

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 October 2024	Classification For General Release	
Addendum report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	36 Devonshire Place Mews, London, W1G 6DD		
Proposal	Demolition of existing building and erection of replacement dwellinghouse (Class C3) over ground, first and second floor levels with rear balcony at first floor level.		
Agent	Mr Oliver Barsoum		
On behalf of	Mr Carl Wormald		
Registered Number	23/08700/FULL	Date amended/ completed	5 January 2024
Date Application Received	15 December 2023		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Had an appeal against non-determination not been lodged to the Secretary of State, then the application would have been recommended for refusal on the grounds of unacceptable design and loss of existing building fabric.

2. SUMMARY & KEY CONSIDERATIONS

This application, which seeks permission to demolish and replace the existing mews building, was presented to Committee on 11 June 2024. Committee resolved to refuse planning permission on design grounds and loss of existing building fabric. Following that committee, an objector raised concerns that the Committee presentation failed to accurately explain the relationship between the mews building and the listed building on Devonshire Place, the fact that a new enlarged window is proposed to be installed on the rear elevation, and the loss of historic architectural features on the rear elevation. The objector believes that if Committee had been aware of these facts, that planning permission could have been refused for additional reasons than the single reason agreed by Committee. The application is therefore reported back to the planning committee to cover these issues raised since the previous report was written.

Since the receipt of that objection, the applicant has submitted an appeal against non-determination to the Secretary of State, and hence the committee is asked to agree that, had that appeal not been

submitted, then permission would have been refused for the reasons set out in this report.

Process and presentation

The objection relates in part to the fact that only layout plans were shown to the committee rather than a rear elevation that would have illustrated the impact of the changes to the windows in the rear façade of the mews house. As a result, the objector believes that Committee were given a false impression of the extent of the changes proposed by the application and the impact they would have on privacy and overlooking. The report and presentation material have been updated to include “before and after” rear elevations and sections which would clearly show the enlarged window.

The concern raised by the adjoining neighbour was also on the basis that the presentation failed to explain the interaction between the mews house and the listed building at the rear. Section 7.1 of the original report, appended here, sets out that “part of the site, at rear first floor level, sits above the Grade II listed host building at 36 Devonshire Place.” Further presentational material will be shown to Committee to illustrate this point.

Design

With regard to design, the objectors concern was that without sight of the existing and proposed rear elevations, the loss of architectural features at the rear of the existing building and in particular, the original arch, was not clearly understood. Although the arch would be replicated in the design of the replacement building, the Committee specifically requested advice about any significant original features that would be lost in the redevelopment and were wrongly advised that there would be none, whereas if elevational drawings had been available the Committee would have been able to see the comparative differences in the “before and after” elevations and made their decision based on this.

Changes to the rear include re-infilling beneath the traditional archway with blue brick, whilst maintaining the decorative arch, which was once a passageway. This raises no concerns from a townscape perspective given its concealed and private location.

Whilst officers had recommended approval in the June committee report, Members resolved to refuse the application on the design grounds and loss of existing building fabric. The concern is the extent of demolition, namely of the first-floor façade, which whilst altered does maintain patina which contributes to its traditional aesthetic and the character of the conservation area. The ground floor maintains little of its traditional character, as such its demolition to improve the overall aesthetic of the building is not opposed. The loss of the first-floor front facade and its aesthetic quality would fail to preserve the character and appearance of the conservation and result in a low level of less than substantial harm to the conservation area. However, this harm has not been adequately balanced by the public benefits required by para 208 of the NPPF. Accordingly, a clear and convincing justification for the harm caused to the designated heritage assets has not been presented in compliance with paragraph 206 of the NPPF.

Amenity

The objector refers to the fact that the planning officers neglected to state that a new, enlarged window is proposed to be installed on the rear elevation giving direct access to a balcony serving a living room. The objector contends that this would lead to a more intensive use of the balcony and cause direct overlooking of your property from the new window, which would be unreasonably harmful to residential amenity through a loss of privacy and peace and quiet.

The original report to committee sets out that the balcony at first floor is in the same location as an existing balcony. Objectors believe that this could be more intensively used, as it is accessed via a

lounge rather than a bedroom. Whilst these concerns are noted, the layout of the existing property is not subject to control, and the existing bedroom could be converted to a lounge at any stage. In addition, the living room in question is not the primary reception space, it is a secondary space to the main kitchen/dining/living space at the front of the house.

With regard to the replacement window, an existing high level slot window is to be replaced by a full height window. Although the window is larger than the existing, it is set back behind an opaque glazed privacy screen. And in the context of the windows within the adjoining buildings, including within the flats at lower ground and ground floor, where mutual overlooking already exists, it is not considered that the application could be refused on overlooking grounds.

Other matters

The original report to Committee sets out that the sustainability report refers to the fact that air source heat pumps are to be installed to reduce the operational carbon of the building. However, these are not shown on any of the submitted drawings, and the application is not supported by a noise report to demonstrate that the units would not cause noise to adjacent residents. Had the application been recommended for approval, a condition would have been imposed precluding the installation of any external plant.

3. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING THE COMMITTEE ON 11th JUNE 2024

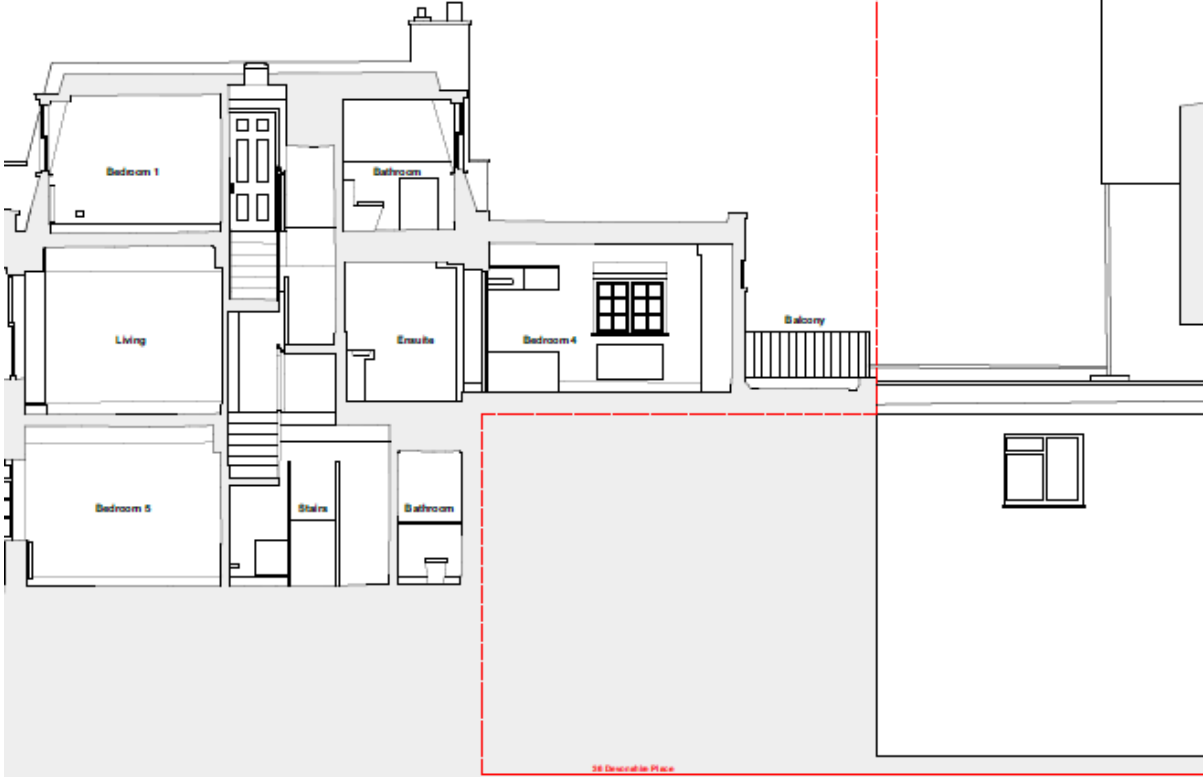
One letter of objection received on the grounds that:

