

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 March 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Vincent Court, Seymour Place, London, W1H 2ND		
Proposal	Erection of single storey roof extension to Vincent Court at third floor level to provide 8 self-contained units (Class C3) together with the erection of two lift enclosures to the front elevation, refurbishment of the main entrances, replacement windows, roof terraces, balconies to the rear elevation, bike storage, bin storage and other associated works.		
Agent	Montagu Evans LLP		
On behalf of	Vincent Court Management Company Ltd		
Registered Number	19/07240/FULL	Date amended/ completed	18 September 2019
Date Application Received	18 September 2019		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

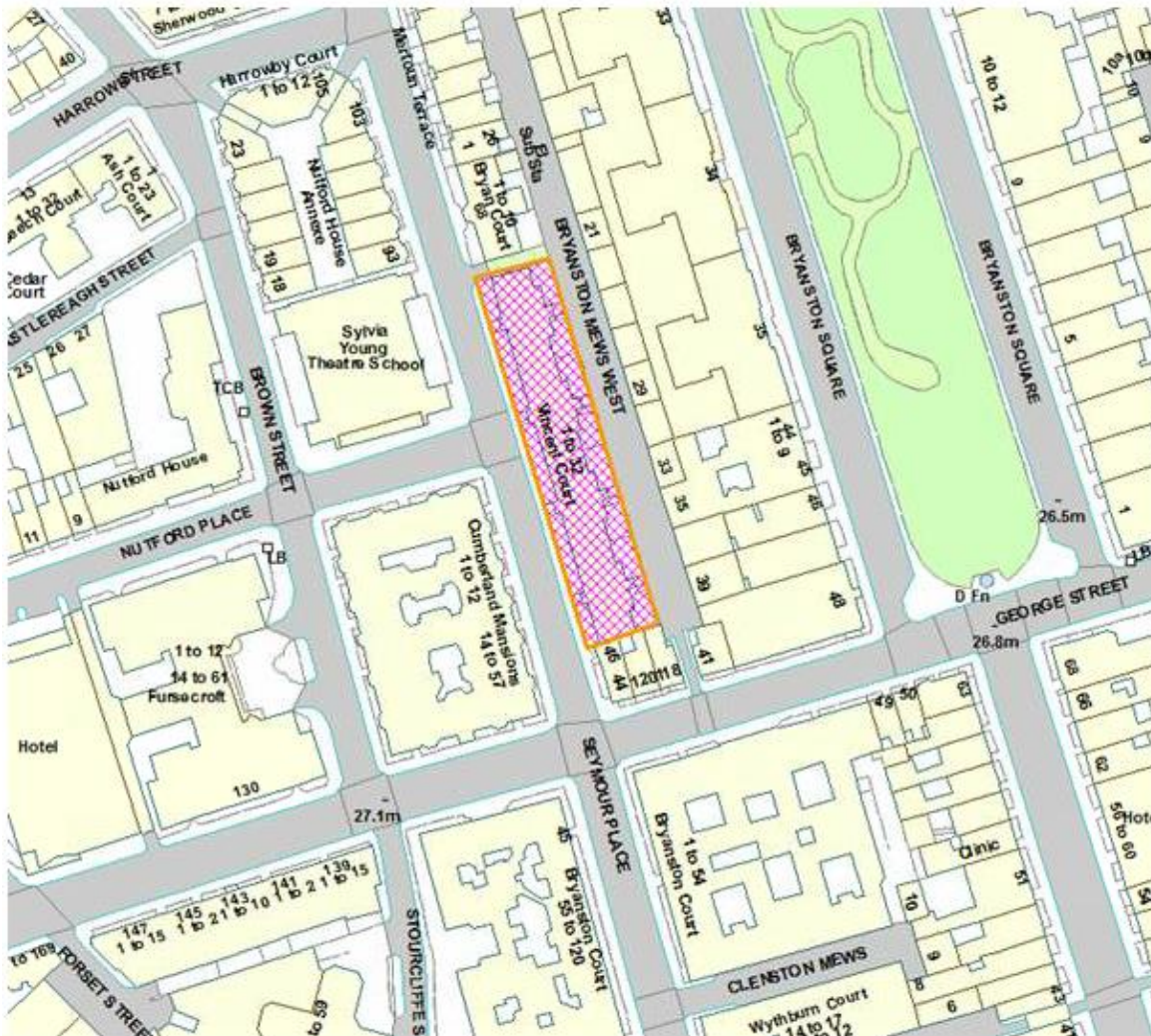
Vincent Court is an unlisted block of flats dating from the 1950s. It comprises lower ground, ground and two upper floors. The building fronts onto Seymour Place and backs onto Bryanston Mews West where there are a number of residential properties facing the site. Permission is sought for the erection of a single storey roof extension to provide eight additional flats (totalling 499 sqm GIA), erection of two lift cores, and provision of roof terraces for the family sized units and the areas of communal roof terraces for all building occupants, installation of balconies to the rear and replacement windows, doors and associated works.

