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|--|---|--|-----------------|
| CITY OF WESTMINSTER                                      |   |  |                 |
| PLANNING APPLICATIONS SUB COMMITTEE                      | Date<br>16 <sup>th</sup> March 2021   | Classification<br>For General Release      |                 |
| Report of<br>Director of Place Shaping and Town Planning |   | Ward(s) involved<br>Marylebone High Street |                 |
| Subject of Report  | 69 Chiltern Street, London, W1U 6NL   |  |                 |
| Proposal   | Erection of a mansard roof extension and extension of existing rear closet wing at second floor. Excavation/lowering of the existing basement floor level and rear courtyard to basement level and installation of retractable glass roof above at first floor. Installation of new windows to front and rear elevations and a flush walk-on rooflight over one of the existing front lightwells, and associated works, all in association with the continued use of the property as a single-family dwelling (Class C3). |  |                 |
| Agent  | ADOVA   |  |                 |
| On behalf of   | GUPTA   |  |                 |
| Registered Number  | 20/00506/FULL   | Date amended/<br>completed                 | 5 February 2020 |
| Date Application Received                                | 24 January 2020   |  |                 |
| Historic Building Grade                                  | Unlisted  |  |                 |
| Conservation Area  | Portman Estate  |  |                 |

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The site is single family dwelling located within the Portman Estate Conservation Area. The building is arranged over lower ground, ground, and two upper floors. The owners seek to enlarge the dwelling through the erection of a mansard roof and small rear extensions at second floor level to deepen the existing closet wing at this level and to provide enhanced amenity space in the form of a courtyard with retractable roof.

The key issues for consideration are:

- The impact of the proposals on the special character of the Portman Estate Conservation Area; and
- The impact of the proposed works on the amenity of the neighbouring residential occupiers.

Following the removal of a previously included terrace from the roof of the proposed extended rear closet wing from the scheme, the proposals are considered to be in accordance with relevant national and local policies with regard to land use and amenity impact, subject to conditions prohibiting the use of a flat roof as amenity space and securing obscure and fixed shut windows in some locations. Furthermore, the proposed alterations to the building will not harm the character or appearance of the Portman Estate Conservation Area. For these reasons, it is recommended that conditional permission be granted.

## 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### HIGHWAYS PLANNING

Objection: Cycle and waste storage not shown on submitted drawings. Clarification sort on works to pavement vaults.

### BUILDING CONTROL

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 59

Total No. of replies: 7

No. of objections: 6 (from 4 respondents)

No. in support: 1

Six objections (two people have objected twice) have been received covering some or all of the following grounds:

#### Amenity:

- Loss of daylight and sunlight,
- Overlooking (from now omitted roof terrace),
- Noise (from now omitted roof terrace),
- Noise from use of basement courtyard (including from the operation of the sliding roof above),
- Overlooking from proposed dormer windows, and

#### Design and Conservation:

- Substantial structural alterations to the building will be detrimental to both the site and the connected buildings,
- Overdevelopment of the property, and
- Impact on the Conservation Area.

#### Other:

- Loss of view as result of increase in building at the rear.
- New windows on boundary of site in contravention of party wall act and which allow access to flat roof of property that is not part of the site,
- Precedent set if roof terrace allowed (roof terrace now omitted),
- New glazed roof over basement courtyard will allow access to neighbouring roofs which is a security issue,
- Structural stability of the property as a result of the works, and
- Anticipate deeper excavation for stabilising building required.
- The rear wall is a party wall and therefore should not have a window within it at extended second floor level.

One letter of support has been received stating they consider that the scheme will be of

*“... great value to the neighbourhood as it will bring more customers and it will improve the look of the street.”*

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is an unlisted single family dwelling located in the Portman Estate Conservation Area. The property comprises of lower ground, ground, and two upper floors. It is located near the junction of Chiltern Street and Paddington Street, and the rear of the property abuts the rear of 31 Paddington Street.

### 6.2 Recent Relevant History

None applicable

## 7. THE PROPOSAL

Planning permission is sought to allow the erection of a mansard roof extension and enlargement of an existing rear closet wing at second floor, excavation/lowering of the existing basement and rear courtyard to basement level and installation of a retractable glass roof above at first floor. Also proposed are the installation of new windows to front and rear elevations and a flush walk-on rooflight over the southern existing front lightwell, all in association with the continued use of the property as a single-family dwelling (Class C3).

