

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 th May 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	33 Radnor Mews, London, W2 2SA		
Proposal	Demolition behind a partially retained front façade. Excavation of a basement and enlarged lower ground floor, erection of rear extension, erection of mansard roof extension, and alterations to the front elevation including new windows and doors.		
Agent	Raymond Holden		
On behalf of	Raymond Holden		
Registered Number	21/00285/FULL	Date amended/ completed	21 January 2021
Date Application Received	18 January 2021		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted single family dwelling house in the Bayswater Conservation Area. It currently sits over part lower ground, ground and first floor levels which fronts onto Radnor Mews. There is an existing service road, which runs along the rear of the property between the mews and Chelwood House, which fronts Gloucester Square.

Permission is sought for the excavation of a basement below the lower ground floor, excavation to extend the existing lower ground floor level, erection of rear extensions at lower ground, ground and first floor levels as well as the creation of a mansard roof extension. The proposal would more than double the existing floor area of the property from approximately 102sq.m to 215sq.m.

The application has received three objections from residents, including one on behalf of the residents of Chelwood House. The objections include concern over the design and scale of the extensions, the depth of the basement, overlooking from the additional windows as well as construction impacts.

The key issues are:


- The impact of the alterations on the appearance of the host building and the conservation

area;

- The impact of the development on the amenity of adjacent occupiers;
- The impact of the construction works on neighbours and nearby structures.

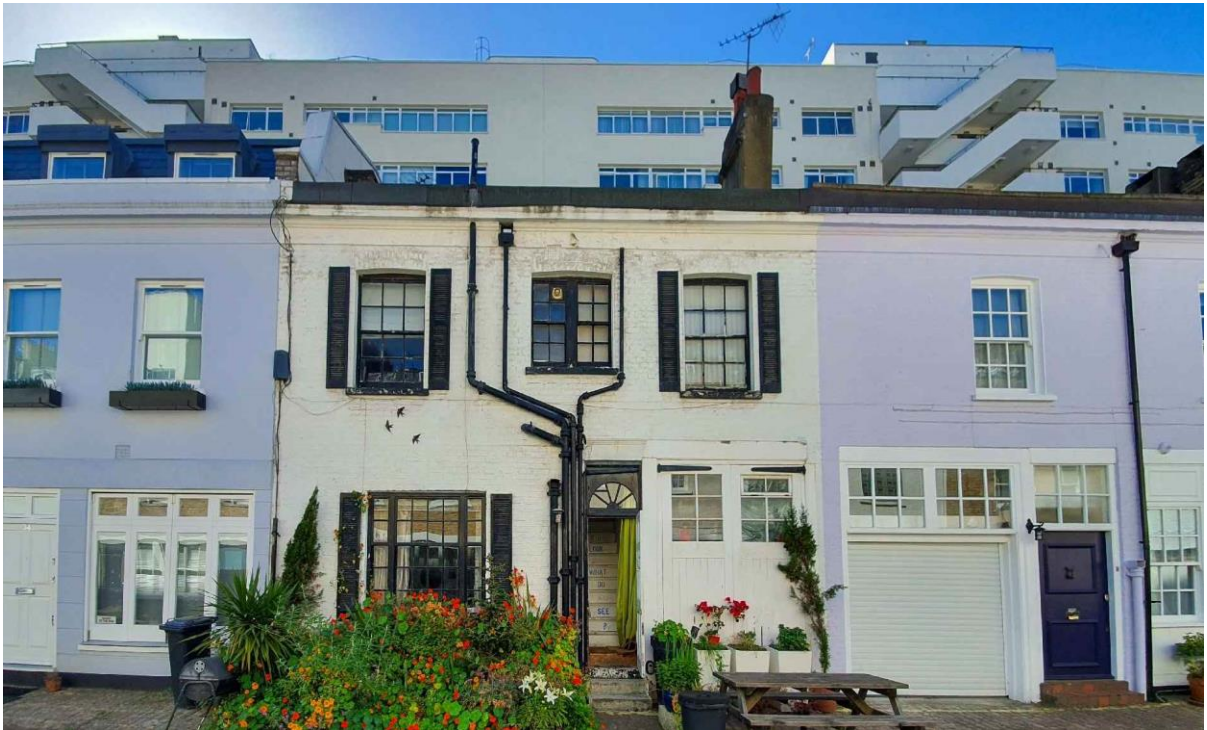
Subject to the conditions as set out in the draft decision letter at the end of this report, the proposals are considered acceptable and satisfies the relevant planning policies in the City Plan 2019-2040 adopted April 2021. Accordingly, it is recommended that conditional permission is granted.