The key issues for consideration are:

- * The impact on residential amenity
- * The impact on the appearance of the building and the character and appearance of the Portman Estate Conservation Area.

Objections have been received primarily on land use, amenity, design and highways grounds. However, following design alterations, the application is considered to comply with relevant Unitary Development Plan and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Existing View Looking South on Seymour Place



Existing View Looking South of Bryanston Mews West



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

- Overlooking to rear gardens
- Potential noise and disturbance from roof terraces
- Overshadowing of gardens
- Refuse strategy should incorporate existing waste chute
- Impact of Lifts on Portman Estate Conservation Area
- Insufficient information to demonstrate the incorporation of sustainability into the design

WASTE PROJECT OFFICER

- Detailed waste management strategy required

HIGHWAYS

- No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 138

Total No. of replies: 24

No. of objections: 9 (including an objection with eight signatures)

Objections on the following grounds:

- Increased overlooking
- Increased sense of enclosure
- Loss of daylight and sunlight (due to balconies, extension, bin store and lift cores)
- Potential for additional litter in lower ground floor gardens as a result of balconies
- Increase in noise from provision of balconies/terraces
- Reduction in security
- Will cause disruption to existing garden fittings due to construction
- Increase impact on communal facilities due to increased footfall
- Proposal is not consistent with refused application on the opposite side of Bryanston Mews
- Object to dark grey cladding to roof extension
- Proposed lift detracts from the Portman Estate Conservation Area
- Height/bulk
- Structural impact on existing building
- Potential for further upwards extension in the future
- Additional furniture and fixture within terrace would worsen amenity impacts and increase visibility
- Impact on fire routes

No. in support: 15

Comment in support for the following reasons:

- Existing building seem squat in relation to the surrounding building
- Will increase energy efficiency on building

- Provides much need amenity space
- Improves accessibility to building
- Improve the appearance of the building and streetscape
- Building is in much need of refurbishment

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a residential block comprising lower ground, ground and two upper floors located on the eastern side of Seymour Place and backs on to Bryanston Mews West. The building is a post-war development in the Portman Estate Conservation Area but outside of the core Central Activities Zone (CAZ).

It is faced in red brick with white painted concrete window surrounds and white crittal windows. While the building has single regular appearance, it is divided into a series of blocks, each block being accessed from street level on Seymour Place. Each access is defined by a stair core, which projects from the front of the building. Access is also provided from Bryanston Place, where waste collection takes place. There is currently no lift access to the property.

The building currently contains 32 flats.

6.2 Relevant History

None directly relevant.

7. THE PROPOSAL

The proposals comprise a single storey roof extension set back from the building face to the front and the rear. The roof storey is proposed to be clad in a dark grey aluminium material with dark grey aluminium window frames.

This extension will provide an additional eight new residential flats (2 x 3-bed, 2 x 2-bed and 4 x 1-bed flat), totalling 499 sqm GIA of new residential floorspace.

Alterations are proposed to the detailed design of the existing four building entrances on the Seymour Place frontage. The most northern and southern protruding entrance cores will accommodate lifts to provide step free access to the new residential units.

