

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 October 2021		Classification For General Release
Report of Director of Place Shaping and Town Planning	Ward(s) involved West End		
Subject of Report	45-46 Adams Row, London, W1K 2LB		
Proposal	Erection of a second floor and third floor mansard extension to form three new residential units (Class C3) at second and third floor levels. Alterations including installation of plant equipment and waste storage at rear ground floor and plant equipment at roof level (site includes 46 Adams Row).		
Agent	Boyer London		
On behalf of	Forty Five Holdings Limited		
Registered Number	21/00257/FULL	Date amended/completed	16 February 2021
Date Application Received	15 January 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application relates to a two storey building containing two residential flats on the first floor and off street parking spaces on the ground floor, at 45 - 46 Adams Row. The building is unlisted and is located in the Mayfair Conservation Area.

Permission is sought for the erection of a sheer second floor and third floor mansard extension to form three new residential units at second and third floor levels, with associated external alterations to the existing facades. Additionally, the application proposes the installation of plant equipment and waste storage at rear ground floor and plant equipment at roof level.

Letters of objection and support have been received to the proposals.

The key issues in the determination of this application are:

- The impact of the proposed extension and alterations upon the character and appearance of the

Item No.
2

building and wider townscape;

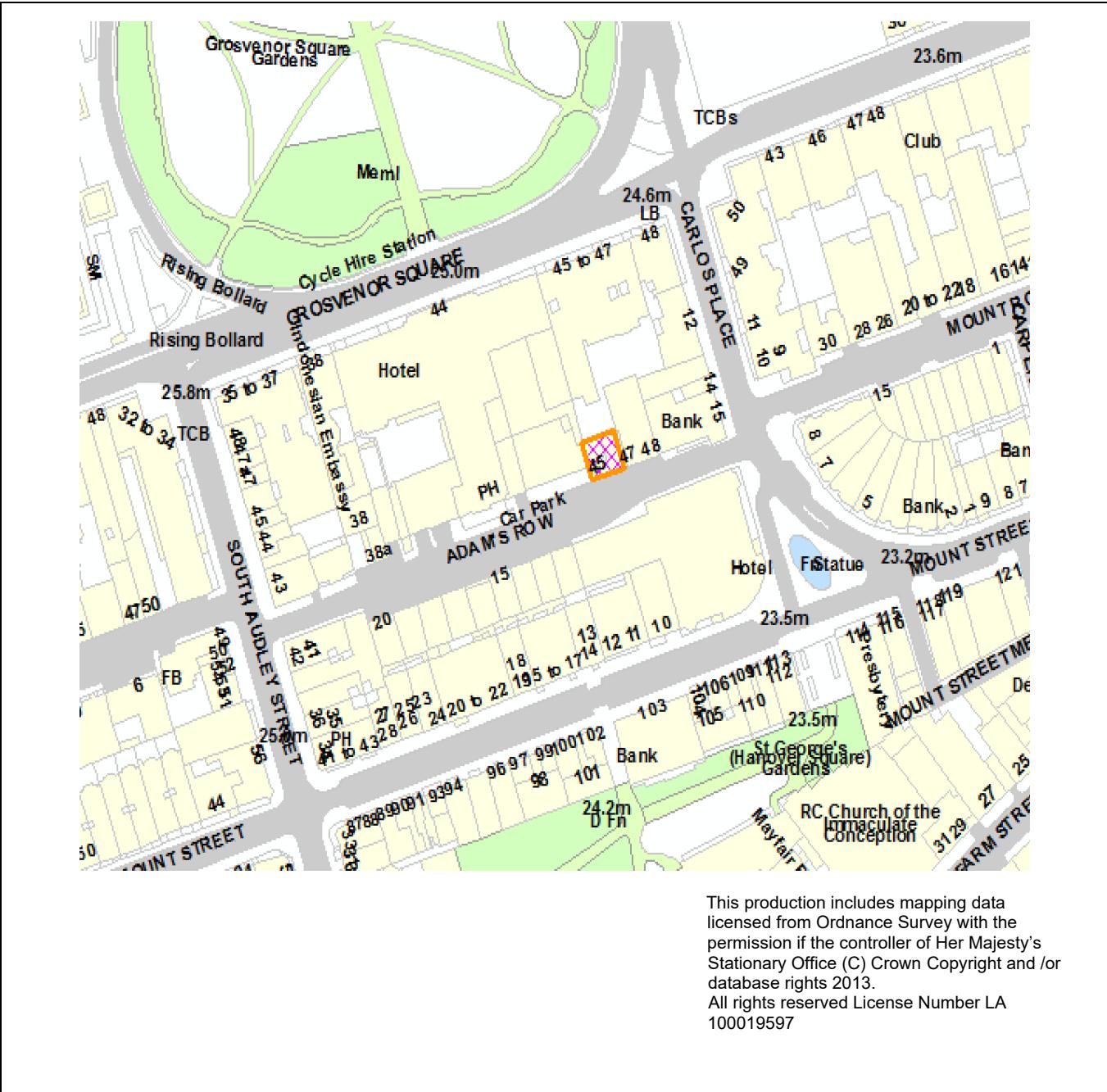
- The impact of the proposals upon the amenity of neighbouring properties, notably those adjacent at 47 - 48 Adams Row (to the east) and to the rear of the site at 45 - 47 Grosvenor Square.

During the course of the determination of this application, the City Council's has adopted its new City Plan 2019-2040 on 21 April 2021, which has now replaced the UDP and 2016 City Plan policies.

Therefore, this application has been assessed in the light of these new development plan policies. The application is considered to accord with policies in the City Plan 2019-2040 adopted April 2021 with respect to land use, design, amenity, highways and environmental health grounds, and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

Item No.
2

3. LOCATION PLAN



Item No.
2

4. PHOTOGRAPHS

Existing front view of 45 Adams Row



Existing rear and roof



Item No.
2

5. CONSULTATIONS

Ward Councillors for West End

- Cllr Glanz objects to the proposal on design, land use and amenity grounds.
- Cllr Barnes and Cllr Lewis raise comments towards the consultation process with respect to consultation letters received, whereby additional time should be granted to recipients who received letters late, (a revised 21 day consultation was sent on the 8th of March 2021 and 14 day letter of amendment was sent on the 16th of August 2021).

Mayfair Residents Group - No response to date.

Residents Society Of Mayfair & St. James's - No response to date.

Highways Planning Team - - No objections subject to conditions.

Waste Project Officer - Objection, the drawing submitted is not in line with the council waste storage requirements.

Environmental Health - No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED (INCLUDES RE-SENT 21 DAY CONSULTATION AT REQUEST OF OBJECTORS – 8th March 2021)

No. Consulted: 83	Total No. of replies: 10
No. of objections: 8	No. in support: 2

Objections on some or all of the following grounds:

Land Use

- The number of units proposed is different from what was proposed during the pre-application process.
- The proposal will result in the loss of the rear first floor terrace space for the existing flats at first floor level.
- The increase in number of units will lead to an over intensification to the immediate area, leading to noise disruption and disturbance.
- The proposed size of the units are substandard and will lead to a development being both “*cramped and aggressively intrusive*.”

Amenity

- Due to its height and bulk the building will block light to adjacent occupiers.
- Loss of privacy from overlooking.
- An increased sense of enclosure to neighbouring residential properties.