- * the Committee's decision was taken without knowledge of the full or correct facts, and that the officers advising the committee gave misleading answers to the committee's questions
- * the planning officers neglected to state that a new, enlarged window is proposed to be installed on the rear elevation giving direct access to a balcony serving a living room
- * the planning officers failed to disclose, when asked, that the proposals involved the loss of historic building fabric at the rear of the building

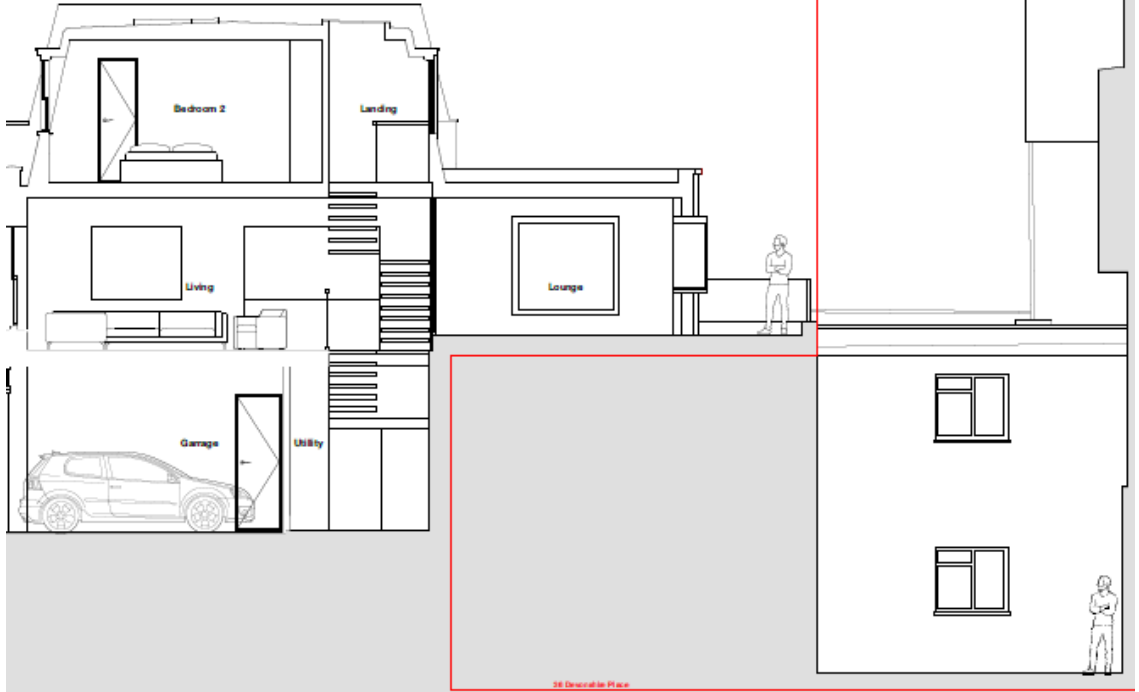
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

Existing section



Proposed section



DRAFT DECISION LETTER

Address: 36 Devonshire Place Mews, London, W1G 6DD

Proposal: Demolition of existing building and erection of replacement dwellinghouse (Class C3) over ground, first and second floor levels with rear balcony at first floor level.

Reference: 23/08700/FULL

Plan Nos: 336.301/2, 336.303/4, 336.311, 336.320, 336.310, 336.201-2, 336.203-4, 336.210, 336.211, 336.220, 336.221

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

- 1 Because of the loss of traditional fabric, the demolition of the front façade in its entirety would fail to maintain or improve (preserve or enhance) the character and appearance of the Harley Street Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	36 Devonshire Place Mews, London, W1G 6DD		
Proposal	Demolition of existing building and erection of replacement dwellinghouse (Class C3) over ground, first and second floor levels with rear balcony at first floor level.		
Agent	Mr Oliver Barsoum		
On behalf of	Mr Carl Wormald		
Registered Number	23/08700/FULL	Date amended/ completed	25 March 2024
Date Application Received	15 December 2023		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