The residential units on ground, first and second floor will have a new balcony accessed from dining / living rooms and existing balconies which are accessed from kitchens will be refurbished.

The proposals incorporate private amenity space for the family units in the form of two new roof terraces. Two communal roof terraces are provided for the remaining flats which will also be accessible to the existing residents. Outside of these terraced areas at roof level, extensive sedum roofs are introduced.

Refuse storage will be upgraded and remain to the rear of the property along Bryanston Mews. Additional refuse storage and bike storage is provided for the new residential units.

During the course of the application the following revisions were made:

- The height of the third floor was reduced to the front and rear of the third floor extension;
- A reduction to the height of the proposed lift shafts; and
- The means of enclosure to the terraces changed from glass to black metal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of new residential floorspace is considered acceptable in principle and accords with Policy H3 of the UDP and policy S14 of the City Plan which seek to encourage the provision of new housing.

The proposed units, which are all double aspect, are considered to be acceptable in terms of their size and layout and the standard of accommodation. All of the flats exceed the space requirements set out in the London Plan but are not excessively large (ranging from 52 sqm GIA to 108 sqm GIA) and the development is considered to optimise the residential development potential of the site, in accordance with City Plan Policy S14. A condition is recommended to ensure that the new units would achieve acceptable internal noise levels in relation to external noise sources.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. City Plan policy S15 states that residential developments should provide an appropriate mix of units in terms of size, type and affordable housing provision in order to meet Westminster's housing needs and to create mixed communities.

Two of the new units (25%) would be family sized. Whilst this falls short of the 33% normally sought, the applicant has argued that the mix of units has been dictated by the depth of the building, the existing core locations and the need to set the extension back from the front and rear parapets. These factors dictate the layout of the units and efficiency of the scheme. To incorporate a further family unit, would result in a reduction from 8 units to 7 units, which would not result in the optimisation of the site, as required by policy S14. As such, the proposed unit mix is considered acceptable.

Given the number of units proposed, and as the increase in residential floorspace is less than 1,000 sqm, the development does not trigger the Council's affordable housing policies.

8.2 Townscape and Design

The building is a post-war development on the east side of the street in the Portman Estate Conservation Area. It makes a neutral contribution to the character and appearance of the conservation area and is designated as unsuitable for a roof extension in the conservation area audit. The closest listed buildings are at 44-48 Bryanston Square with their associated mews in Bryanston Mews West.

The Seymour Place façade of Vincent Court is of orange-brown brickwork with concrete surrounds to the windows which are of a simple white-painted metal design. The entrances are set forward of the façade with concrete canopies at ground floor level, and the whole building is set back from the street behind a low wall with black railings. The ground floor is set slightly above street level and the building comprises a basement and three upper floors.

Seymour Place is characterised by mansion blocks at its southern end, which date from the late nineteenth to the early twentieth centuries. Adjoining the southern end of the application site is a fine Edwardian building (No.44 Seymour Place) which has four storeys above street level and turns the corner in to George Street. The north end of the site is separated by a service lane from Bryan Court.

Vincent Court's four-storey façade to Bryanston Mews West is a functional design which has four projecting bays with small balconies either side of the service shaft, and a lot of pipework. It is set behind a garden area with some small trees and tall fencing.

Bryanston Mews West is mostly a post-war redevelopment although there are some historic mews buildings on the east side associated with properties in Bryanston Square. The historic buildings are mostly two-storeys and the post-war buildings are three-storeys. The west side of the mews, including the application site, is all of post-war date and typically four storeys in height except for Bryan Court which is six-storeys high.

The application site is clearly visible in longer views from street level in Seymour Place and Bryanston Mews West, and it closes the view looking east along Nutford Place.

Historic photographs show the parapet line of the terrace formerly on the site was the same as that of the surviving building at No. 44 Seymour Place (see image below). Noting that fact and the previously approved (and built) roof extension to Bryan Court, in principle, the historic character of the street would not be harmed by the addition of a single storey roof extension on Vincent Court.