Item No.
2

- Location and noise emanating from plant that will be located at roof level and internally and externally at ground floor level.

Design and Conservation

- The new building is overlarge for its context.
- The new roof should be hipped on both sides.
- The existing ridges roofs make a positive contribution to the character of the conservation area and should be retained.
- The taller building would result in a canyon like impact on the mews.

Other issues

- Drawings and visuals are inconsistent and not accurate, the drawings/design and access statement incorrectly refer to the wrong address of the adjoining residential property.
- consultation letters received late or after consultation period had expired, [a revised 21 day consultation was sent on the 8th of March 2021 and 14 day letter of amendment was sent on the 16th of August 2021].
- The proposals will provide a “new larger roof garden”.
- Questions raised over the proposed location of the ground floor plant and the refuse/bin store, which is located in close proximity to the rear of 45 - 47 Grosvenor Square, and its appropriateness of location, given it is to be placed externally.

Two letters of support were received to the proposal, considering that the design is attractive and welcoming the additional residential accommodation. One has referred to noise nuisance problems from the existing first floor terrace [which is to be built over].

REVISED (14 DAY AMENDMENT) CONSULTATION – 16th August 2021

No. Consulted: 56	Total No. of replies: 5
No. of objections: 5	No. in support: 0

Five letters of objection, re-iterating concerns about land use, amenity and design, as detailed above.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

45- 46 Adams Row is a two-storey mews-type building in the Mayfair Conservation Area. The building is not listed but is considered to make a positive contribution to the character and appearance of the conservation area. The building is considered to date from the mid-20th Century, and to be broadly contemporary with 45 - 47 Grosvenor Square (1938-39) that is located to the rear, with which it shares a courtyard. The roofs do add some visual interest to the building and are visible from buildings opposite, and whilst unusual they are worthy of special treatment.

Item No.
2

The immediate locality is varied in architectural character and scale, with a range of building heights and styles. This variety is particularly prevalent on the north side of Adams Row. Pedestrian and vehicular access is via Adams Row and there are numerous lock-up garages at ground floor level. The character of the street, whilst predominantly residential, has changed over time, particularly with the development of the Biltmore Mayfair Hotel and associated NCP car park, immediately adjacent (to the west of the site) and to the rear at 44 Grosvenor Square.

6.2 Recent Relevant History

No relevant history.

7. THE PROPOSAL

The proposals are for the erection of a second floor and third floor mansard extension to form 2 x, 1-bed 2-person flats at second floor level, and 1x 2-bed 4-person flat at third floor level with associated external alterations to the existing facades. The western mansard roof is carried around the flank elevation to reduce the visual impact when approached from the west. The mansard will be in a traditional form with dormer windows aligned with the fenestration below, with both the front and rear elevational treatment reconfigured in order to re-instate a traditional mews arrangement. Additionally, the application proposes the installation of plant equipment and waste storage at rear ground floor level and plant equipment at roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development will deliver 3 new units at the second and third floors. The proposed unit mix and size of each dwelling is outlined in the table below;

No. of units proposed	Location	Size	Proposed GIA (sqm)	Minimum space standards (London Plan) sqm
1	Second floor	1 bed 2 person	61.7sqm	50
2	Second floor	1 bed 2 person	62sqm	50
3	Third floor	2 bed 4 person	94.8sqm	70

Objections are raised about the proposed size of the units, that they are substandard and will lead to the development being both cramped and “aggressively intrusive”. Other objections include the number of units proposed is different (potentially less) from what was proposed during the pre-application process [the pre-application included an option for four additional units, as well as just one unit]. Also, the increase in number of units will lead to an over intensification to the immediate area, leading to noise disruption and disturbance.

In land use policy terms, the provision of additional residential floorspace is in accordance with Policy 8 (Housing Provision) of the City Plan and is therefore welcomed. There is a mix of units in accordance with Policy 10 (Housing for Specific

Item No.
2

Groups) of the City Plan. The size of the units accords with the minimum space standards (as shown in the table above) and thus cannot be described as cramped.

Given that Council policy encourages the creation of new residential accommodation in principle and that the proposal is for a modest increase of three units, whose size is in accordance with required standards, the objections are not considered to be sustainable. As part of the Building Regulations they will be adequately insulated to meet normal requirements with regard to the transfer of sound. There is also a condition requiring that the design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development.

The comment about the number of units being different from what was discussed at pre-application stage is noted but proposals usually change during the planning process. It is unclear as to what “aggressively intrusive” refers to.

Cllr Glanz has objected on the grounds that “that the applicants have been less than truthful in relation to the suggestion that they are creating additional residential units in Mayfair. The application, read [in] its proper context, confirms that it is the provision of a single further residential unit”. However, this is not correct, as the proposed plans submitted for the planning application show three additional residential units. This is also confirmed as the description of development on the application form and the draft decision letter. The confusion possibly arises from the inclusion of some material about the pre-application proposals as part of the application submission. A condition does require the three units to be provided as shown on the drawings to be approved.

Policy 12 of the adopted City Plan seeks to ensure a new homes and residential extensions will provide a well-designed, energy efficient and high quality living environment; that 90% of all new build housing is accessible and adaptable and that all new homes will meet or exceed the Nationally Described Space Standards.

The units exceed the minimum requirements outlined in the Nationally Described Space Standards for all three units and are dual aspect and therefore well-lit and ventilated. Improvements in access are limited, given the existing access to the upper floors via a staircase.

Policy 12 D also requires that all new homes will provide at least 5m² of external amenity space. The proposal will see construction over the existing first floor terrace. Objections are raised as the proposal will lead to the loss of the existing amenity space for the first floor residential flats. (Although it is noted that one of the letters of support refer to noise nuisance emanating from this terraces.) However, Policy 12 D states: *“Where it is not considered practicable or appropriate to provide private external amenity space for all or some homes, the following, measures will be required: 1. provision of communal external amenity space; or 2. provision of additional and/or higher quality public open space.”* The application site shares a communal courtyard to the rear of Adams Row with 45-47 Grosvenor Square. The loss of the small terrace enables the creation of additional living accommodation. On this basis, the proposal is considered to be acceptable in this instance. Overall, the proposals are considered acceptable in land use terms.

Item No.
2

With regard to energy efficiency, the applicant has not provided any information on this, and it is acknowledged that this is a small scale development. The application was received before the adoption of the new City Plan (which places greater emphasis on energy efficiency than the previous policies). The development will be subject to Building Regulations approval which deals with such matters.

8.2 Townscape and Design

Policy

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 in the City Plan 2019-2040 states that features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings.

Furthermore Chapters 12 and 16 of the National Planning Policy Framework (NPPF) require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for the consideration of this application are 38, 39 and 40 of the City Plan 2019-2040.

Existing site context

The site consists of two residential apartments at first floor level above garages, with balconies overlooking the rear courtyard of 45 - 47 Grosvenor Square. The three ridged roofs forms are hipped to the front of the building and gable ended to the rear. The building steps forward of the adjacent hotel building to the west, resulting in a blank side elevation. The front elevation is in stock brick, windows are timber casements, and the ground floor garages have metal roller shutters.

Due to the relatively narrow width of Adams Row, the principal views of the site are oblique from the junction with Carlos Place and from Adam's Row, and adjacent to the car park entrance.

The adjacent building to the east, 47 - 48 Adams Row, is a full storey taller, also in stock brick, and also with garage doors at ground floor and timber casement windows above.