3. LOCATION PLAN



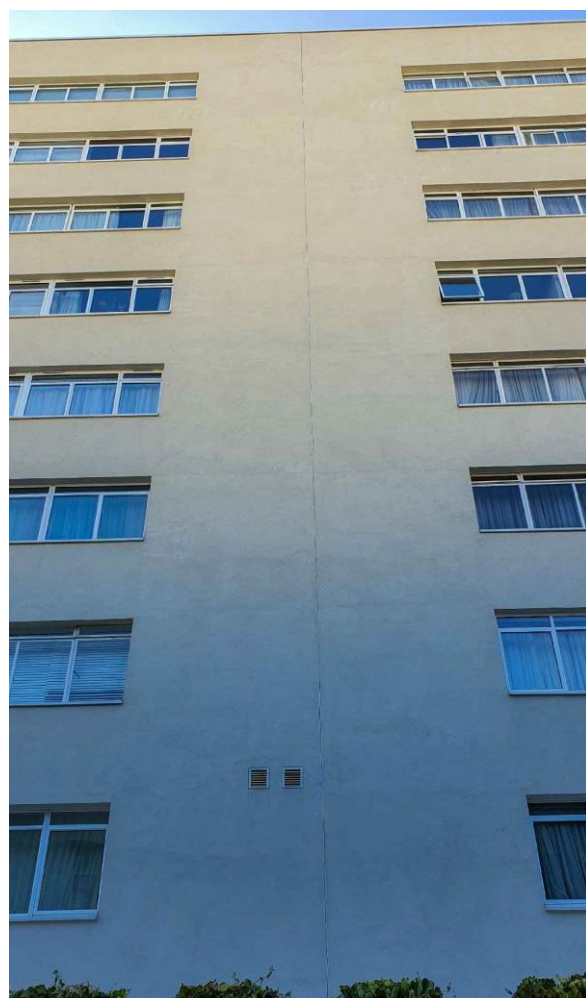
4. PHOTOGRAPHS

Front Elevation



Rear of 33 (left) & 34 (right) Radnor Mews.

Chelwood House directly behind 33 Radnor Mews.



5. CONSULTATIONS

FIRST CONSULTATION

HYDE PARK ESTATE ASSOCIATION

No response.

BUILDING CONTROL

No adverse comments. The proposals are satisfactory and adequate information has been provided in regard to the site investigation and ground condition as well as the stability of existing structures during the works.

HIGHWAYS PLANNING

No objection, likely to be no change to local parking demand. If permission is to be granted recommends conditions for the inclusion of cycle storage and waste storage.

WASTE PROJECT OFFICER

No objection. The submitted details are acceptable. Recommend a condition is including requiring drawing 275_GA1012 Rev B is adhered to.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 59

No. of objections: 3

The objections are summarised as raising the following matters.