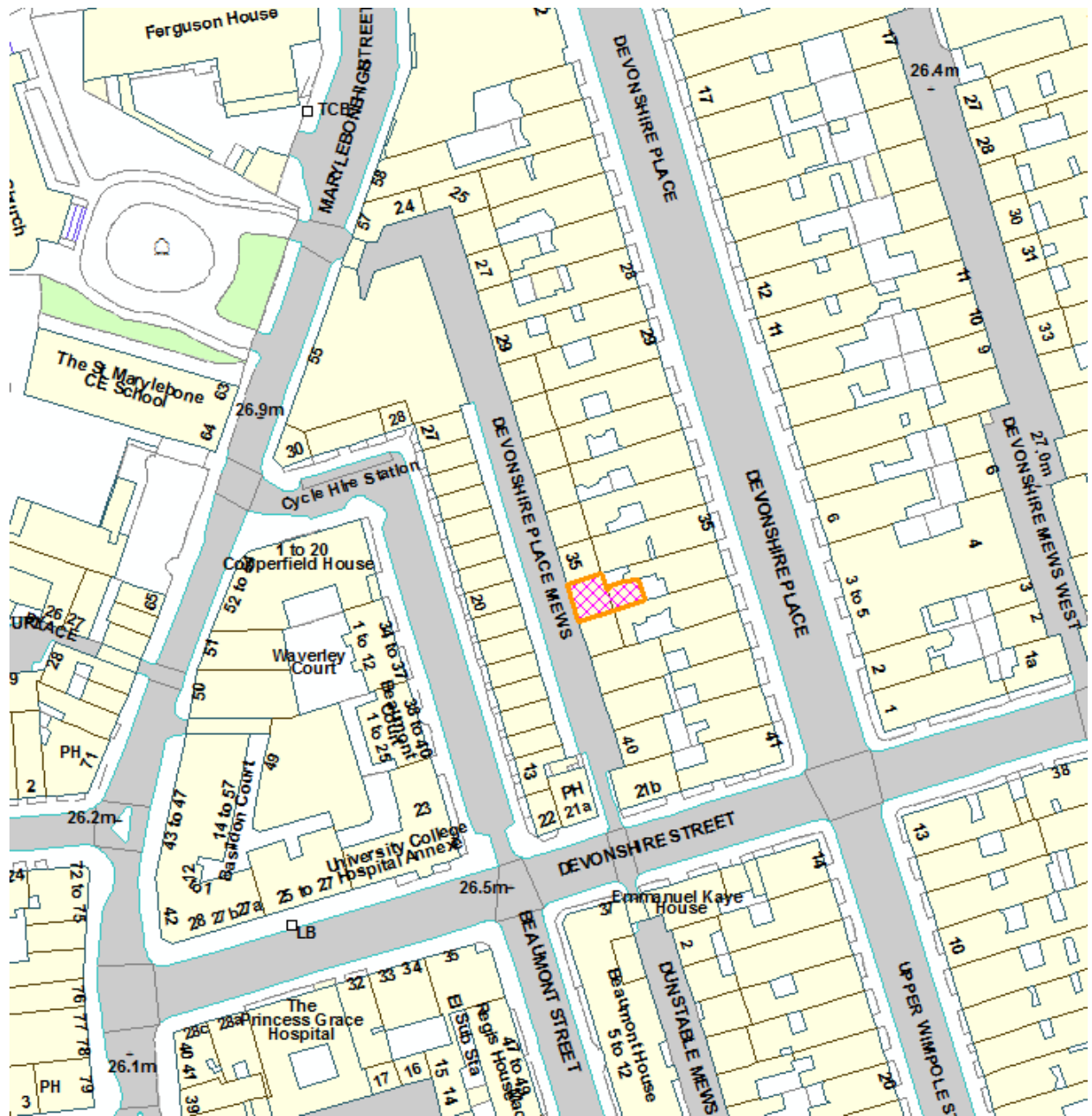
The application proposes the demolition of the existing mews building and erection of a replacement dwellinghouse with a balcony at rear first floor level.

The key considerations in this case are:

- The principle of the demolition of the existing building and the acceptability of the energy performance of the proposed building.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Harley Street Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

The proposal is assessed against the relevant policies set out in the City Plan 2019-2040. For the reasons set out in the report, the proposed works, are acceptable in amenity, design, heritage and townscape terms. The application is therefore recommended for approval as set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

Believe that the proposed design seems appropriate in terms of scale, proportion and detailing but request a greater degree of scrutiny on the sustainability of the replacement dwelling in order to justify the demolition.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

Total No. of replies: 2

No. of objections: 2; No. in support: 0

2 letters of objection raising the following concerns:

- * Insufficient case for demolition
- * Application fails to properly highlight the proximity of the site with 36 Devonshire Place which is the Grade II listed
- * The demolition of the historic mews house is contrary to the presumption in favour of retaining buildings which make a positive contribution to the character and appearance of the Conservation Area.
- * The fact that some architectural features have already been lost to insensitive development in the past should not justify demolition
- * The demolition would be contrary to the Council's 'Mews- A guide to alterations' SPD which states that the Council's policy is to retain buildings which contribute to the character or appearance of conservation areas
- * A sensitive refurbishment could improve the energy efficiency of the building
- * Overlooking from balcony and terrace
- * The existing balcony adjoins a bedroom and is therefore mainly used as a private residential space. The proposed balcony adjoins a living room and is likely be used as a social space rather than a residential amenity.
- * The second-floor terrace will create noise, loss of privacy and loss of light
- * Construction noise
- * The current building has inadequate sound-proofing.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale, although it is encouraged by the City Council for all development, and in particular applicants for new residential units are encouraged to consult with neighbouring occupiers prior to submitting an application.

No community engagement was carried out with regards to this proposal.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation period expired on 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is a single-family dwelling mews house located on the east side of Devonshire Place Mews, north of the junction with Devonshire Street. The building lies within the Harley Street Conservation Area. Part of the site, at rear first floor level, sits above the Grade II listed host building at 36 Devonshire Place. The house has an existing terrace at rear first floor level.

7.2 Recent Relevant History

In December 1978 planning permission was granted for the conversion to six self-contained flats at 36 Devonshire Place and the refurbishment and additional storey to 36 Devonshire Place Mews.

8. THE PROPOSAL

The proposals include the demolition of the existing building and erection of a replacement dwellinghouse over ground, first and second floors, with a rear balcony at first floor level. The plans originally included a terrace at roof level, however this has been deleted from the proposals.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Residential Use

The new building would not alter the number of units or overall floorspace as compared to the existing dwelling and therefore the proposal is in accordance with Policy 8c of the City Plan.

9.2 Environment & Sustainability

Sustainable Design

City Plan Policy 38(A) states, "New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting

Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods". City Plan Policy 38(D) (Design Principles) adds, "Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design...**" [emphasis added]. The supporting text for City Plan Policy 38 states, "As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition..." (Para. 38.11).

Guidance on the meaning of 'sustainable design principles' is found within the 'Retrofitting and Sustainable Design' chapter of the Westminster's Environmental SPD (February 2022). The guidance states, "The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings" (p. 104). Page 87 also states, "Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies".

This case involves total demolition of the existing building and objections to this have been received, including a request from the Marylebone Association asking for a greater degree of scrutiny on the sustainability of the replacement dwelling in order to justify the demolition.

The application is supported by a Sustainability report which sets out that the existing building is severely compromised through the existence of an internal steel frame erected inside the façades and party walls. This frame was inserted in the 1970's to support the mansard extension. It consists of a ring beam beneath the first-floor ceiling, two beams that flank the staircase and span the property, and four columns that stand down at each corner. This steel frame sits up against the exterior structure and so acts as a cold bridge that connects the centre of the floor plan and almost every other room to the fluctuating temperatures of the external climate. The applicant argues that retaining this steel structure would make it impossible to meet high levels of thermal insulation, that insulating and boxing out this steel structure would be a highly inefficient strategy and it would consume even more space from both floorplan and ceiling height than the existing (uninsulated) boxing out. Further to this the fireproofing and insulation material required to make good this obstacle would be of manufactured petrochemical composition with both a high embodied carbon and associated toxicity in after life disposal.

The application and supporting documentation have been reviewed by the City Council Sustainability Officer who has no objection to the proposal and believes that sufficient justification has been made for the case of demolition in this instance. The applicant is also determined to keep embodied carbon down through the use of cross laminated timber and biobased insulation.

Energy Performance

Part A of Policy 36 of the City Plan states that; 'The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.'