The building to the west is part of the Biltmore Hotel, a red and brown brick building of

Item No.
2

three storeys. It stands one and a half storeys taller than the application site.

Immediately opposite the site is the five-storey rear extension to the Connaught Hotel.

Proposal

The proposed extension is two-storeys— one sheer, and one within a mansard roof, in stock brick to match the existing with a slate covered mansard roof.

The proposed replacement of the windows is uncontentious. The existing windows are poor quality timber casements, with stuck-on shutters to either side. The proposed replacement windows, four-over-four, sliding sashes will relate better to the host building and to the other buildings in this part of the conservation area. Similarly, the new timber garage doors represent an improvement over the existing rolling metal shutters, which are detracting elements from the character and appearance of the conservation area.

The addition of the additional storeys was discussed at preapplication stage. The advice given was that a single storey was likely to be uncontentious, and that two storeys may be acceptable subject to details.

In the proposed scheme the new parapet line is consistent with that of no. 47- 48 Adams Row. The entire roof is lower than the adjacent hotel building to the west. The new building therefore forms a step in scale between the buildings to either side.

The proposed dormer windows are larger than specified in the Council's SPG, 'Roofs A guide to alterations and extensions on domestic buildings'. The guidance specifies that the dormer windows, including cheeks, should be no wider than the buildings on the storey below. The applicant has not chosen to decrease the size of the windows in this instance, despite officers requesting this. It is therefore proposed to have an amending condition that requires the windows to be reduced in size, in line with the advice within the SPG.

The overall height and bulk of the proposed roof storeys is considered to be acceptable in townscape terms. Of particular importance is the appearance of the roof in relation to the adjacent hotel. The design keeps the top of the mansard to below the parapet level of the hotel. On the east side, the roof is completed with a party wall upstand to no 47. This will be visible from the junction of Carlos Place. However, it will not be unduly prominent in this view. The use of an upstand, as opposed to a hipped roof, would not preclude the upward extension of 47- 48 in the future.

There is an increase in the height of the flank wall where it projects from the hotel building. The additional wall has been finished in brick, rather than render, in order to provide some variety to this elevation, which might otherwise be unacceptable blank.

Objections

There have been a number of objections to the scheme relating to design issues. The issues raised can be summarised below.

- The extended building is overlarge for its context and the design "clunky, ugly and

Item No.
2

- inappropriate".
- The new roof should be hipped on both sides.
 - The existing ridges roofs make a positive contribution to the character of the conservation area and should be retained.
 - The taller building would result in a canyon like impact on the mews.
 - The design impact of the roof level plant.

The greatest number of the objections relate to the first point; that the modest scale of the existing building is a benefit to the character of the conservation area, and that the new building would be overlarge for its mews context

The addition of an additional storey, whether a mansard behind a parapet or a sheer storey is considered to be uncontentious in design terms, and in terms of the impact on the character and appearance of the conservation area. While the existing building is one of the smaller ones on the mews it is relatively utilitarian in appearance, and its modest height is not considered to be such an important aspect of its character as it might be in a more historic building.

The further additional mansard storey would be somewhat recessive in visual terms due to the change in material, the presence of a small parapet, and the angle of the roof slope. Similarly the design is considered to be acceptable and in-keeping with the architecture of the existing host building, and thus preserves the character and appearance of the conservation area. Accordingly, the objections to overdevelopment and the design are not considered to be sustainable.

With regard to the objections that both sides of the roof extension should be hipped, it is considered to be more appropriate to have a party wall upstand next to 47-48 Adams Row, to allow for potential extension of that property in the future – having a hipped roof at this location, immediately adjacent to another property, would look awkward. The presence of a party wall upstand might well be unacceptable, were it more prominent. However, views of this element are limited and are not considered sufficient to warrant a refusal.

The existing roof form, while unusual within Mayfair, is not considered to make such a contribution to the character of the area that its loss would be harmful. It is not a locally distinctive roof type, such as a butterfly roof, and is mainly visible from the upper storeys of adjacent buildings.

The width of the mews is considered to be sufficient to accommodate a three-storey plus mansard building in this location.

With regard to the appearance of the roof plant, even though it is screened, it is considered that this should be set back and closer to the higher hotel building to the west, so that it is less visible. (The applicant has advised that there needs to be some plant at roof level for operational reasons.) This amendment is secured by condition.

Conclusion

The proposed roof extension would be sufficiently discreet in location and subservient in scale as to ensure it does not detract from the character of the host property or

Item No.
2

surrounding area and would be constructed in suitable materials. Overall, the proposed works would preserve the character and appearance of the Mayfair Conservation Area. They would be in conformity with the City Plan (2019-2040) policies 38, 39 and 40.

8.3 Residential Amenity

Policy 7 of the City Plan 2019 - 2040 seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant and seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Daylight and Sunlight

A number of objections have been raised on daylight and sunlight grounds, due to the proposed height and bulk of the development, where objectors have stated it will block light to neighbouring residents.

A Daylight and Sunlight report has been submitted as part of the application which assesses the impact on 47 - 48 Adams Row and 45 – 47 Grosvenor Square, which are considered to be the nearest light sensitive properties to be impacted by the proposals.

Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens are therefore considered to have a reasonable amount of daylight in the context of this particular urban location.

Sunlight

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole

Item No.
2

year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

Assessment

The Daylight and Sunlight report that has been submitted provides minimal information. Further information about the impact on the skylight at No. 48 had to be requested. Officers have also requested additional information that demonstrates what the assessment is based upon, to help ensure the accuracy of the information provided (e.g. a scaled survey of the neighbouring properties). The agent has provided a couple of 3D visuals and advised that in terms of the daylight and sunlight modelling, these are part of the software that is used. The 3D model that has been created is then imported into specialist daylight analysis software from which the calculations are then run for both the existing and proposed buildings. However, the images in the report are purely for a visual aid, with the results not dependant on the quality of the image; the software calculates the results based on the existing, proposed and surrounding massing of buildings which for the purpose of the analysis are simple 'blocks', therefore, the images within the report are for illustrative purposes only. It is noted that one of the objectors is concerned, for example, that the skylight to No. 48 is not accurate, but this is because the limited visuals that have been provided are only illustrative.

The report submitted indicates that out of 11 windows assessed across 2 properties, 9 windows would achieve a VSC of greater than 27% and in all the remaining cases any losses would be less than 20%. On this basis, the scheme complies with BRE guidelines in terms of daylight. The main property affected is the rear of the block of flats at 45-47 Grosvenor Square (with most of the affected windows believed to be bedrooms anyway), and the results are summarised below (including the daylight analysis for 48 Adams Row). In respect of daylight, the analysis finds that there are expected to be small losses to the first and second floor windows (Windows 1 and Windows 10 at first floor level and Windows 2 and Windows 9 at second floor level) to rear facing residential windows within 45 - 47 Grosvenor Square, but the losses are less than 20%. The assessment does not include the lower ground and ground floor flat in the rear wing of 45-47 Grosvenor Square, as this is in the applicant's ownership.