Design:

- The scale of the proposal is the same as previously refused
- Officer's report for previous refusal identified 'less than substantial harm'
- The existing building makes a positive contribution to the conservation area
- The depth will not be in keeping with the pattern of development on this side of Radnor Mews
- Conservation Area Consent has not been sought for the demolition works of the building
- A heritage statement has not been provided

Basement:

- The property already has a lower ground floor and therefore should not be allowed another subterranean storey
- Request that Officers assess policy CM28.1 to establish what an 'original floor level' is.
- Lack of technical information to demonstrate safe and robust construction methodology

Amenity:

- The proposed flat roof above the first floor may be used as terrace
- The views from proposed rear windows would worsen existing overlooking from Radnor Mews of Chelwood House
- Clarity on distance from rear widows to Charlwood House

Other:

- Noise, vibration and general amenity impacts are likely to be significant
- There are already construction works at Alleyn Court on Radnor Mews
- Construction works may could block the rear access route into Chelwood House
- No evidence has been provided to demonstrate that retaining and repairing the existing building is unviable.
- No evidence to show that the retention of front facade can be delivered without significant impact to neighbours

SECOND CONSULTATION

Re-consultation was carried out upon a heritage statement being provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 59

No. of objections: 0

No. of supports: 2

The supporting comments are summarised as raising the following matters.

Design:

- The application site is one of the most dilapidated in the mews and requires renovation a better looking façade would be welcomed

Amenity:

- The proposed courtyard will provide the applicant with some much needed outdoor space

Other:

- The works will enhance the value of neighbouring properties
- The applicant is trustworthy, and neighbours have good faith that the works carried out in as considerate manner as possible

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-terrace mews building located on the south side of Radnor Mews. The building is not listed but is located within the Bayswater Conservation Area. Directly to the rear of the application site is a gated service road associated with Chalwood House. The existing mews has a half width lower ground floor, ground and first floor levels. The building is set back slightly from the service road, and currently has not windows in the rear elevation.

6.2 Recent Relevant History

20/02815/FULL

Demolition and reconstruction of single dwellinghouse, including rear extension, roof extensions and excavation of a basement.

Application Refused 22 July 2020

The above application was refused for the following reason:

“Because of its scale, form, roof profile and detailed design the replacement building would harm the appearance and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 4, DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.”

20/06147/FULL

Extension of existing dwelling at basement, rear and mansard levels, including replacement of windows and doors.

Application Withdrawn 10 November 2020

7. THE PROPOSAL

Permission is sought for the extension of the existing dwelling to create a new basement level, to excavate to extend the existing lower ground floor level, erection of rear extensions at ground, first and first floor levels, erection of a mansard style roof extension, and the replacement of windows and doors on the front and rear elevations. The mansard includes a dummy style middle window which allows light and air down to void which serves a patio area set within the building footprint at first floor level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (C3 - Dwellinghouse)	102	215	+113

The application has been amended from the previous refusal by removing a rear terrace at second floor level and amending the design and form of the second floor roof extension to include the ‘dummy’ mid-section.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of extensions to enlarge existing dwellings are supported by policy 8 of the City Plan 2019-2040.

The proposed extensions including that of the creation of the basement and second floor will increase the internal floor area of the application site from approximately 102sq.m to 215sq.m. The application is considered in accordance with policy 8.

8.2 Townscape and Design

The City Council aims to preserve or enhance the character and appearance of a conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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.”* Additionally, section 16 of the NPPF requires great weight is applied to the preservation of designated heritage assets (listed buildings and conservation areas). The relevant local policy considerations are policies 38, 39 and 40 of the City Plan 2019 – 2040.

To the rear it is proposed to erect a three storey extension across two thirds of the elevation. The building is shallower in depth than its immediate neighbours, which is a characteristic along this mews with every other building being shallower. The rear elevation is blank, presumably following the separation from the house fronting Gloucester Square. Whilst the City Council generally seek to restrict extensions above the penultimate level, the extension as proposed is considered to be acceptable as it infills a gap and the resultant form of the building aligns with its neighbours. The rear extension therefore integrates with the existing scale and form found along the terrace. As such the scale, form, design and use of materials is considered to accord with the aims of Policy 40 and will preserve the character and appearance of the conservation area.