Title: Marble Arch, Regent's Park and Marylebone, Westminster, 1934
Reference: EPW044585
Date: May 1934
© Historic England

As proposed, the roof extension is slightly set back from the facades and finished with dark grey cladding. Whilst objections have been received due to the proposed finish, it is considered that this suits the appearance of the building and complements the neighbouring No. 44 which has a green slate roof and Cumberland Mansions, opposite, which has a dark-grey slate roof. The bulk of the roof extension is reduced by slightly setting back the roof terrace parapet. The terrace areas are surrounded by metal railings, which is similar in appearance to the terraces at Bryan Court and Nos. 33-35 Bryanston Square. Therefore, the height, bulk and materials of the roof extension will maintain the character and appearance of the surrounding conservation area. Consequently, the objections received to the contrary are not considered to be sustainable.

The detailed design of the roof extension is modern and appropriate for the building. The windows are vertically aligned with those of the floors below, and the sheer-storey form is more appropriate than a mansard which would be more usual on older building types. The objection to the form of the roof extension is not sustainable.

Facing Seymour Place, the four entrances are to be rebuilt incorporating lifts. While this means the entrances will project further forward than at present, the use of glazing and fluted reconstituted stone panels makes them attractive features and the effect is similar to that of Bryant Court. Additionally, the windows are to be replaced to the same design but with double-glazing and the railings will be retained and refurbished. Therefore, the alterations to the façade will maintain the character and appearance of the street and surrounding conservation area.

At the rear, the façade to Bryanston Mews West will see the existing balconies refurbished, and the erection of additional balconies with frosted-glass balustrades. The

new and refurbished balconies are of a simple modern design that suits the appearance of the building and maintains the character and appearance of the surrounding Conservation Area. Objections to the detailed design of the balconies and potential for them to become cluttered with residents' belongings are not sustainable.

The roof extension is set back from the rear façade and the windows mostly align with those of the floors below. While this clearly increases the height and bulk of the building when seen from street level and from properties in Bryanston Mews West, the change is not harmful in design or heritage asset terms because the extended building is still in keeping with the scale and character of its surroundings. Furthermore, the height of the building would be closer to that of the original buildings on the site facing Seymour Place (see photo dated 1934 above). Therefore, the character and appearance of the conservation area will be maintained. The objections to the contrary are not sustainable in design or heritage asset terms.

Four areas of the roof not covered by terraces are to be sedum roofs. This has the potential to improve biodiversity, and they would be pleasant features visible from the upper floors of buildings opposite in Seymour Place.

8.3 Residential Amenity

Policy ENV13 seeks to protect and safeguard the amenities of existing residential properties from development proposals including in relation to the levels of daylight and sunlight received and overlooking. Policy S29 of the City Plan also requires new development to safeguard the amenity of neighbouring properties.

Objections have been received from residents within Vincent Court and from neighbouring residential properties on the grounds of loss of daylight and sunlight, overshadowing of private amenity space, increased sense of enclosure and loss of privacy.

Sunlight and Daylight

A daylight and sunlight assessment has been submitted. This assesses the impact of the development on the light receivable by the neighbouring properties at Bryan Court, 21 to 41 Bryanston Mews West, Cumberland Mansions, the Sylvia Young Theatre School, 44 to 46 Seymour Place and 118 and 120 George Street.

Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable, and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to principal habitable rooms including living rooms, larger kitchens and bedrooms. However, the guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The applicant has submitted an NSL assessment where room layouts are known.