The report also provides figures for the adjoining property at 47 - 48 Adams Row, where the occupier of No. 48 has objected on amenity grounds. Her nearest light sensitive window is a roof lantern that facilities a dining room to the rear of her flat (and which also provides light to internal windows for a bedroom, study and kitchen). The loss is only 8%, which is considered to be low and retains a VSC of 33.08%, which in a dense urban location is considered to be very good. The main source of light will be from above and thus unaffected by the proposals. The objections on these grounds are therefore not considered to be sustainable. As the sunlight analysis is only applicable to windows facing within 90 degrees of due south, and the objector's rooflight is on the north side of the building, this has not been analysed for sunlight.

Item No.
2

Vertical Sky Component Results (VSC)

Site 45 - 47 Grosvenor Square			
Receptors	Existing % (VSC)	Proposed % (VSC)	Loss %
Window 1 (1 st Floor)	19.99	17.05	15
Window 2 (2 nd Floor)	27.42	26.75	2
Window 3 (3 rd Floor)	34.30	34.30	0
Window 4 (4 th Floor)	36.26	36.26	0
Window 5 (5 th Floor)	37.29	37.29	0
Window 6 (5 th Floor)	36.67	36.67	0
Window 7 (4 th Floor)	35.36	35.36	0
Window 8 (3 rd Floor)	33.24	33.24	0
Window 9 (2 nd Floor)	28.85	27.80	4
Window 10 (1 st Floor)	23.09	18.88	18

Site 47 - 48 Adams Row			
Receptors	Existing %	Proposed %	Loss %
Window 11 (1 st Floor)	35.81	33.08	8

Annual Probable Sunlight Hours (APSH)

Site 45 - 47 Grosvenor Square			
Receptors - <u>Annual</u> Hours	Existing %	Proposed %	Loss %
Window 1 (1 st Floor)	43.00	38.00	12
Window 2 (2 nd Floor)	64.00	64.00	0
Window 3 (3 rd Floor)	80.00	80.00	0
Window 4 (4 th Floor)	81.00	81.00	0
Window 5 (5 th Floor)	83.00	83.00	0
Window 6 (5 th Floor)	83.00	83.00	0
Window 7 (4 th Floor)	81.00	81.00	0
Window 8 (3 rd Floor)	73.00	73.00	0
Window 9 (2 nd Floor)	66.00	66.00	0
Window 10 (1 st Floor)	50.00	42.00	16

Site 45 - 47 Grosvenor Square			
Receptors - <u>Winter</u> Hours	Existing %	Proposed %	Loss %
Window 1 (1 st Floor)	9.00	4.00	56
Window 2 (2 nd Floor)	17.00	17.00	0
Window 3 (3 rd Floor)	27.00	27.00	0
Window 4 (4 th Floor)	27.00	27.00	0
Window 5 (5 th Floor)	27.00	27.00	0
Window 6 (5 th Floor)	27.00	27.00	0
Window 7 (4 th Floor)	27.00	27.00	0
Window 8 (3 rd Floor)	25.00	25.00	0
Window 9 (2 nd Floor)	22.00	20.00	0
Window 10 (1 st Floor)	13.00	5.00	62

In respect to sunlight (APSH), it can be seen from the table above that all relevant window receptors tested meet the requirement annually. In the winter months there is a small breach in the Annual Probable Sunlight Hours test i With regard to window 10, but

Item No.
2

this is considered to be acceptable on the basis that this is a bedroom.

Sense of Enclosure and Overshadowing

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. Concerns have been made, notably from nearby residents of a potential increased sense of enclosure to surrounding residential properties.

The proposed extension is relatively modest where the new parapet line is consistent with that of no. 47- 48 Adams Row. The entire roof is lower than the adjacent hotel building to the west.

Whilst residents in flats on the upper levels of the eastern closet wing side, at the rear of 45 – 47 Grosvenor Square, would see the proposed extension from their properties, given the distance of the proposed extension, approximately 12.5m away from this building, the increased bulk and mass of the roof extension would not result in any material or harmful increased sense of enclosure to neighbouring properties.

Privacy

The windows of the proposed extension are to the front and rear elevations, overlooking Adams Row and the rear of the Grosvenor Square properties respectively. The nearest residential windows are approximately 12.5m away from the application site and are to the rear at 45 - 47 Grosvenor Square. Immediately opposite to the front of site is the rear of the Connaught Hotel. Objections have been made on behalf of the upper floor flats at 45 - 47 Grosvenor Square and the adjoining property at 48 Adams Row about loss of privacy through overlooking. It is not considered the proposed extension will result in any additional overlooking to residential properties facing the rear of 45 - 47 Grosvenor Square or 48 Adams Row, when compared to the existing situation of the 1st floor flats on the application site. The proposed additional flats look back onto the rear of 45 - 47 Grosvenor Square, and has potentially very oblique views to the rear first roof lantern at 48 Adams Row. The windows at third floor level are relatively modest in size and scale, and it is not considered that any detrimental overlooking would occur from these. The lantern at the first floor rear of 48 Adams Row is also already overlooked from the flat above. Given most of the windows facing the rear serve bedrooms, it is envisaged that soft furnishings such as blinds and curtains will be installed to protect their privacy, as any overlooking would be mutual, and therefore any overlooking will be limited.

8.4 Transportation/Parking

Cycle Parking

Policy 25 of the City Plan 2019-2040 promotes cycling and requires that developments should meet the cycle parking and cycle facilities standards in the London Plan. London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards of 1.5 spaces for a 2 person 1 bedroom dwelling and 2 spaces per all other dwellings. The proposal secures 6 cycle parking spaces within the existing garage space at ground floor level for the new flats, and this is considered to be acceptable.

Item No.
2

Car Parking

The site has a public transport accessibility level (PTAL) rating of 6b, and is well served by many modes of public transport and so the requirement and dependency for any future occupiers to have a private vehicle is considered to be limited. The proposal does not include any additional off-street car parking provision. It is not considered that the creation of 3 additional residential units will cause undue pressure beyond existing on-street car parking stress levels.

The City Plan details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent **night-time** parking survey in 2018 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200-metre radius, which includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 41%.

The evidence of the Council's most recent **daytime** parking survey in 2018 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200-metre radius of the site is 74%. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Parking pressures in this area remain below the stress level. Based on the Council's data and car ownership levels, with the addition of residential units in this location, any additional on-street parking generated can be absorbed into the surrounding street network. Therefore, the impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6 which discourage on-site parking. Overall, it is considered that the proposed development would have no demonstrable impact on the surrounding highway network.

8.5 Economic Considerations

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

8.6 Access

Access to the property will be unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

Plant

The application includes plant to be located at roof level and internally/externally at ground floor level. Objections are raised over the proposed location of the ground floor and roof top plant, which is located in close proximity to the rear of 45 - 47 Grosvenor Square and 47 - 48 Adams Row, and its appropriateness of location, given it is to be placed externally.

A noise report has been submitted with the application which has been assessed by the

Item No.
2

Environmental Health Team that establishes the background noise levels. The nearest residential receptor is identified to the rear an apartment block at 45 - 47 Grosvenor Square.

The noise report also identifies the adjoining property at 47 - 48 Adams Row as the nearest commercial receptor. It is recognised and acknowledged that this is incorrectly identified as a commercial use when the adjoining property at No. 47 - 48 is a residential premises but it is not considered that this prejudices the occupiers. At this stage, the report only establishes prevailing background noise levels where the proposed equipment is yet to be identified. Given that the exact plant has not been confirmed, the environmental health officer has recommended a condition requiring the submission of a supplementary acoustic report to demonstrate that the standard condition relating to plant noise can be complied with. Conditions are also recommended relating to plant noise, vibration and requiring the installation of the plant screening prior to the operation of the plant. On this basis, subject to conditions it is not considered the plant proposals will have an adverse impact on nearby amenity from a noise aspect or visual aspect. Conditions are also recommended in relation to internal noise levels to ensure it does not disturb the residents in the adjoining building at 47 - 48 Adams Row. Accordingly the objections on these grounds are not considered to be sustainable.