The floorspace figures for the development are shown in the table below.

|                        | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|------------------------|--------------------|--------------------|-----|
| Residential (Class C3) | 197                | 257                | +60 |
| Total                  | 197                | 257                | +60 |

The proposals initially included the use of that new flat roof on top of the closet wing as a balcony. However, following officer site visits to neighbouring properties, it was found this would have caused unacceptable direct overlooking into neighbouring windows, including bedrooms. The applicant therefore agreed to remove this element of the proposal.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

The application results in a small increase in residential floorspace as a result of the mansard roof extension and enlargement of the existing rear closet wing at second floor. Some additional internal/external space will also be provided at rear basement level as a

result of the installation of the retractable glass roof that will internalise a small lightwell. This is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase the residential floorspace within Westminster.

## 8.2 Townscape and Design

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

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

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 only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

69 Chiltern Street is an unlisted building in the Portman Estate Conservation Area. It makes a positive contribution to the character and appearance of the conservation area.

### Mansard Extension

While the Portman Estate Conservation Area Audit identifies the building as one which is unsuitable for extension at roof level, this is presumably on the basis that the roof extension at no 71 is an unfortunate intrusion into an otherwise unaltered terrace and should not form a precedent. The roofline of no 69, falling between the extension at 71 and the taller building on Paddington Street is now of lesser value in townscape terms because it has been so compromised by the extension at no.71. On this basis, the proposed mansard extension is acceptable in townscape terms.

The building to the south is a full sheer storey taller than the application site, and the building to the north already has a mansard extension. The form (roof slope) is acceptable, as are the proposed materials. The front windows are larger than would ordinarily be acceptable in a mansard storey (they should normally be smaller than those on the lower floors), but on this site the parapet wall is unusually tall, and the windows will read as acceptably proportioned.

To the rear the windows and door openings have been reduced in scale and are now considered to be acceptable in design terms.

### New Basement Opening

The widening of the existing double doors into the basement lightwell is now acceptable. The scale of the opening has been reduced and is now the same width as the ground floor window above.

### Enclosure of Part of Front Lightwell

Enclosure of lightwells is often contentious. In this case however, both lightwells have had grilles installed within them recently utilising permitted development rights. The south end of the lightwell is already largely roofed, with only a small section of grille remaining. The proposed alteration retains the grille, and adds glazing beneath, creating a hybrid opening which is considered to preserve the appearance of this part of the building. A condition is imposed requiring submission of details of this hybrid grille/rooflight.

### Rear Infill

The infill of the existing yard and the creation of an atrium at ground and lower ground with a sliding roof is considered to be acceptable. Whilst this is an unconventional arrangement, these works will be entirely hidden within the footprint of the building and will not impact on the appearance of the conservation area. The existing yard is so small that its loss, in design terms, can be considered to be acceptable.

### Rear Extension

The proposed increase in the depth of the second-floor bathroom is contrary to policy (UDP Policy DES 5) which states that rear extensions should terminate at the penultimate floor. However, there is already a small extension at this level. The proposed increase in depth would bring the extension level to the consistent rear building line of the (flat fronted) adjacent terrace. On this basis and as discussed below, it is acceptable in design and conservation terms.

### Objections

Of the objections received, two relate to design grounds. One maintains that between the basement works, the yard enclosure and the mansard extension that the works would result in overdevelopment. The other considers that the scale of the extensions at the rear of No.69 is too big.

The works at ground and lower ground floor are all behind the tall boundary wall; their impact on the conservation area is considered to be negligible. The increase in the depth of the second floor bathroom is modest, and results in a consistent building line with the adjacent buildings. The roof extension is acceptable in townscape terms. The objections are therefore not supported in design terms.

As such, the proposal is considered acceptable, mindful of policies DES1, DES5, DES6, and DES9 of the UDP and S25 and S28 of the City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 8.3 **Residential Amenity**

Council records indicate that the site is surrounded by a large amount of residential properties, both in adjacent properties on Chiltern Street and to the rear in the properties on Sherlock Mews. There are also residential properties south of the site which front onto Paddington Street. The building opposite the site at 76 Chiltern Street also has residential properties within it.



## Sunlight and Daylight

Objections have been received from the residents in Sherlock Mews and on Paddington Street regarding a loss of light. The application includes a daylight and sunlight report which assesses the impact in accordance with the Building Research Establishment's (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'.

UDP Policy ENV13 aims to protect and improve residential amenity, including safeguarding daylight and sunlight levels. Policy S29 of the City Plan aims to improve the residential environment of Westminster.