With the exception of isolated windows at 120 George Street, 44-46 Seymour Place and 27, 29 and 35 Bryanston Mews West, the report shows that any reductions in daylight received are below BRE thresholds. These breaches have are shown in the table below:

Ref	Floor	Use	Vertical Sky Component				No Skyline			
			Before	After	Loss	% loss	Before	After	Loss	% loss
120 George Street										
Win. 387	Ground	Unknown	0.7%	0.4%	0.3%	33%	Internal layout unknown			
Window 388	First	Unknown	2.3%	1.4%	0.9%	39%	Internal layout unknown			
Window 389	First	Unknown	9.8%	5.4%	4.4%	45%	Internal layout unknown			
Window 390	Second	Unknown	26.1%	16.6%	9.5%	36%	Internal layout unknown			
44 to 46 Seymour Place										
Window 398	Second	Unknown	16.9%	13.4%	3.5%	21%	Internal layout unknown			
25 Bryanston Mews West										
Win. 269		Livingroom	23.8%	19.3%	4.8%	19%	50%	34%	16%	32%
Win. 270		Livingroom	6%	6%	0%	0%	50%	34%	16%	32%
27 Bryanston Mews West										
Win. 272	First	Livingroom	24%	19.4%	4.6%	19%	50%	34%	16%	32%
Win. 273	Second	Livingroom	4.5%	4.5%	0%	0%	50%	34%	16%	32%
29 Bryanston Mews West										
Win. 279	First	Livingroom	24.1%	19.5%	4.7%	19%	97%	69%	28%	29%
Win. 281	Second	Bedroom	15%	11.4%	3.6%	24%	27%	20%	7%	26%
35 Bryanston Mews										
Win. 327	First	LDK	24.9%	20.6%	4.3%	17%	30%	20%	10%	33%
Win. 328	First	LDK	24.9%	20.5%	4.3%	17%	30%	20%	10%	33%
Win. 329	First	LDK	24.8%	20.5%	4.3%	17%	30%	20%	10%	33%
Win. 330	First	LDK	24.6%	20.4%	4.2%	17%	30%	20%	10%	33%
Win. 330a	First	LDK	0.4%	0.4%	0%	0%	30%	20%	10%	33%
Win. 330b	First	LDK	0.2%	0.2%	0%	0%	30%	20%	10%	33%
Win. 330c	First	LDK	0.2%	0.2%	0%	0%	30%	20%	10%	33%

*LDK = Livingroom, dining room kitchen

Windows 387, 388 and 389 to 120 George Street 43%, 39% and 45% respectively however this is exacerbated by the existing low value. The actual loss to those windows are 0.3%, 0.9% and 4.4% respectively, therefore in real terms it is not considered that the impact of the proposal will be noticeable. Window 390 at 120 George Street experience reduction of VSC by 36%. Whilst the applicant was not able to identify the use of the rooms, given that the window will retain a VSC of 16.9% VSC it is considered acceptable for this central London location.

The daylight assessment indicated that Window 398 at second floor level to 44-46 Seymour Place experiences a VSC reduction of 21%. The applicant was unable to identify the room use; however, from reviewing online photos of accommodation internally, this appears to serve a stair case and as such is not considered a habitable room.

The table above shows that there would be some losses in daylight distribution above that recommended in the BRE guidelines. However, in all cases where the No Sky Line test exceeds 20% the VSC for windows serving the rooms in question is compliant with the guidelines. In all cases the daylight distribution losses are not considered to be significant enough that any loss of daylight would be materially harmful to residential amenity.

The retained daylight and sunlight to the Sylvia Young Theatre School is also considered acceptable.

Objections have also been received from occupants of the lower levels of Vincent Court to loss of daylight and sunlight due to the provision of the two lift cores on the Seymour Place frontage, balconies to the rear and the enlarged bin/bike stores at rear lower ground floor level. Due to the degree of the projection, height, bulk and location of these structures it is not considered that there will be a material reduction of daylight and sunlight to flats within the application premises.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, or there is more than a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows tested pass both the total annual sunlight hours test and the winter sunlight hours test with the exception of an isolated windows at 29 Bryanston Mews West which would experience a 9% (22% to 13%) reduction in APSH and 60% reduction in Winter sun (5% to 2%). Whilst the reduction is unfortunate, it is considered that the retained sunlight levels are reasonable for a bedroom in this central London location.

Sense of Enclosure

Objections have been received from residents at the rear on Bryanston Mews to potential reduced outlook and an increased sense of enclosure. The bulk and mass of the proposed extensions is not considered to be so great that it would result in a material increased sense of enclosure to any of the surrounding properties.