Refuse /Recycling

Objections are raised over the proposed location of the refuse/bin store, which is located at rear ground floor level and in close proximity to the rear of 45 - 47 Grosvenor Square, being detrimental to visual amenity. The waste project officer has objected to the application as the proposed details of refuse storage are not in line with the council's waste storage requirement. It is recommended that revised refuse and recycling details are secured by condition. It is acknowledged at this stage, given the details provided are not in line with the council's waste storage requirement, the proposed location is yet to be confirmed, and a revised location should be considered that ensures the refuse/bin stores are located internally at ground floor level whereby waste must be stored inside the property and only be put outside just before its collection.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and

Item No.
2

the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

An EIA is not required for a development of this size.

8.14 Other Issues

Objections were raised towards the proposed drawings and visuals, which objectors considered to be inconsistent and not accurate. It is claimed that the drawings/design and access statement incorrectly refer to the wrong address of the adjoining residential property as .47 Adams Row, and that 47 and 48 Adams Row are divided into two equal units vertically down the middle of the building. The proposed site plans are taken from the Ordnance Survey (OS). It is acknowledged, while the resident of number 48 Adams Row is at first floor level and the neighbouring flat of 47 Adams Row, is above at second floor level, the Freehold title and OS refers to the historic plot 47-48 Adams Row, a fact reflected in the elevations and plans at ground floor level. In any case, this has no material effect on the consideration of the application and therefore is not considered a sustainable reason to warrant a refusal on this basis. In addition, all drawing measurements have been based off a professional survey.

Other objections claim the proposals will provide a new larger roof garden, where this will lead to the loss of amenity and privacy of the adjoining property at 48 Adams Row. The application/drawings does not show a roof garden to be proposed and the objection is not considered sustainable to warrant a refusal. However, there is a condition saying that the roof is not to be used for sitting.

A number of concerns were raised by residents and ward councillors over consultation letters received late or after the consultation period had expired. The Council's computer system confirms letters were ordered and sent to the relevant neighbours, and the scheme was also advertised by way of a site notice and press notice. During the course

Item No.
2

of the application a second round of letters were despatched to neighbours on the 8th of March 2021 (for an additional 21 days), on top of the original consultation issued on the 19th of February 2021. Additionally, a revised 14 day re-consultation was sent on the 16th of August to residents outlining the amendments to the scheme over the course of the application.

(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: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK.

Item No.
2

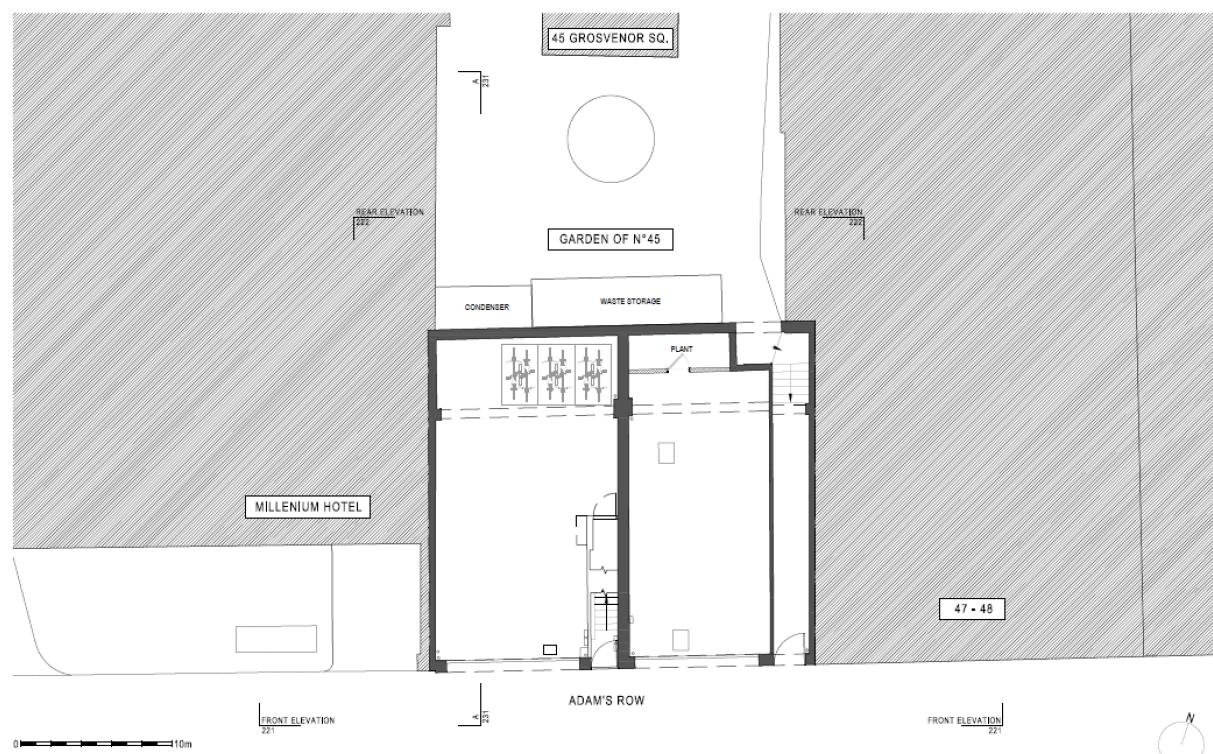
9. KEY DRAWINGS



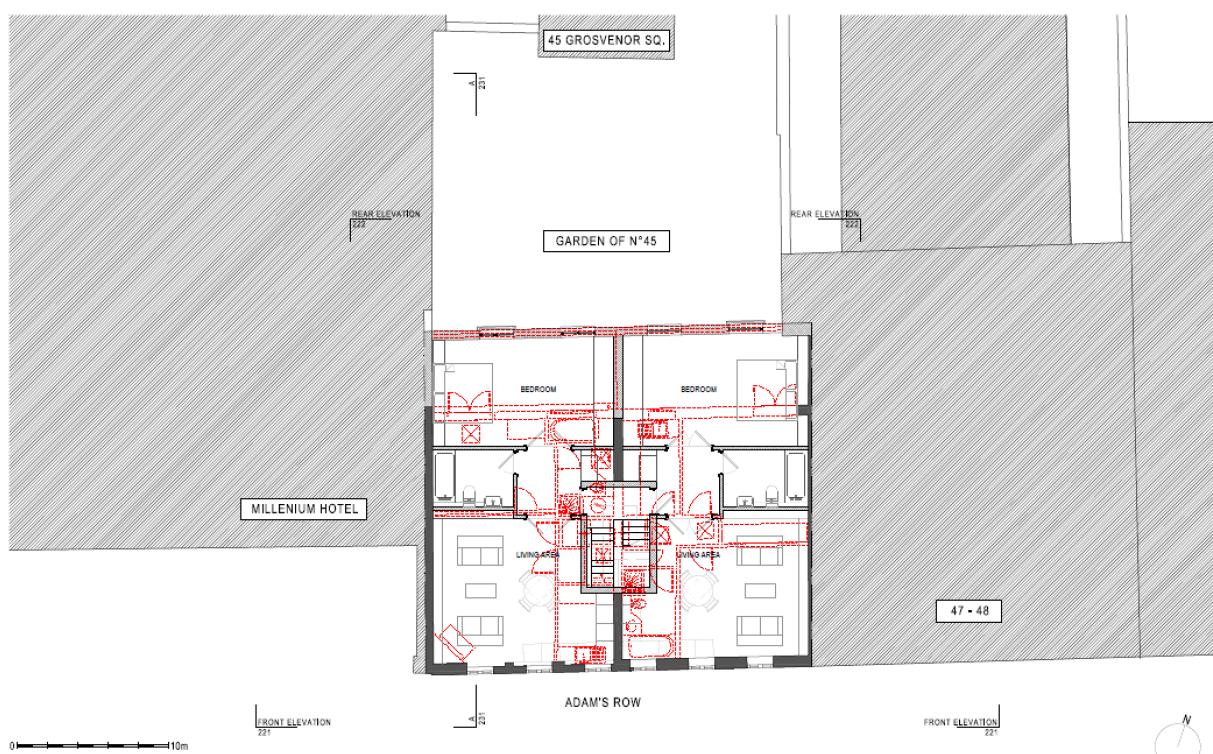
Existing rear view of 45 - 46 Adams Row - For information only



