Three objections have been received raising one or more of the following amenity issues:

- Up lighting was permitted but never installed
- Light pollution causing disruption to sleep patterns
- Lights kept on all night
- The lights change the function of the lightwell
- Lights are not in accordance with lowering carbon emissions

Objections have been received on the grounds that the lights installed in the courtyard cause light pollution for the residents of the buildings on the upper floors of the building.

It has previously been accepted that lighting in the court yard, subject to conditions limiting the hours of use, would not have a detrimental impact on the neighbouring residential amenity. While the previous decision was granted prior to the adoption of the UDP in 2007, ENV 10 accepts that conditions can be used to mitigate lightspill and protect residential amenity. Objections have stated that the installed lights are not in accordance with Government guidance on light pollution. The Guidance indicates that in domestic settings precautions such as limiting when lighting is used can mitigate the impacts of exterior lights.

In letters to the Planning Enforcement Team from objectors it is stated that if the City Council are minded to grant permission, conditions limiting the use of the light to between 7am and 10pm could be used to protect amenity. The applicant has confirmed during a site visit that such a condition would be acceptable.

Due to the location and size of the lights, the previous permission and the proposed condition it is not considered installed lights would harm the amenity of the neighbouring residential properties in regards to light pollution subject. The works are in accordance with ENV 10, 13 and S29 of the City Plan and therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The application does not raise any transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not raise any access issues.

8.7 Other UDP/Westminster Policy Considerations

The application does not raise any other policy considerations.

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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination

in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are no neighbourhood plans

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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

This application raises no environmental issues.

8.14 Other Issues

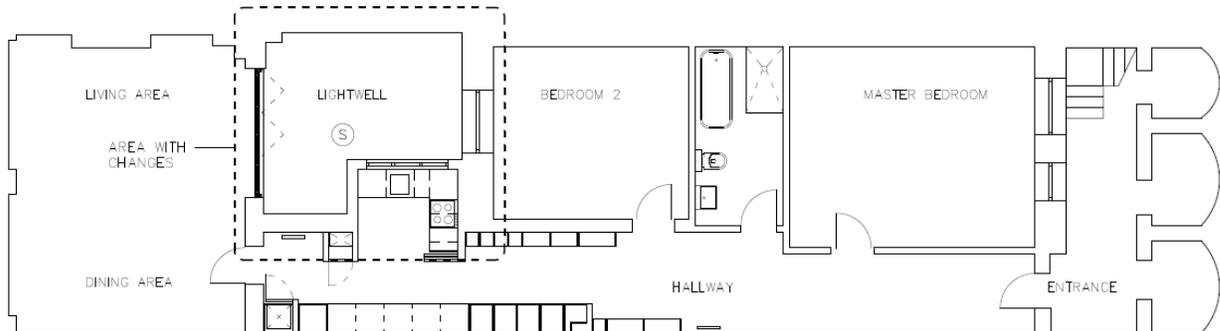
This application raises no other issues.

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

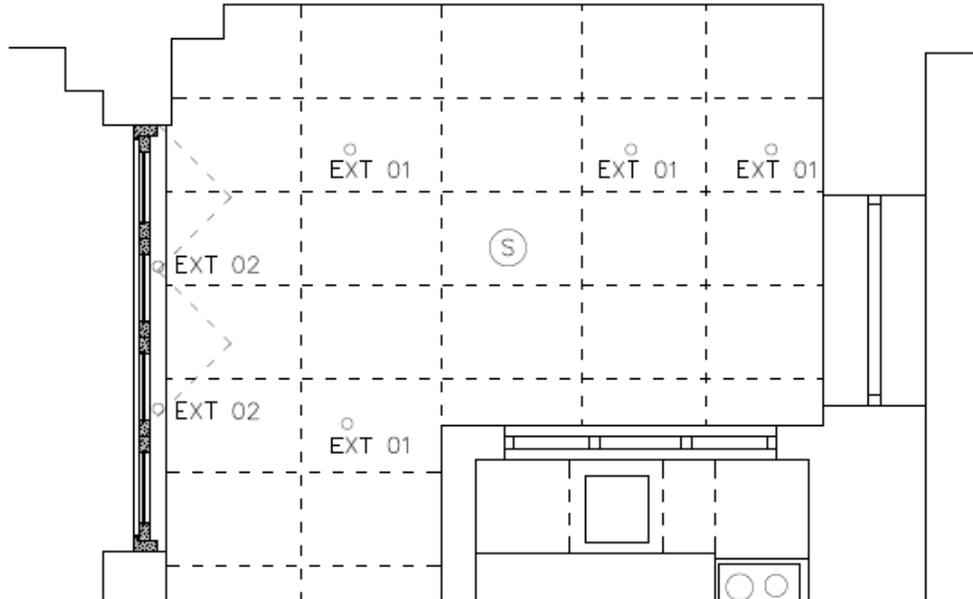
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9 KEY DRAWINGS

Pre-existing floorplan



Lightwell with location of downlights and uplighters.



○
EXT 01 RECESSED INGROUND UPLIGHTER TO BOTTOM OF LIGHTWELL:
MR. RESISTOR PHANTOM Q3989 IP68 STAINLESS STEEL ROUND LED UPLIGHTER, (WARM WHITE) WITH DIMMABLE DRIVER

○
EXT 02 RECESSED DOWNLIGHT OVER DOORWAY TO LIGHTWELL:
MR. RESISTOR BLAZE LED DOWNLIGHT Q3B75 IP64 (WARM WHITE) NICKEL WITH DIMMABLE DRIVER

Ⓢ SLATE PAVING

DRAFT DECISION LETTER

Address: Basement Flat , 47 Cleveland Square, London, W2 6DB

Proposal: Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.

Plan Nos: P01; P02A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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 listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 The lights hereby permitted shall not operate between the hours of 22:00 and 07:00.

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. (R22CC)

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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

DRAFT DECISION LETTER

Address: Basement Flat , 47 Cleveland Square, London, W2 6DB

Proposal: Retention of the installation of 4 uplighters recessed into the external slate paving of the lightwell and two 2 downlights recessed over the doorway to the lightwell.

Plan Nos: P01; P02A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

- 1 The works 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.

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 Bayswater 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 disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 Bayswater 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)

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.

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.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>.

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.