Policy 40 part D of the City Plan 2019 - 2040 refers to the protection of patterns and rhythms. Though it is acknowledged that the proposed rear extension will mean that the rear elevation is not in keeping with the pattern of the neighbouring buildings on this south side of Radnor Mews, it is not considered that the development will have a significant negative impact on local townscape given that the extension is a relatively shallow depth and confined to the rear out of public view. In respect of this, objection raising the matter of the extension making the application site out of keeping with the pattern of development on this side of Radnor Mews should be not considered reasonable grounds to refuse the application.

It is proposed to erect a mansard roof, which to the rear would contain three dormers, the central one being a dummy mansard to conceal the void to an internal garden. To the front the mansard has a traditional form and is reflective of those found along the terrace. Replicating the mansard form on the rear elevation and is considered to be an appropriate solution to allow light into a concealed courtyard and thus addressing the previous reason for refusal. In this context the mansard roof addition is considered to accord with policy 40 E as is in keeping with the roof forms within the terrace and is of an appropriate detailed design. Further to this it is noted that the proposed mansard unifies the application site with the neighbouring no. 31 Radnor Mews which also has a mansard roof.

Alterations are proposed to both the front and rear elevations, namely the replacement of the garage door and fenestration. The scale of the openings and garage doors are characteristic features of mews style buildings and are therefore considered to contribute to the character and appearance of the building and wider conservation area. Along the terrace there are a variety of treatments to the garage doors and therefore the proposed

detail is considered to be acceptable given the scale of the opening is retained. The windows on the front and rear elevations are uniform in scale and design as well as their positioning in relation to the neighbouring buildings, therefore addressing the previous reason for refusal.

There is not any concern in design terms with the extension of the basement as the only external manifestation is a single rooflight set adjacent to the rear elevation and is screened from view by planting. A condition is recommended for details of any ventilation grilles / outlets for the basement plant room, to ensure that they are appropriately detailed and located.

It was raised in an objection that the scale of the proposed extensions are similar to those that were previously refused and the previous Officer's report identified 'less than substantial harm'. It is considered that the improved form and detailed design of this scheme now outweighs the impact of the scale of the extension.

In respect of the requirements of policy 38 and 40A City Plan 2019 – 2040, the proposal is considered sensitively designed and pays close regard to the scale, height and character of neighbouring buildings as well as use consistent materials. The alterations to the front elevation in particular are also considered to enhance the character and quality of its surroundings as sought by policy 40B. It is noted that it was also raised in supporting comments by neighbours that the alterations to front elevations will also provide an enhancement to the appearance of the application site.

Objections received have raised design concerns, namely the impact on the Bayswater Conservation Area and the scale of the development. One objection refers to the demolition of the building and the need for conservation area consent, however the total demolition of the building does not form part of this application, with the heritage statement confirming that the front elevation will be repaired where alterations are not proposed. Applications for Conservation Area Consents are no longer required, with the development considered as part of the planning application. Should demolition be sought without a planning permission in place then prior approval is however required.

It was also raised in an objection, that no evidence has been provided to demonstrate that retaining and repairing the existing building is unviable. While retention is preferable, this is not a planning application requirement. As stated the drawings and heritage statement confirm that the front elevation will be retained and refurbished where alterations are not proposed, which will largely be limited to the brickwork.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040; 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

Development that could result in a change to the amenity of neighbouring residents are assessed against policy 7 of the City Plan 2019 – 2040 (April 2021). The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing.

The proposed rear extension is to project approximately 2.2m and will sit directly in front of three windows in the side elevation of no. 34. Each of these windows will have their outlook reduced from approximately 8m to approximately 2.5m. This loss of outlook was raised in an objection by a neighbour. However, it is not considered in this instance that it would be so harmful to the amenity of this neighbour as to warrant refusal, on the grounds that each of the three effected rooms are dual aspect rooms, which have larger windows on the rear elevation that would be unimpacted by the proposed extension. Subsequently if the extension were to be erected each room would have an unchanged main rear outlook and only a slightly reduction in daylight and outlook from this secondary window. It should also be noted that these side windows are considered to be bad neighbour windows, due to their location along the boundary shared within the application property.