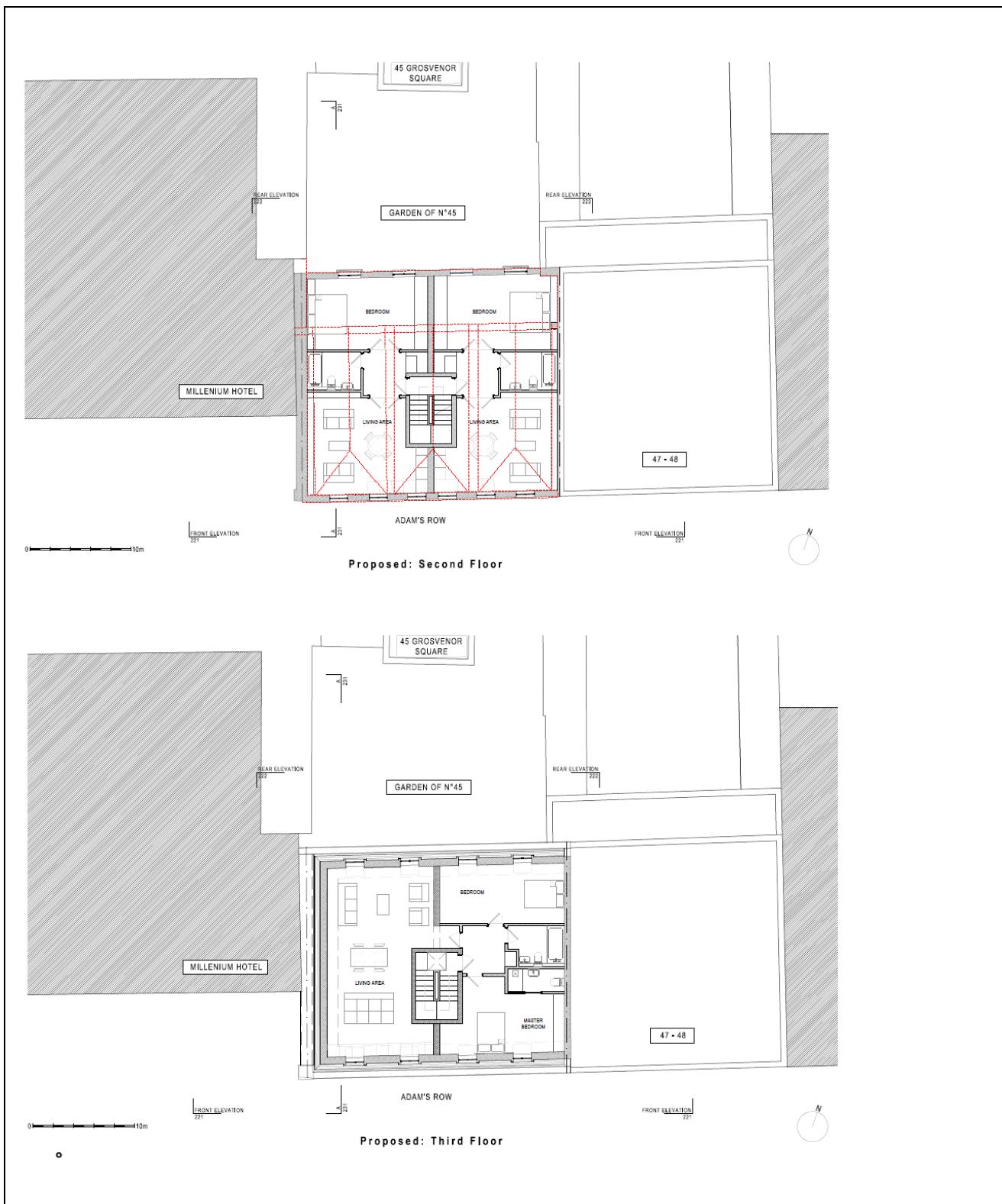
Proposed CGI rear view of 45 - 46 Adam's Row - For information only