The daylight and sunlight report submitted in support of this application has assessed the impact of the proposals on 29, 30 & 31 Paddington Street, 1 & 2 Sherlock Mews and 74 to 76 Chiltern Street. The objector's properties are included within this assessment.

### Daylight

Under the BRE guidelines, the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky received at the outside face of a window, at its centre point. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of VSC, the report demonstrates that of the 53 windows assessed, all are compliant with BRE guidance. Any losses experienced at the windows assessed are below the 20% identified as being noticeable by BRE, with the highest three losses to residential windows being 10%, 11% and 13%. All other losses are between 1%-8%.

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report demonstrates that while there are some losses in excess of the BRE guide in respect to NSL, these are only to rooms which are identified as being in non-habitable use as bathrooms/staircases. Whilst an objection has been raised on the grounds that two bedroom windows would see absolute losses of 1% (a percentage loss of 3%), these losses are significantly below the threshold set out within BRE guidelines and would not be noticeable. The 6% loss the objector refers to is to a bathroom window, resulting in a percentage loss of 25%. However, the BRE guide states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed and as such these losses are considered acceptable in this instance.

### 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. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during

winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment demonstrates that any losses to habitable windows in APSH are below 20%, with the highest being 4%. There are shown to be no losses in winter APSH.

The existing amenity space at the rear of 29 Paddington Street has also been assessed within the report. The courtyard in question is identified as receiving no sunlight currently (due to it being very small and in a small corner between the site and the rear of the Paddington Street buildings). The report identifies that this situation will not change as a result of the proposal.

### Objections

Objectors have raised concern about the impact of the proposal on daylight and sunlight. The submitted report demonstrates that all windows assessed, which include the objectors' properties comply with BRE guidelines both in terms of daylight (VSC) levels and sunlight (APSH). As noted above, there are minor losses shown in the Daylight Distribution (NSL) section of the submitted report (to three windows) however, these are to two rooms identified as being in non-habitable use and to a bathroom. They would not therefore be identified as being afforded any protection under BRE guidelines.

### **Sense of Enclosure**

While the existing rear area between Chiltern Street, Paddington Street and Sherlock Mews is characteristically small and enclosed, it is not considered that the proposed works would lead to any significant increase in sense of enclosure for any of the surrounding residential properties.

### **Privacy**

The scheme originally included a terrace on the new flat roof on top of closet wing at the rear. This drew objections relating to loss of privacy and increased overlooking from neighbouring residents. Following a site visit to these objectors, it was clear that the terrace would afford direct views into a number of rooms of surrounding properties, including bedrooms. Following officer advice, the applicant has removed this feature from the proposals. As such, these objections are now not relevant. A condition is recommended to be imposed to prevent the flat roof of the closet wing being used for sitting out so as to prevent loss of amenity.

Loss of privacy and overlooking has also been raised by objectors in relation to new windows proposed on both the closet wing and from the dormer windows in the mansard. The applicant has agreed to install obscure glazing and fix shut the new windows in the closet wing, which shall also be secured by condition. In terms of overlooking from the dormer windows, it is not considered that these would create a significant increase in overlooking as they are set behind the existing building line and would only afford obtuse views to the rear of properties on Paddington Street. A Juliet balcony is proposed (where access to the terrace would have been) however, again this is set behind the existing building line. It is located at the furthest point of the property from which there are possible views to neighbouring buildings and as such, it is not

considered that this element will create any unreasonable overlooking. As such, these objections cannot be upheld.

### **Noise**

Objections have been received stating concern over noise from use of the initially proposed terrace and the basement courtyard. Following the removal of the terrace from the application these objections can no longer be upheld. With regards to the objections relating to the use of the basement courtyard, there is already a small courtyard space at the property so noise may already be generated from this space. While the new courtyard will be larger, it will also have a retractable glass roof above it, allowing it to be enclosed at times. Possible noise could therefore be prevented from escaping when the roof is closed, whereas that is not the case now. As this is a single-family dwelling, it would be unreasonable to impose conditions restricting the way in which his courtyard can be used. As such, the objections in relation to noise from this area cannot be upheld. The objector also raises concern regarding noise and vibration as a result of the openable roof opening and closing. There is no information as to if the operation of the roof will be operated mechanically or manually however, standard conditions shall be applied to limit noise and vibration from mechanical machinery, should there be any.