The proposal includes the following measures designed to minimise the energy usage of the construction materials or the operational carbon of the building:

*Use of cross laminated timber in the construction to reduce the embodied carbon of the new construction.

*Achieving high LETI standards for insulation through the use of natural origin wood fibre.

*Installation of an air source heat pump for heating and cooling.

* Installation of eight photovoltaic panels on the roof, assessed to produce 3.0KWh of energy and coupled with an energy storage battery.

A condition is included to ensure that the sustainability measures as detailed in the submitted documentation are installed and retained.

9.3 Biodiversity & Greening

Policy 34 of the City Plan deals with green infrastructure and requires developments to, wherever possible, contribute to the greening of Westminster by incorporating trees, green roofs, rain gardens and other green features and spaces into the design of the scheme. It is accepted in this instance that the potential for additional greening is limited, however planters are proposed on the rear balcony, and these will be secured by condition.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.*"

Section 66 of the LBCA Act requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.*"

Section 72 of the LBCA Act 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(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Furthermore Chapters 12 and 16 of the 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Detailed Design

Key considerations in assessing the proposals will be impact upon the character or appearance of the conservation area, in accordance with Sections 72 of the Listed Building and Conservation Areas act 1990. Proposals will be assessed against the National Planning Policy Framework (NPPF), specifically chapters 12 and 16, as well as policy 38, 39 and 40 of Westminster's City Plan 2019-40 (April 2021).

Devonshire Place Mews lies to the west of the townhouses which front Devonshire Place. The mews has a varied character features modestly scaled traditional style mews properties along its eastern side, with the western side being redeveloped in the 1960s. The mews is largely altered, with a number of properties having been redeveloped and being more contemporary in appearance.

The building has been altered at ground floor level and features a modern garage doors and bay windows, at first floor, it also features overly proportioned sash windows, suggesting it too have been altered, though the brick work appear to be of some age. The building makes a modest yet positive contribution to the Conservation Area.

Proposals seek the demolition and reconstruction of the mews with a modified more contemporary façade. The scale of the fenestration is marginally larger than would generally be considered comfortable. However, in the context of similar proposed within the wider mews, including no. 37 next door (approved in 2019) and no.28 (approved in 2027), its architectural style and contemporary aesthetic would not appear out of place. During the application a number of design concerns were raised and address. Firstly, the blue brick work proposed at ground floor level was considered at odd with the traditional aesthetic of the mews and was felt too divergent. The applicant has sought to address this and now proposes stock brick finish, a more complimentary aesthetic, which is welcome. Likewise, the design of the entrance and garage doors have been modified to exhibit a more mews aesthetic, which again is an improvement.

A number of concerns have been raised in relation to the design and townscape aspect of the proposals, including justifications for its demolition, setting of the 36 Devonshire

Place (GII listed) and the impact on the Conservation Area.

The applicants' description that the property is in poor condition is not supported by officers and does not form part of the justification made for the demolition of the building in design terms. The mews has been altered over time, which has diluted its historic character and quality, but it appears well maintained and does not appear to show signs of disrepair. The condition of the building alone would not be considered a convincing argument to demolish the building on design grounds.

In terms of the building's relationship with 36 Devonshire Place, which is grade II listed, historically the buildings were likely to have been connected both physically and functionally, however they are currently functionally separate. It should be noted that the Mews is not considered curtilage listed but does contribute to the setting of the grade II listed building. The proposal intent to maintain the overall form and scale of the mews in a manner that is respectful to its relationship with no. 36 Devonshire Place, therefore officers do not feel that the setting of the listed building is affected.

In terms of the impact upon the conservation area, the character of the mews is considered varied, and the application mews has been altered and has a diluted character, it is considered to make a modest positive contribution to the character and appearance of the area. That said, the wider mews is varied, and a number of mews properties have been redeveloped and feature a contemporary aesthetics. Whilst the existing building is felt to make a modest positive contribution to the conservation area, following amendments, the proposals are felt to preserve the character and appearance of the conservation area. Therefore, a refusal on townscape and design grounds is not felt sustainable given the wider planning benefits of the scheme.

Subject to conditions seeking material samples and further design details, the proposals are not considered to detract from the character and appearance of the conservation area. The proposals are supported on townscape and design grounds in line with policies 38, 39 and 40 of Westminster's City Plan.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight, Sunlight and Sense of Enclosure

The replacement dwelling is identical in bulk and massing as the existing building and consequently there are no adverse impacts in terms of light or sense of enclosure.

Privacy

Strong objections to the introduction of a terrace at second floor and overlooking from the first-floor balcony have been received. As set out above, since the application was originally submitted, the plans have been revised to delete the terrace at roof level. A balcony at first floor is proposed, but this is in the same location as the existing balcony.

Objectors believe that this could be more intensively used, as it is accessed via a lounge rather than a bedroom. Whilst these concerns are noted, the layout of the existing property is not subject to control, and the existing bedroom could be converted to a lounge at any stage. In addition, the proposed balcony, measures some 1.6m x 4.6m and plans show that it is only likely to accommodate one small table and two chairs. It is therefore unlikely to be used more intensively than the existing balcony.

Noise & Vibration

Concerns have also been raised regarding noise outbreak and noise transfer between the building and the flat below. The Council's standard conditions relating to sound insulation have been imposed.

9.6 Transportation, Accessibility & Servicing

Parking

Policy 27 requires new developments to meet the parking standards of the London Plan and requires that new parking spaces should provide for electric charging vehicles. Given there is an existing garage, the retention of a garage is not opposed in this instance. The Design & Access Statement notes that the ambition for retaining the garage is to enable charging of electric vehicles and a condition is proposed requiring the provision of an EV charging point.

Accessibility

Level access into the new dwelling is proposed, removing the existing stepped access into the property.

Waste & Recycling Storage

Sufficient storage for waste and recycling is proposed at ground floor level and the Waste Project Officer raises no objections to the proposals.