Privacy

The proposal introduces new windows to the front and rear of the proposed extension, roof terraces and additional balconies to the rear.

Objections have been received from occupants of the lower ground floor flats to the rear of Vincent Court and from the Penthouse flat within Bryan Court directly to the north of the application site, that use of the balconies and terraces would result in a loss of privacy.

The application premises has existing rear balconies. Although the scheme will result in larger balconies this is not a significant change from the existing position. With regards to the roof terraces at its closest it is some 13.4m from the Bryan Court and would be lower than the residential accommodation within the Penthouse flat which has windows facing the proposed extension. Given the distance and the height difference between the proposed roof terrace and the existing Penthouse Flat to Bryan Court, it is not considered that the proposal will result in a reduction of privacy.

Given the set back of the proposed balustrade along the Bryanston Mews West elevation, and the height of the terrace in relation to the properties to the rear it is not considered that the terraces would give rise to any significant overlooking. The scheme will not result in any material overlooking or loss of privacy to neighbouring residents.

8.4 Transportation/Parking

Car Parking

UDP policies TRANS 22 and TRANS 23 set out the City Council's standards for car parking. No car parking is provided. The scheme will result in the addition of 8 new residential units which could increase the demand for on street car parking.

The Highways Planning Manager advises that where the occupancy of existing available on street parking availability is 80% either during the day or at night-time, the provision of additional residential with no off-street parking is likely to add to stress levels.

The evidence from the Council's most recent daytime parking survey in 2018 indicates that on street parking occupancy is 71.9% during the daytime and 55% overnight.

Given the surplus of available on street parking the scheme is consistent with UDP policy TRANS 23.

Furthermore, any potential adverse impact on the highway in terms of increased parking pressures needs to be balanced against the policy presumption to increase the housing stock.

8.5 Economic Considerations

Any economic benefits generated by the proposed developments are welcome.

8.6 Access

Access to the upper storeys is provided via a proposed extension to the entrance points on the northern most and southern most entrance cores. These provide the opportunity to provide level access via a lift for the additional storeys. Due to the existing half landings in the building, it is not possible to provide level access for the existing flats but they do become more accessible for the occupants than at present and access is provided to each of the half landings.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been made from the occupants of the lower ground floor flats due to the potential of noise due to the provision of the proposed balconies. The proposed residential balconies are not excessively large and therefore the potential for material increase in noise due to their inclusion is expected to be minimal. With regard to the communal terrace, it is considered that the distances to neighbouring buildings are sufficient to ensure the roof terrace would not result in noise nuisance.

Plant

No mechanical plant forms part of this proposal.

Refuse /Recycling

Objections have been received on the basis that the proposal should utilise the current refuse chute system. The Council's Waste Project Officer has welcomed the omission of the waste chute from the proposal; however, they have requested a detailed waste management strategy which has been secured by condition.

Biodiversity

The proposal includes a sedum roof which is welcome.

Sustainability

An objection has been received that the proposed development fails to meet sustainability expectations and is not compliant with policy.

The London Plan states that developments should minimise carbon dioxide emissions and that development proposals should make the fullest contribution to minimising carbon dioxide emissions. London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013. City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The scheme does not include renewable energy, however this is not a major redevelopment proposal. The application is for a roof extension to an existing retained building. Permission could not be withheld on the basis that the scheme does not comply with the policies referred to above. Policy S28 of the City Plan requires new development to incorporate exemplary standards of sustainable and inclusive urban design and architecture. In order to reduce carbon emissions the scheme incorporates various measures including the use of thermally efficient building fabric, double glazing and energy efficient materials. The proposed flat would also be naturally ventilated. The proposed sedum roof will also reduce the site's impact on surface water run-off. This is welcomed and the objections regarding the sustainability of the proposal cannot be supported.