#### **8.4 Transportation/Parking**

The Highways Planning Manager has assessed the application and raised objection on the grounds that cycle and waste storage are not shown on submitted drawings. As the proposal is not providing a new residential unit, it would not be considered reasonable to secure such details at application stage or by condition. These points of objection therefore cannot be upheld.

Clarification has also been sought on whether works are proposed to the pavement vaults. The initial drawings were unclear on this aspect however these have been updated and the applicant has confirmed that no such works are taking place. As such, there are no highways concerns with regards to this aspect.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Access to the property will be unchanged by these proposals.

#### **8.7 Other UDP/Westminster Policy Considerations**

None applicable.

#### **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 in

June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

**8.9 Neighbourhood Plans**

None applicable.

**8.10 London Plan**

This application raises no strategic issues.

**8.11 National Policy/Guidance Considerations**

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

**8.12 Planning Obligations**

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

**8.13 Environmental Impact Assessment**

Not applicable.

**8.14 Other Issues**

**Security**

Objectors have raised various concerns over security, specifically in relation to how new windows and the glazed roof would allow access across previously inaccessible roofs etc. While these concerns are noted, it would be unreasonable of the Council to withhold permission on these grounds in this instance. The rear area is already accessible from various other windows at surrounding properties. There is however no access to the rear of these buildings from a public street or space, with access only being possible from adjoining private properties.

**Views**

An objector has stated that the proposal will result in a loss of views as result of increase in building at the rear. The proposed works to the closet wing will bring the building line out to match that of the neighbouring building to the north. The impact upon views is not a planning consideration and as such the objection cannot be upheld.

### **Basement excavation and structural matters**

An objector has raised concern regarding the structural stability of the property as a result of the works and that they anticipate that deeper excavation would be required than is indicated to secure the building and its foundations. They have concerns how any issues with building stability at the site may impact neighbouring properties. In relation to the basement works, the applicant has provided a Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control officers raise no objections at this stage based on the details submitted. The report shows that, with the integral professional duty of care, there is no reasonable impediment foreseeable at this stage of the scheme and building regulations will have to be satisfied in due course, including in relation to the concerns raised by the objector in relation to removal of internal walls and chimney breasts. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. As such, the objections on these grounds cannot be upheld.

### **Party Wall**

Objection has been received relating to a proposed new window on the boundary of the site at the second floor of the closet wing. Windows directly on the boundary of sites cannot be protected by the Council should the property on the other side of this boundary ever wish to extend to the full extent of the site of this level. A condition has been imposed requiring this window to be obscure glazed and fixed shut and therefore the room could continue to be used even if the window were blocked up by development of the adjoining site. The objector states that this window is contrary to the Party Wall Act. However, party wall issues do not fall within the planning system and is a private legal matter. As such, this objection cannot be upheld.

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

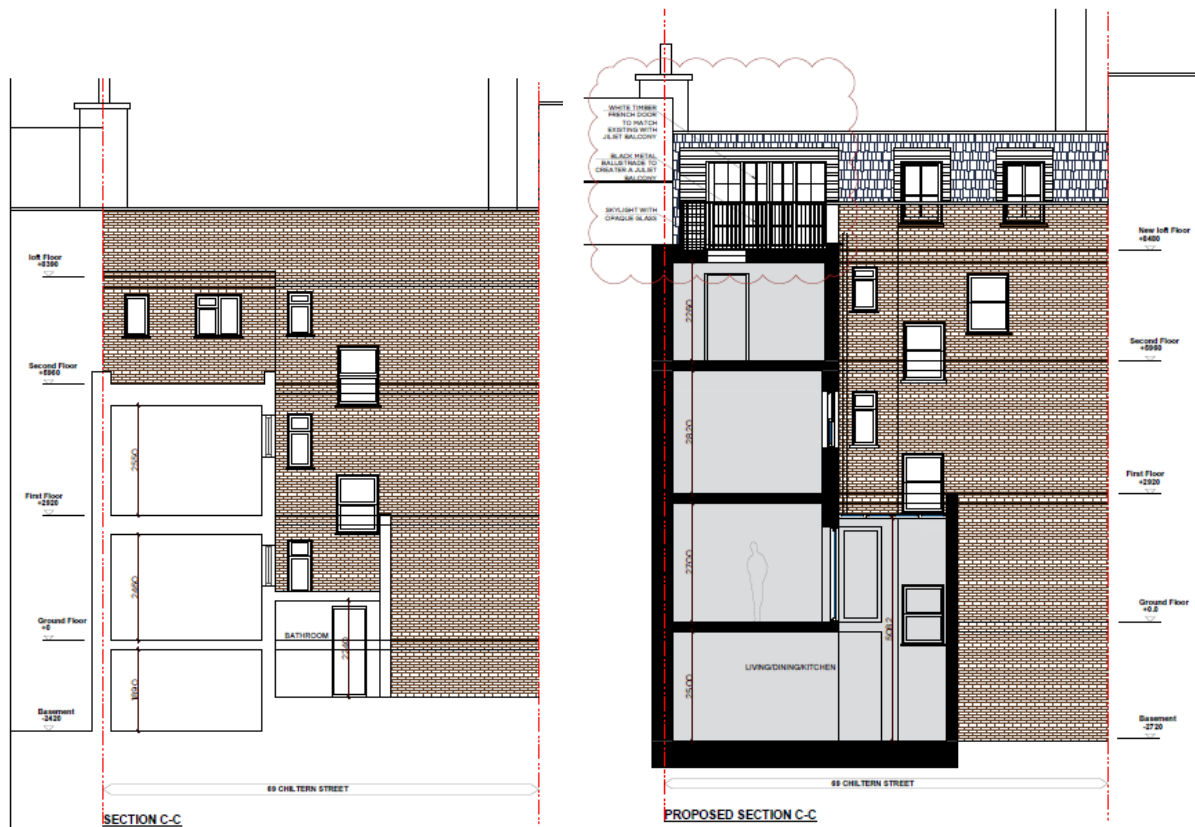
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