Cycling & Cycle Storage

Cycle parking is secured by condition.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Objections have also been raised raising concern over the impact from noise during the course of construction. While this concern is noted, this is not a reason for Local Planning Authorities to withhold permission. The standard conditions restricting the

hours of noisy construction shall be applied. This objection cannot be upheld.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

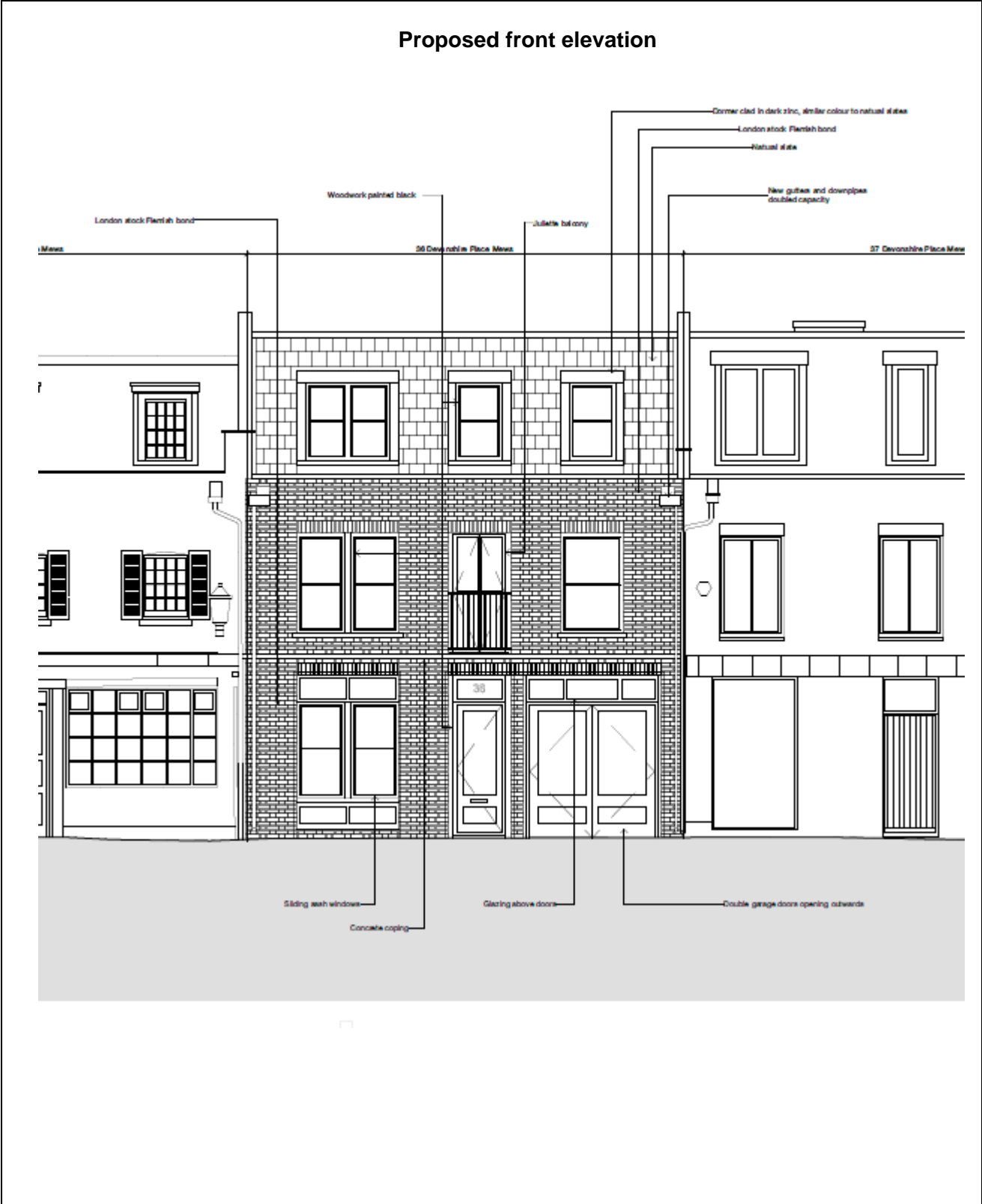
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable in terms of land use, amenity, design, highways, energy and sustainability.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