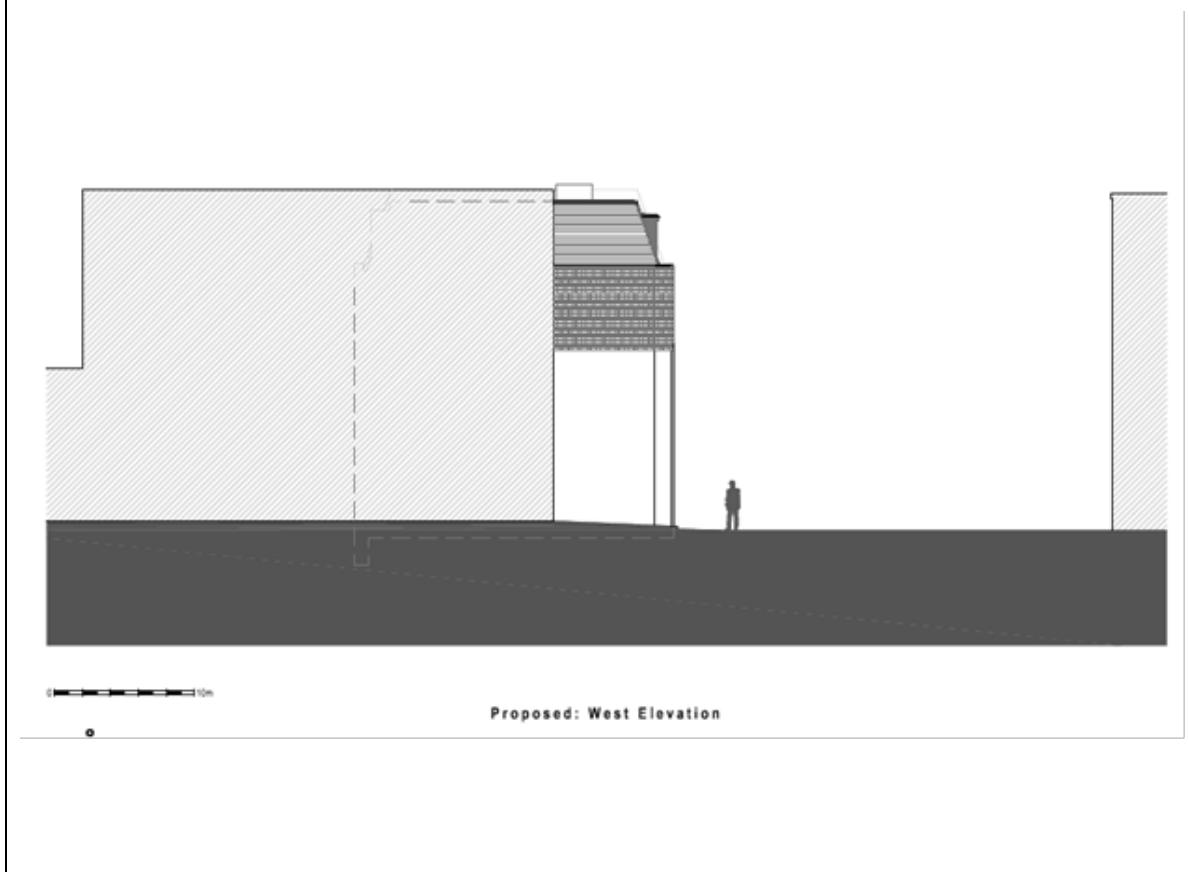
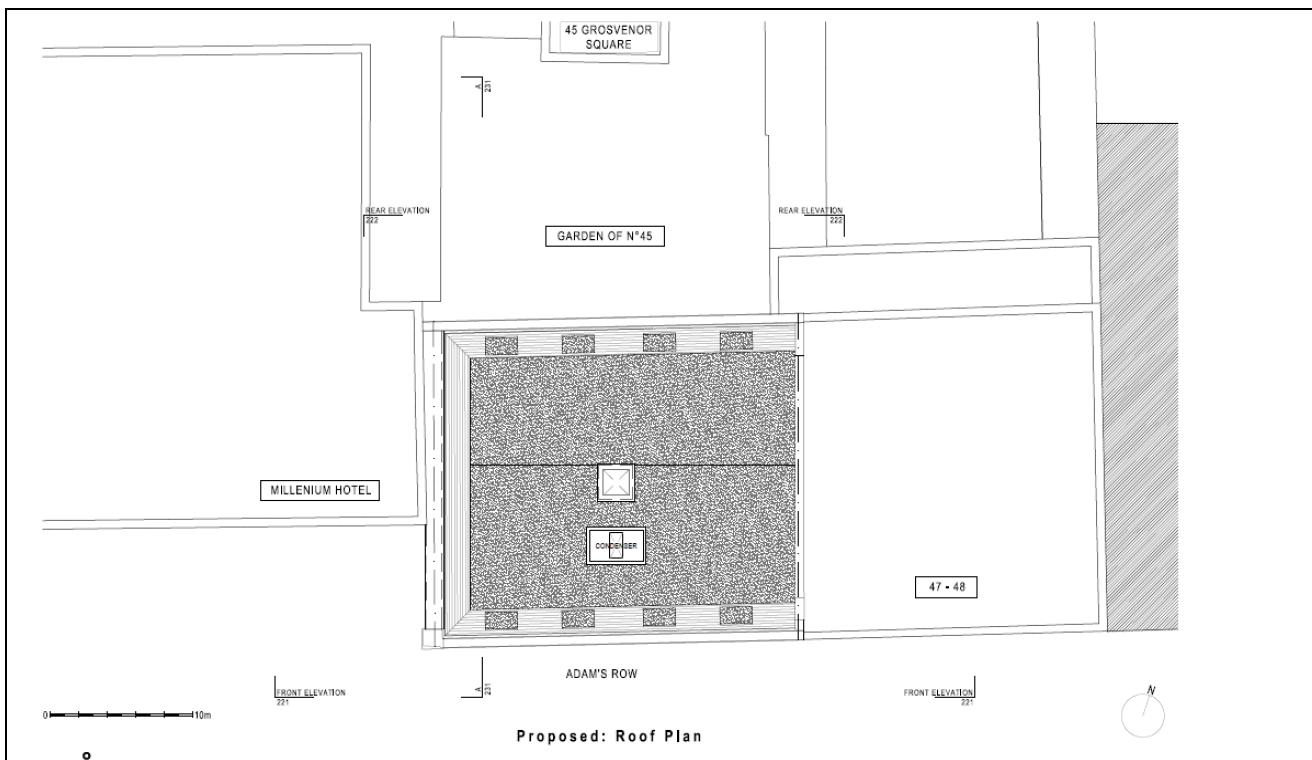
Proposed: Ground Floor