## 9. KEY DRAWINGS

## Existing (left) and Proposed (right) Front Elevation



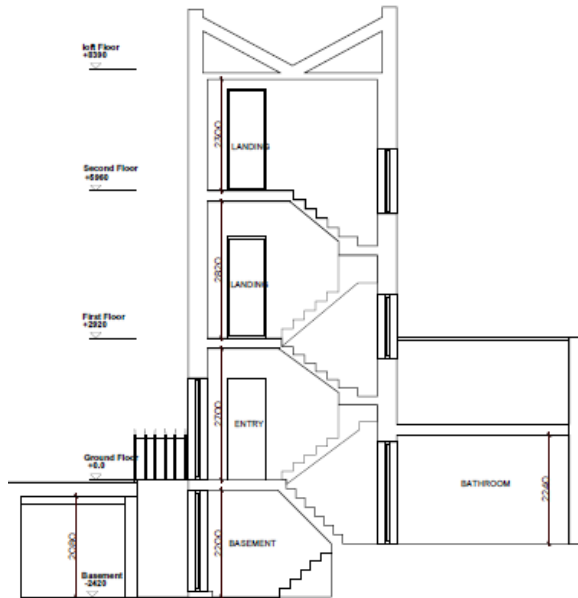
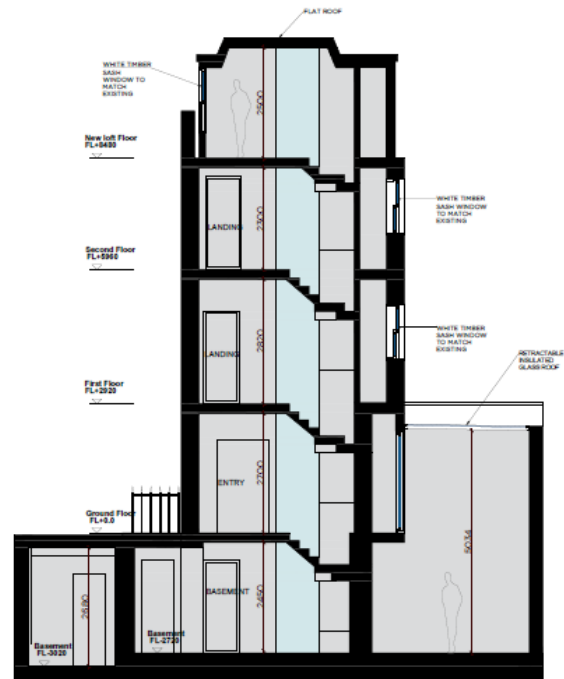
## Existing (left) and Proposed (right) Rear Elevation