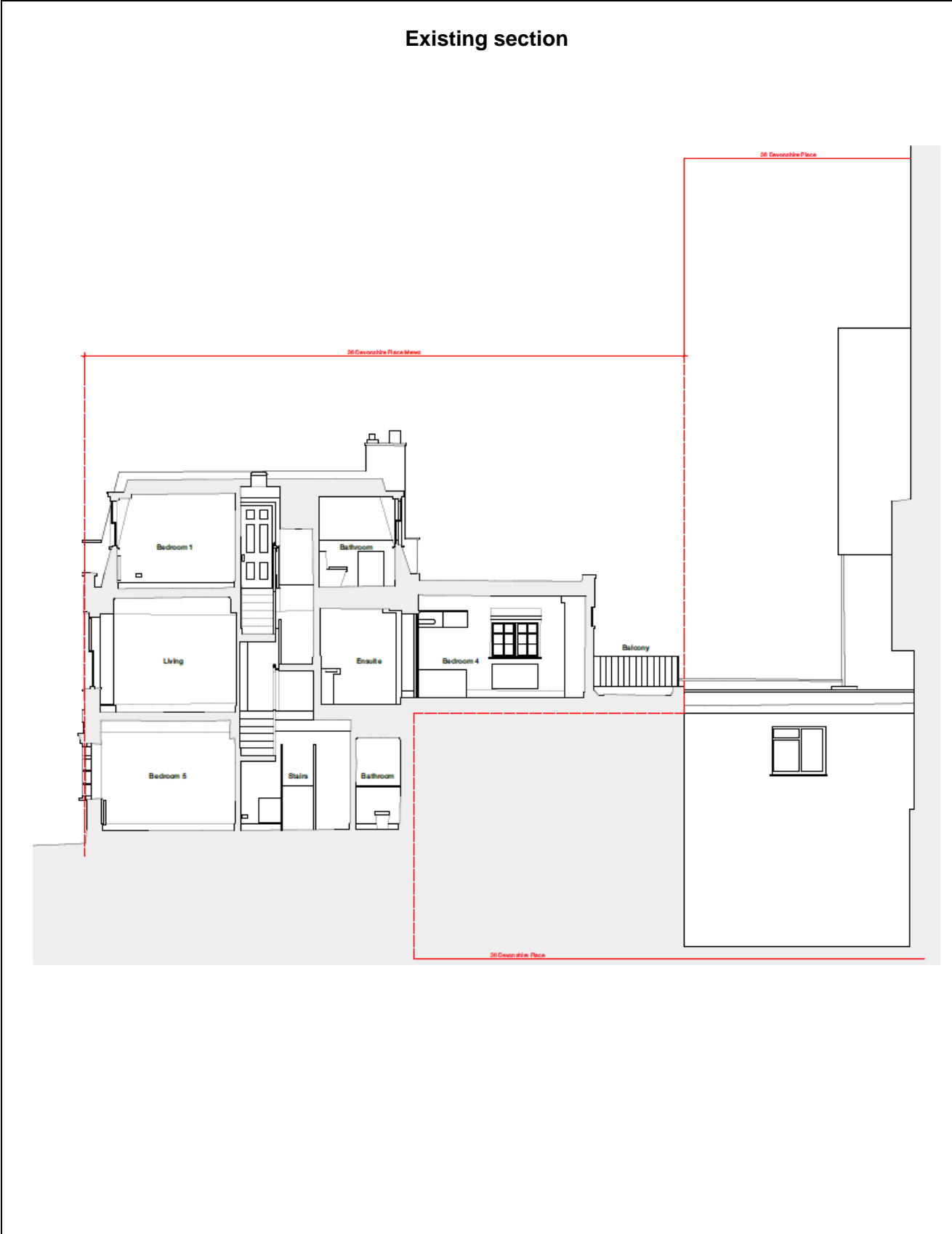
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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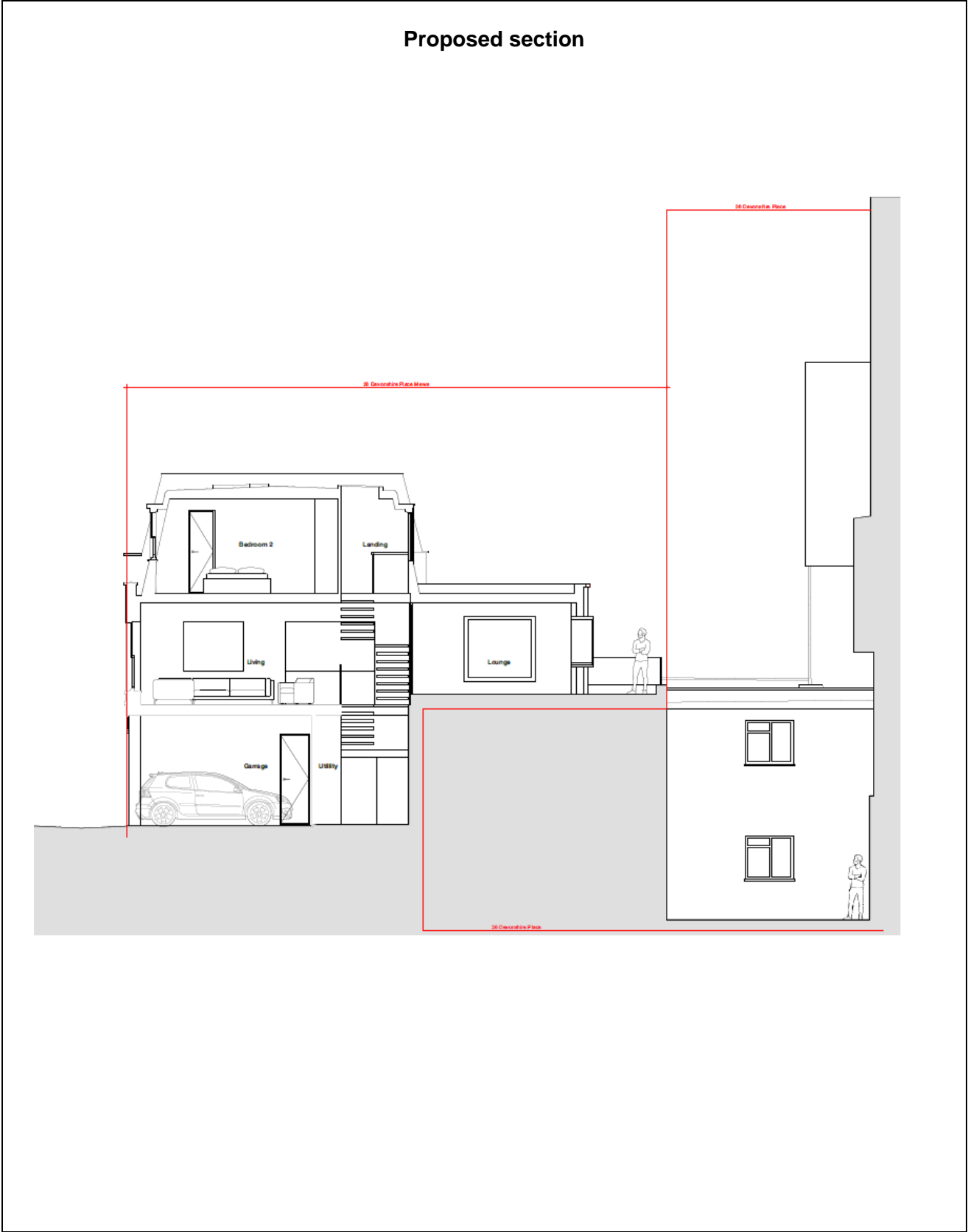
11. KEY DRAWINGS