Proposed: First Floor



Item No.
2



Item No.
2



0 10m

Proposed: Front Elevation

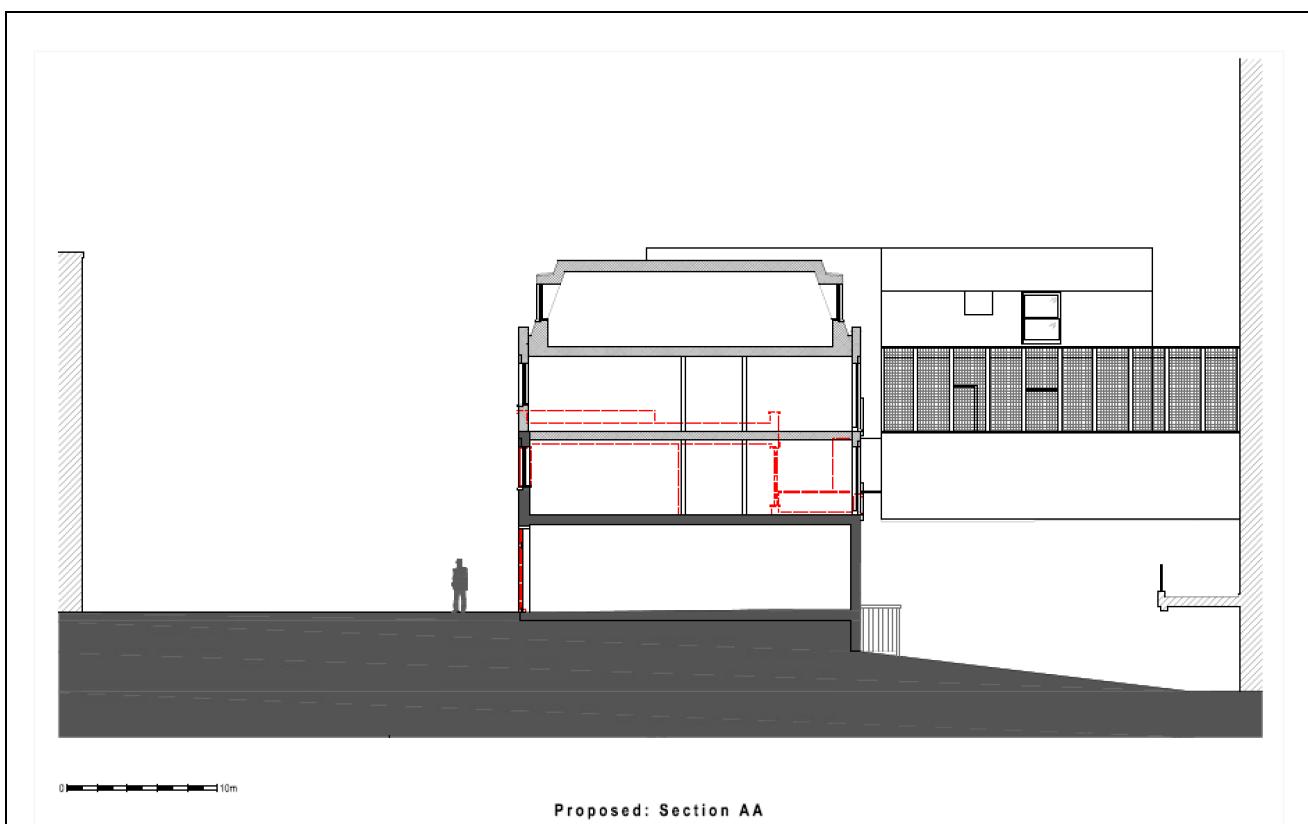


0 10m

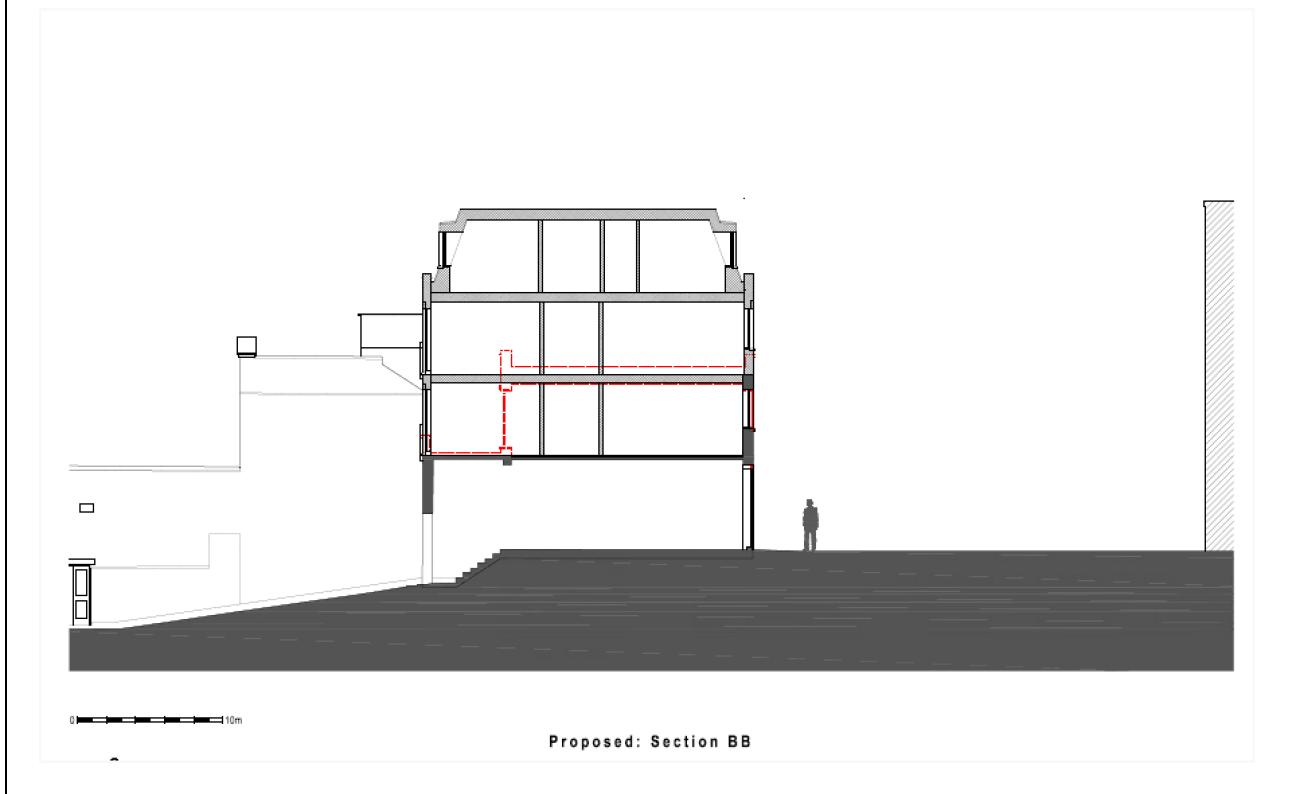
Proposed: Rear Elevation

Item No.

2



Proposed: Section AA



Proposed: Section BB

Item No.
2

DRAFT DECISION LETTER

Address: 45-46 Adams Row, London, W1K 2LB

Proposal: Erection of a second floor and third floor mansard extension to form three new residential units (Class C3) at second and third floor levels. Alterations including installation of plant equipment and waste storage at rear ground floor and plant equipment at roof level (site includes 46 Adams Row).

Reference: 21/00257/FULL

Plan Nos: Drawing no: 0514 - PL - 211 Revision: B; Drawing no: 0514 - PL - 212 Revision: 0; Drawing no: 0514 - PL - 213 Revision: 0; Drawing no: 0514 - PL - 214 Revision: 0; Drawing no: 0514 - PL - 215 Revision: 0; , Drawing no: 0514 - PL - 221 Revision: A; Drawing no: 0514 - PL - 222 Revision: A; Drawing no: 0514 - PL - 223 Revision: A; Drawing no: 0514 - PL - 231 Revision: A; Drawing no: 0514 - PL - 232 Revision: A.

Case Officer: Rattan Sehra

Direct Tel. No. 020 7641
07866039814

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and ,
 - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

Item No.
2

- 3 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Item No.
2

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 6 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 4 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

Item No.
2

(R51AC)

- 8 Despite what is shown on "Drawing no: 0514 - PL - 211 Revision: B", you are advised before you occupy the second and third floor residential flats, 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 residences above. You must not use the waste and recycling store for any other purpose. Also, the waste must be stored inside the property and only be put outside just before its collection. ,

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021).
(R14CD)

- 9 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of photographs of 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - all new external windows and doors. 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 drawings. (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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Item No.
2

- 12 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 You must put up the plant enclosure shown on the approved drawings (Drawing no: 0514 - PL - 215 Revision: 0 and Drawing no: 0514 - PL - 222 Revision: A;) before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 14 You must not use the areas of roof of the building as shown on "Drawing no: 0514 - PL - 211 Revision: B", for sitting out or for any other purpose. You can however use the roof for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 15 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

1. Reduction in the size of dormer windows in line with the advice in our SPG 'Roofs: A guide to alterations and extensions on domestic buildings';
2. The relocation of the rooftop plant enclosure to the north western portion of the roof;
3. The use of a standing seam metal covering for the flat portion of the mansard roof.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 16 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Item No.
2

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 17 The three residential units shown on the approved drawings must be provided and thereafter shall be permanently retained.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 8A of the City Plan 2019 - 2040 (April 2021). (R07AC)

- 18 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 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 (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 4 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.

Item No.
2

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:,, * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;,, * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.,, , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 7 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.,,* Window cleaning - where possible, install windows that can be cleaned safely from within the building.,,* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.,,* Lighting - ensure luminaires can be safely accessed for replacement.,,* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on

Item No.
2

the staircase;; * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 9 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 10 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.

Please note: the full text for informatics 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