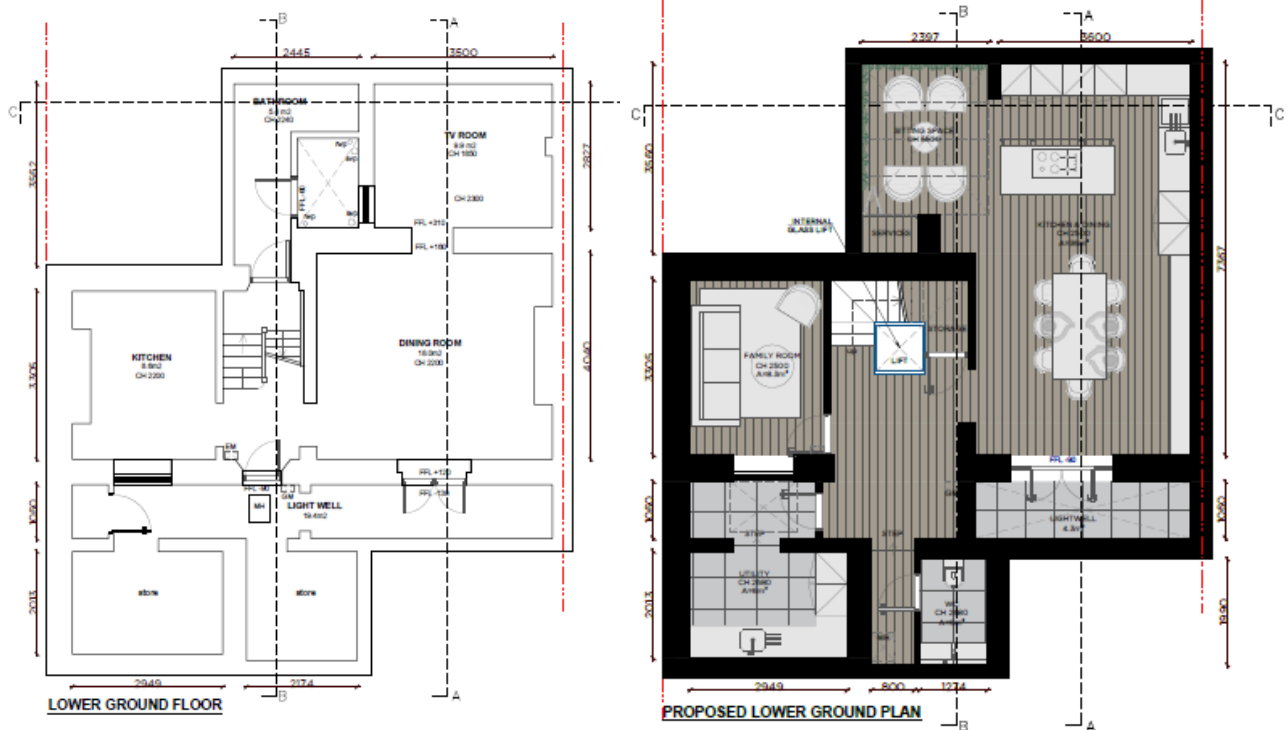
## Existing (left) and Proposed (right) Section A-A