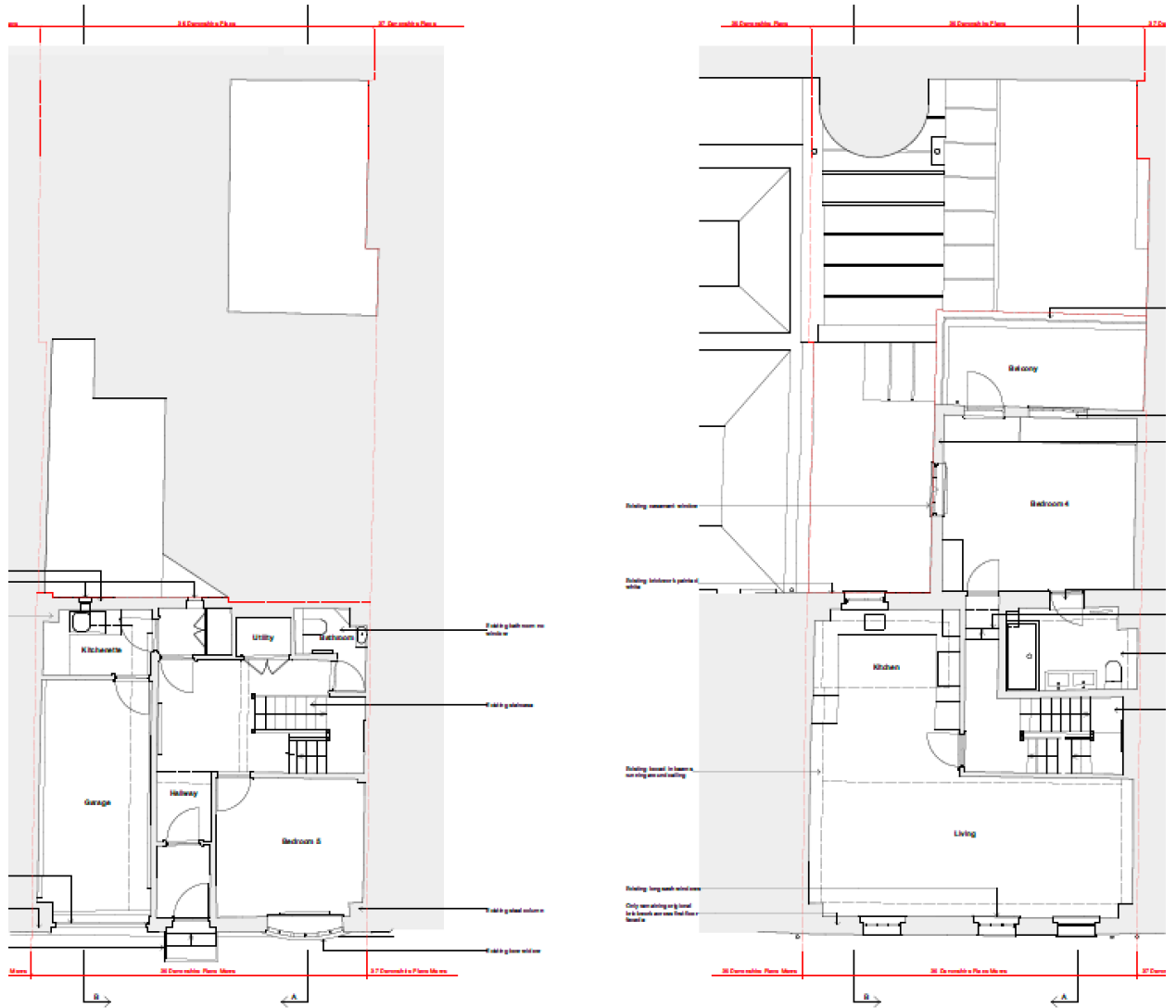
Existing section



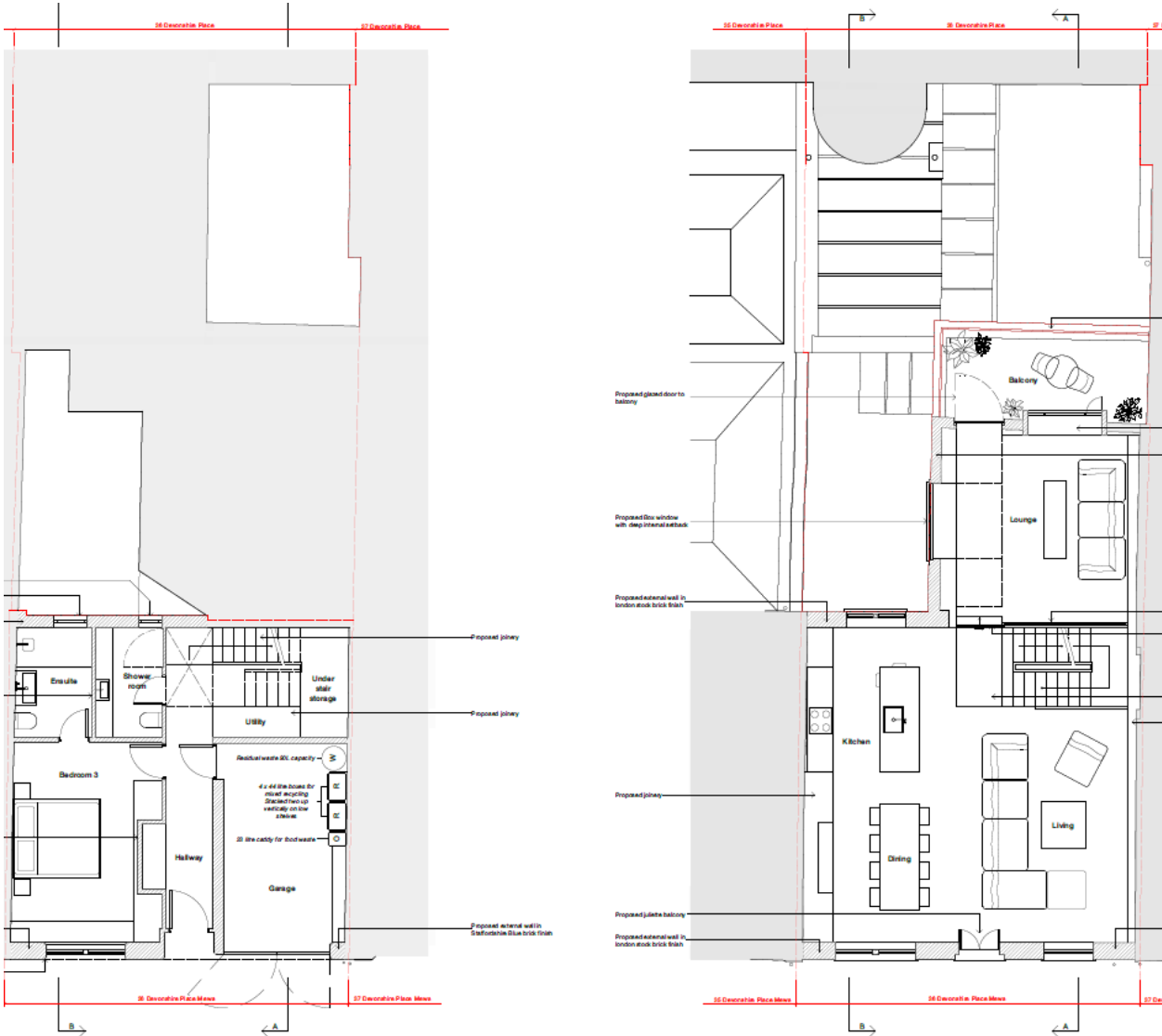
Proposed section



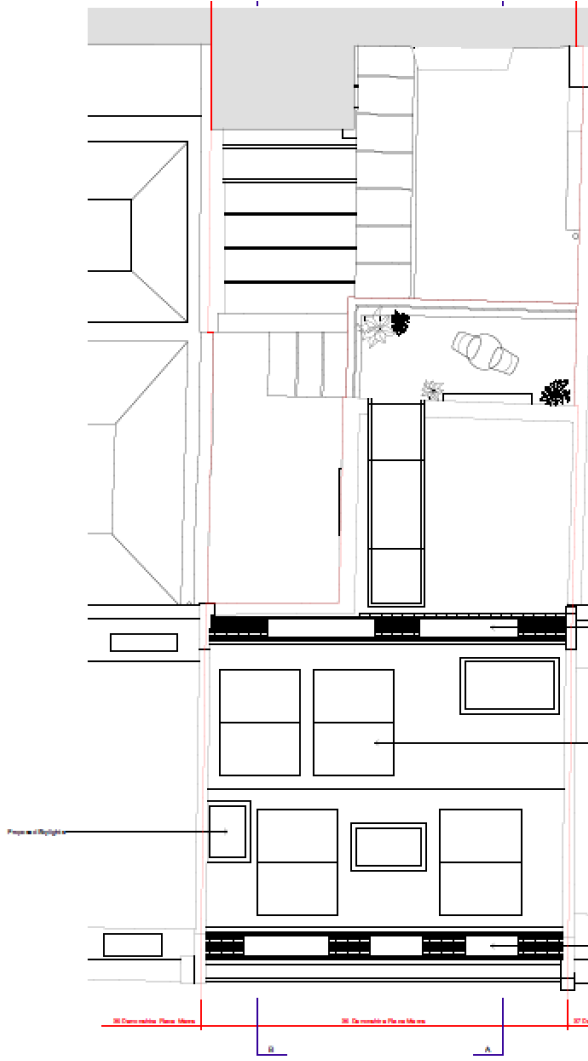
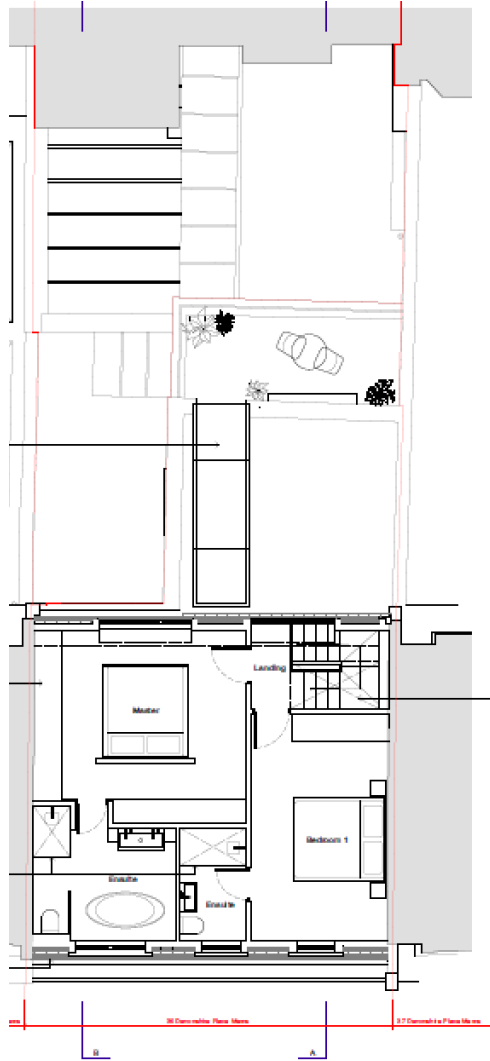
Existing ground and first floor plans