Precedent

Objectors are concerned that permitting this application would set an unwelcome precedent for similar development in the area and pointed out a recent refused application for a roof terrace on the opposite side of Bryanston Mews as well as the potential for a future application to extend the building further. The proposal is considered to be acceptable for this site and in the context of the adopted development plan policies. Any future applications in relation to this or other sites would be assessed on their individual merits.

Structural Concerns

Objectors are also concerned about the ability of the existing building to cope with the additional load of the proposed extension. The structural integrity of the development is not controlled through the planning system but through other legislation, including Building Regulations. Whilst these concerns are noted they could not justify the withholding of planning approval.

Impact on Communal Facilities

Objectors are also concerned that the development would increase pressure on communal facilities within the building. As each of the existing stairs and lifts would provide access for an additional four flats, it is not considered that the proposal, within an existing development of 32 flats, would have a noticeable impact on the use of the common areas.

Crime and security

Objections have been raised due to the potential increased risk of security as a result of the proposed roof terrace and balconies. As detailed above the proposed balconies serve units which currently benefit from an existing, albeit smaller balcony. It is not considered that the proposal would result in a heightened risk to security.

Construction impact

A condition is recommended to control the hours of building works. An informative is also recommended to encourage the applicant to sign up to the Considerate Contractors scheme.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the submission of a construction contract to confirm that the development will be completed in its entirety. The applicant has agreed to the imposition of this condition.

8.11 Planning Obligations

The estimated Westminster CIL payment is £199,600 and the Mayoral CIL is estimated at £39,920.

The proposal does not trigger any planning obligations.

8.12 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.13 Other Issues

Objections have received from residents in the building to the potential of litter and objects being disregarded from the proposed balconies to within the lower ground floor gardens, damage to garden fittings and the potential adverse impact on existing fire e escape routes. The latter point is dealt with under Building Regulations, and permission could not reasonably be resisted for the other points raised.

(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.

9. KEY DRAWINGS

Existing and Proposed View on Seymour Place Looking South



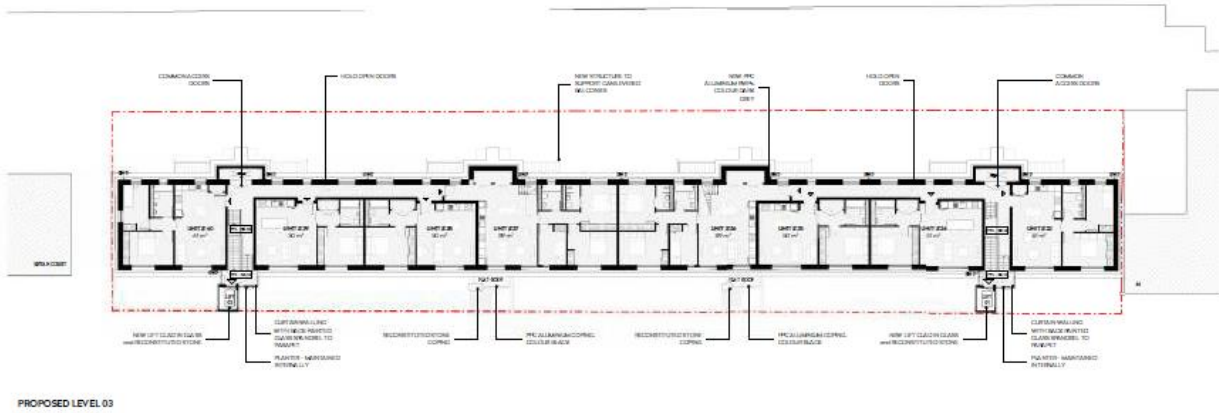
Existing and Proposed View on Nutfold Place Looking east