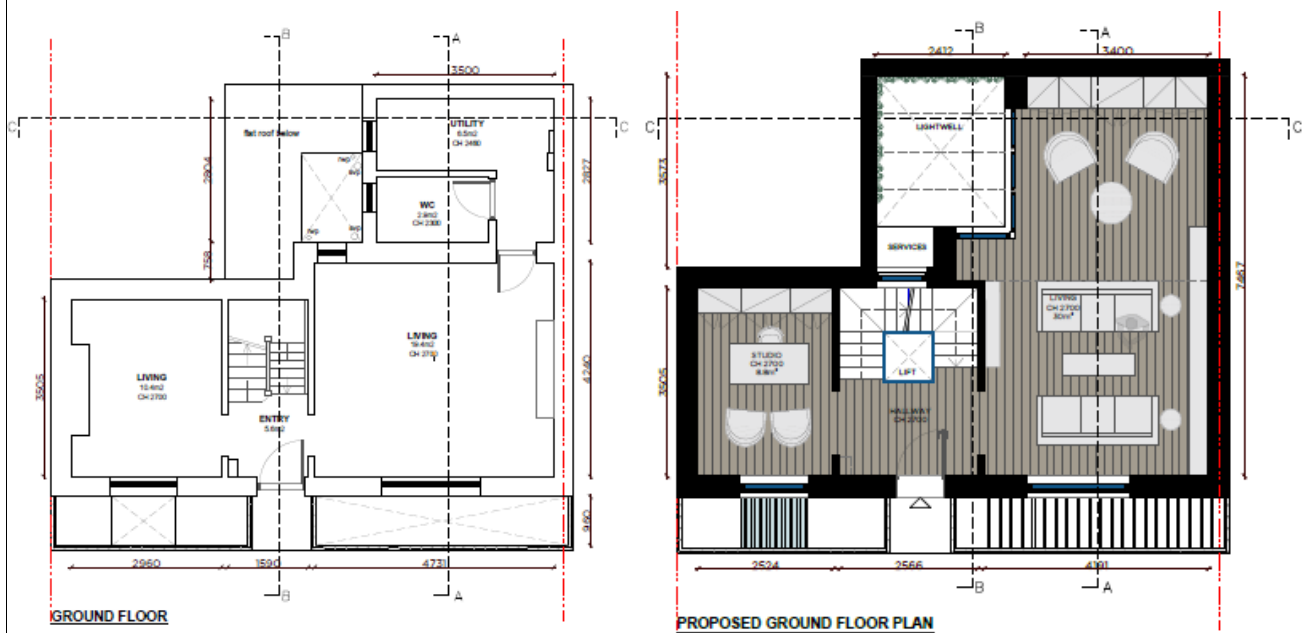


**Existing (left) and Proposed (right) Section B-B****SECTION B-B****PROPOSED SECTION B-B**

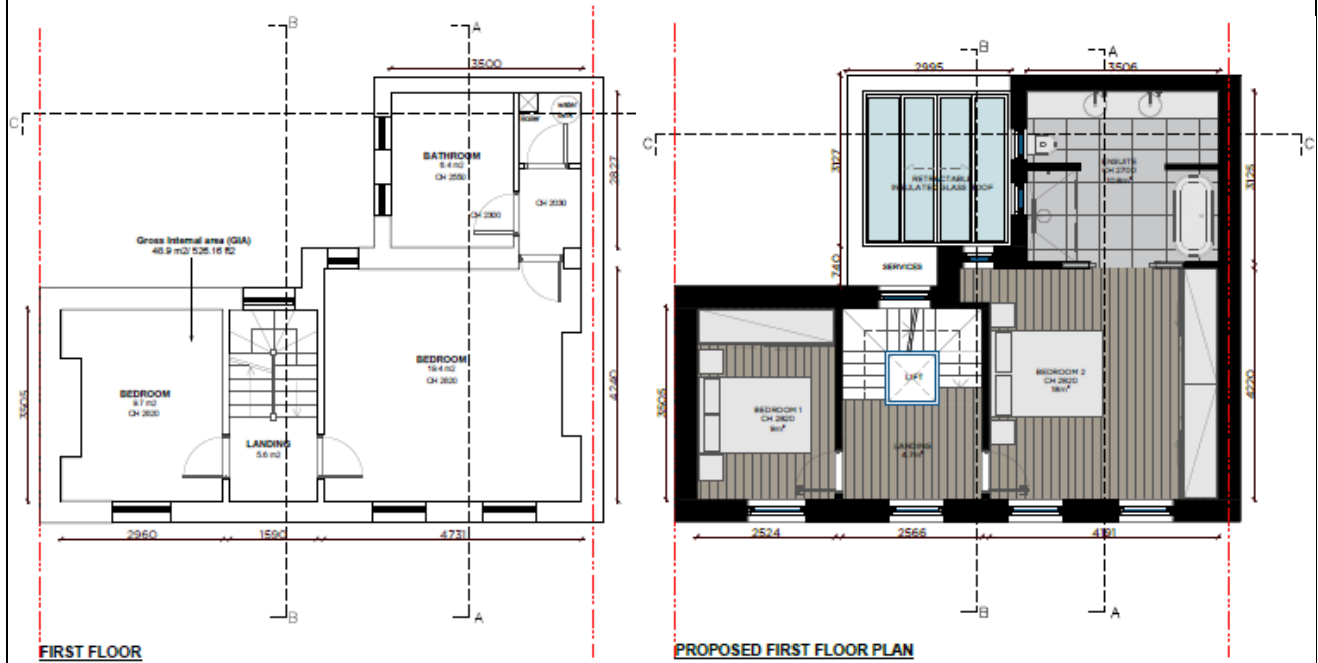
Existing (left) and Proposed (right) Lower Ground Floor Plan