Proposed ground and first floor plans

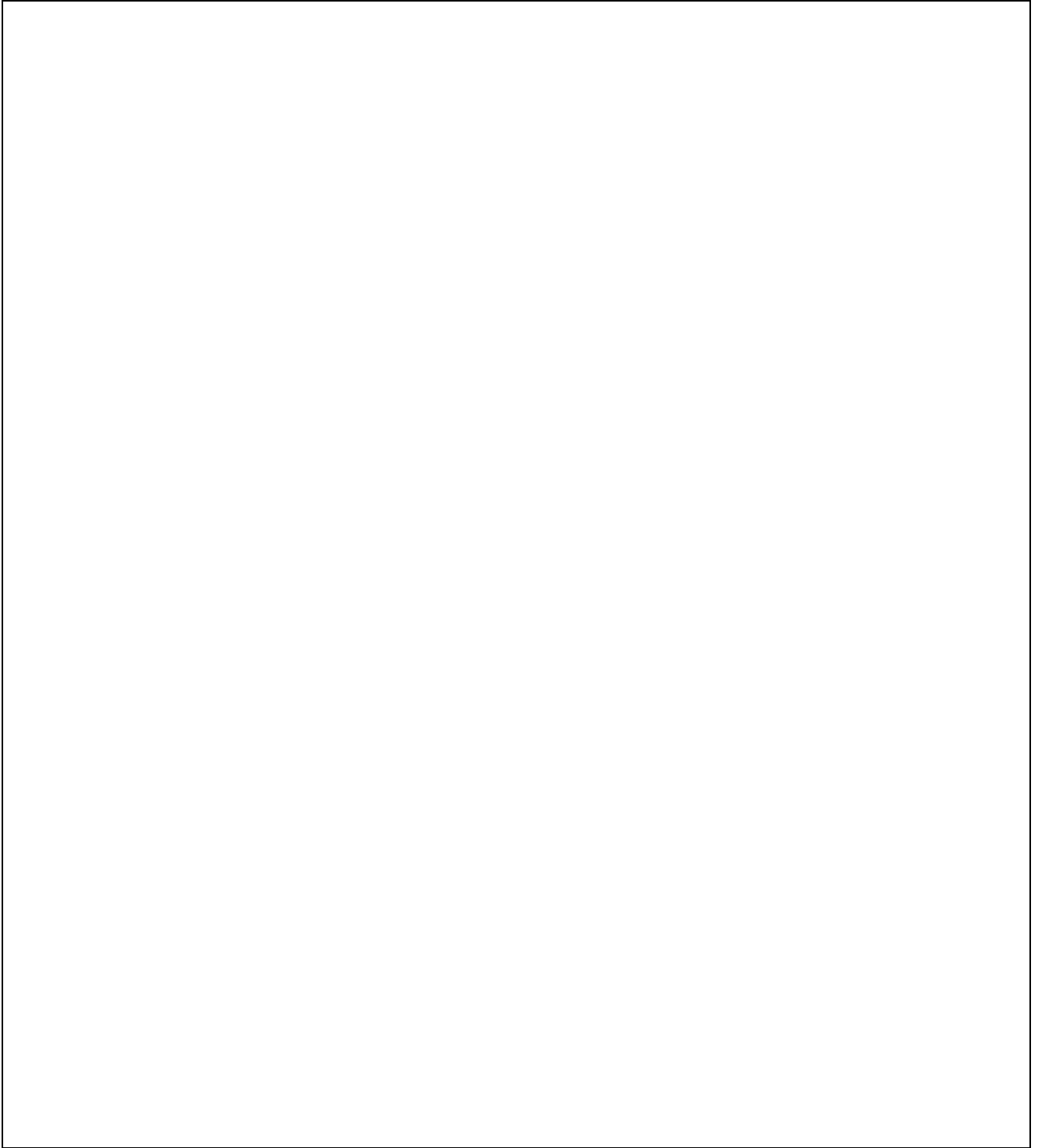


Proposed second and roof plans



Item No.

4



DRAFT DECISION LETTER

Address: 36 Devonshire Place Mews, London, W1G 6DD

Proposal: Demolition of existing building and erection of replacement dwellinghouse (Class C3) over ground, first and second floor levels with rear balcony at first floor level.

Reference: 23/08700/FULL

Plan Nos: 336.301/2, 336.303/4, 336.311, 336.320, 336.310, 336.201-2, 336.203-4, 336.210, 336.211, 336.220, 336.221

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
- (a) demolition, and/or,
 - (b) earthworks/piling and/or,
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- Windows (including their method of openability) and doors with elevations, plans and sections scaled at 1:10.

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 approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

(R26BF)

- 6 The roof shall be covered in natural Welsh slate.

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

(R26BF)

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB).

Reason:

To maintain the special architectural or historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(R29BD)

- 8 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the building. You must not use the cycle storage for any other purpose. (C22HA)

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)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 336.301/2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

- 10 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- use of cross laminated timber;
- air source heat pump;
- photovoltaics;
- natural wool fibre insulation
- electric vehicle charging point

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R49BB)

- 12 The privacy screen to the first-floor balcony as shown on the drawings hereby approved, must be installed before commencement of the use of the balcony and thereafter permanently maintained.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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 With reference to condition 3; please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 3 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.

- 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.

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.