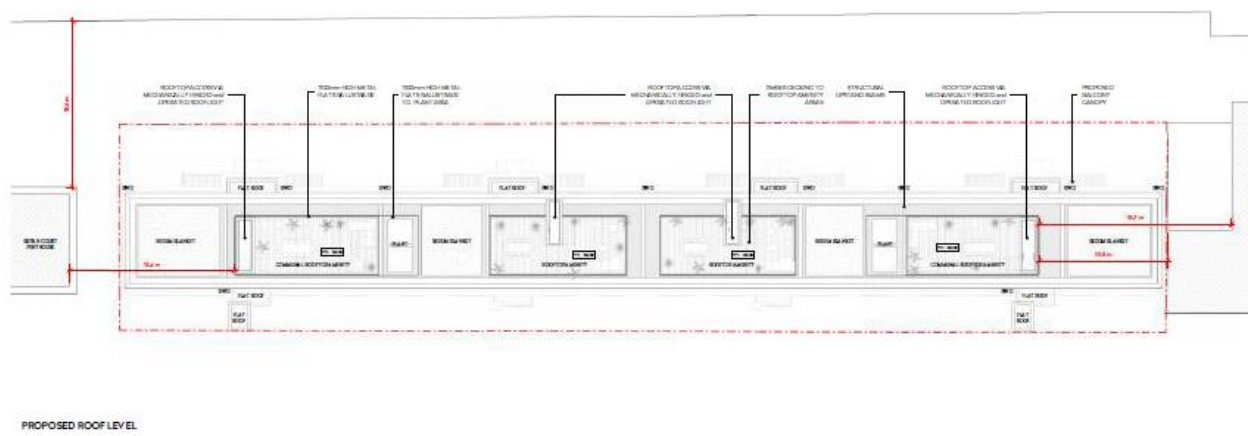
Existing and Proposed View on Bryanston Mews West Looking South



Proposed Third floor Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: Vincent Court, Seymour Place, London, W1H 2ND

Proposal: Erection of single storey roof extension to Vincent Court at third floor level to provide 8 self-contained units (Class C3) together with the erection of two lift enclosures to the front elevation, refurbishment of the main entrances, replacement windows, roof terraces, balconies to the rear elevation, bike storage, bin storage and other associated works.

Plan Nos: VNC-AI-ZZ-ZZ-DR-A-201 Rev A, VNC-AI-ZZ-ZZ-DR-A-202 Rev C, VNC-AI-ZZ-XX-DR-A-301 Rev B, VNC-AI-ZZ-XX-DR-A-401 Rev B, VNC-AI-ZZ-03-DR-A-501 Rev B, VNC-AI-ZZ-XX-DR-A-502 Rev B, VNC-AI-ZZ-XX-DR-A-503 Rev B, VNC-AI-ZZ-XX-DR-A-504 Rev B, VNC-AI-ZZ-XX-DR-A-505 Rev B, VNC-AI-ZZ-XX-DR-A-506 Rev B.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 The design and structure of the development 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.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order 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. (R49BA)

- 4 You must replace all the windows and external doors in the building as shown on the drawings, to the approved design, in one continuous building operation of no greater than twelve-months duration from start to finish.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 You must apply to us for approval of details of a detailed waste management strategy. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the residential units. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 7 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to

levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 8 The three-bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies. (C26NA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 **Pre Commencement Condition.**

You must not start any work on site, including any works of demolition, until we have approved in writing either:

- (a) a construction contract with the builder to complete the demolition and redevelopment work for which we have given planning permission, in its entirety or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the extended building and that the development will be completed in its entirety.

You must only carry out the demolition and development according to the approved

arrangements. (C29AD)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please email our Project Officer (Waste) at cleansing@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 3 The term 'clearly mark' in condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 4 The detailed waste management strategy required by condition 6, should include the following:
 - Provide number of existing and proposed bins for waste and recycling and their capacities.
 - Provide storage provision for future food waste collection.

Please indicate and label all bins within the 4 waste stores as R, O and W. The two stores labelled as "new waste stores" need their doors to open directly to the street for easy waste servicing and collection.

- 5 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.

- 6 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)

- 7 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). For further information please use the following link: www.westminster.gov.uk/private-sector-housing. However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at ehconsultationteam@westminster.gov.uk.
- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure

Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 9 You are requested to investigate the use of an ultra-light shroud to cover the building during construction to minimise loss of light to existing flats during the construction process.
- 10 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.