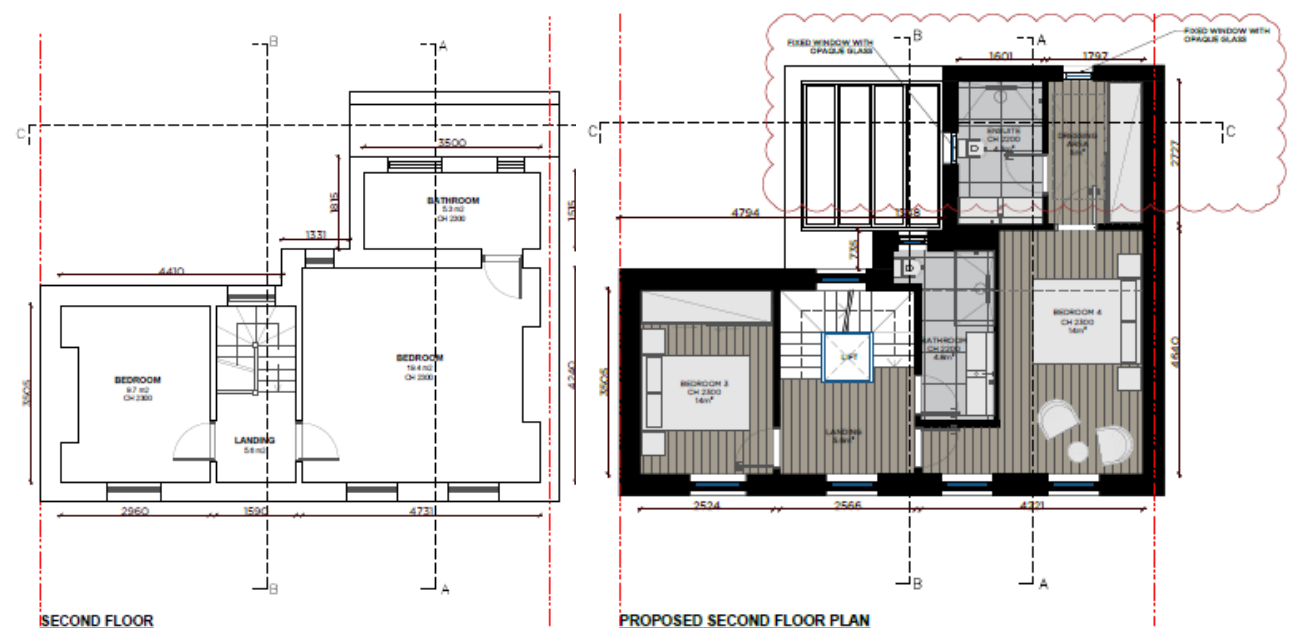
Existing (left) and Proposed (right) Ground Floor Plan



## Existing (left) and Proposed (right) First Floor Plan



## Existing (left) and Proposed (right) Second Floor Plan





**DRAFT DECISION LETTER**

**Address:** 69 Chiltern Street, London, W1U 6NL

**Proposal:** Erection of a mansard roof extension and extension of existing rear closet wing at second floor. Excavation/lowering of the existing basement floor level and rear courtyard to basement level and installation of retractable glass roof above at first floor. Installation of new windows to front and rear elevations and a flush walk-on rooflight over one of the existing front lightwells, and associated works, all in association with the continued use of the property as a single-family dwelling (Class C3).

**Reference:** 20/00506/FULL

**Plan Nos:** Demolition Drawings:  
06 Rev. 3 ; 07 Rev. 3

Proposed Drawings:  
08 Rev. 3 ; 09 Rev. 3 ; 10 Rev. 3 ; 11 Rev. 3

Documents (For information only):  
Structural Methodology Statement, Issue 1.1 dated 07/11/2019 (Project No. P4560),  
by Michael Alexander Consulting Engineers

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641  
07779431391

**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 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 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)

- 4 You must apply to us for approval of photos of samples of the facing materials you will use (including doors, windows, skylights, masonry, roof coverings, etc.), 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.

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 not use the roof of the closet wing at the rear for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 The new windows within the closet wing at second floor level must be obscure glazed and fixed shut. They must be kept in this way for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 You must apply to us for approval of detailed drawings of the hereby approved grille/rooflight to be installed in the front lightwell. 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 in accordance with the approved drawings.

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)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when

background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 10 **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 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)



**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 The new window on the boundary of the site at the second floor of the closet wing (serving the dressing area) is a bad neighbour window and would not be protected by the Council should the property on the other side of this boundary ever wish to extend to the full extent of the site of this level.
- 3 With reference to condition 10 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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 Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@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 Sciences team must be paid on submission of the details relating to the relevant phase.

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

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

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& Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.