It is not likely that either the rear extension or the roof extension would cause a loss of sunlight to either no. 34 or 32 Radnor Mews given it is set back from the rear elevation and as these properties already experience overshadowing through their close proximity to the adjacent 10-storey Chelwood House.

In the rear elevation which currently does not contain any windows, it is proposed that 7 non-obscured glazed windows (including 2 in the mansard) and 2 obscure glazed windows are to be inserted. Though the proposed windows on the rear elevation will provide clear views towards the residential units within Chelwood House, it is not considered that the overlooking generated would be so harmful to the privacy of these neighbours given that the overlooking from the application site and Chelwood House would be mutual and that views would be no more invasive than the views already possible from the windows in the rear elevation of either that of the neighbouring no. 32 or 34 Radnor Mews. It is recognised that the windows may increase overlooking in the area as stated in an objection from a neighbour, however, given the above reasons it is not considered so harmful to the privacy of residents in Chelwood House to refuse permission on these grounds.

The two obscured windows are proposed adjacent to the windows in the side elevation of the no. 34. As these two proposed windows would contain obscured glazing, they would prevent a loss of privacy despite the close proximity. A condition is recommended requiring these windows to be fixed shut and for a sample of the obscure glazing to be submitted for approval. The repositioned and the additional windows on the front elevation is considered acceptable.

The submitted drawings show an internal courtyard at first floor level, which is served by a lightwell behind the dummy mansard providing fresh air and daylight. It is possible that some noise may escape out however, it is not likely to be of an intensity that could cause disturbance to any neighbours because of its small floor area and location set down within the development.

At second floor level a flat sedum roof is to be created. Concern was raised in an objection by a neighbour that this space could be used as a roof terrace which would provide clear views of the adjacent Chelwood House. In order to protect the privacy of the residents in Chelwood House, a condition is recommended that requires this roof to be a sedum roof, that may not be used for any roof terrace purposes and that it can only

be accessed to in the event of an emergency. Similarly, the condition will also ensure that the main roof level of the application site also could not be used as roof terrace.

In summary of the above, the City Council is satisfied that the application is acceptable in amenity terms.

8.4 Transportation/Parking

Policy 27 of City Plan 2019 – 2040 defers to the London Plan, which encourages car free development in areas of high public transport accessibility.

The Highways Planning Manager has queried the use of the pre-existing garage which is shown on the existing drawings to be used as kitchen and not for off-street car parking. As it appears that there are not any previous planning applications that relate to the site and that it is understood to possess permitted development rights the use of the former garage as reception room is not considered a reason to resist granting permission. Furthermore it is noted that the application site has the highest possible PTAL rating of 6b. The garage also appears to be very small and would not easily fit a modern motor vehicle. The Highways Planning Manager raises no further concerns stating that the development would not likely cause any increase on local parking demand but requested that waste storage details and cycle storage details should be provided by condition.

Due to the application site not having any outdoor amenity space (besides the small first floor courtyard) where bicycles could be readily stored in secure and weatherproof location and as no change of use is proposed, it is not considered reasonable that a condition require bicycles to be provided is included on the decision notice. A bike could be stored internally should occupiers wish as existing.

8.5 Economic Considerations

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

8.6 Access

The existing dwelling does not have any point of access to the service road to the rear. The proposed rear extension is to contain a door onto this service road. The creation of this back door is not contentious in planning terms as the principle point of access will remain on to the front of the building as existing. A condition is recommended to ensure that any new doors or gates do not open over the highway.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste Project Officer raised no objection and stated that the relevant submitted drawing was acceptable. They requested that a condition is included requiring that the relevant drawing is adhered to and waste indicated is made permanently available and not used for any other purpose.

The application site is considered large enough for waste to be stored safely off the highway prior to collection, and for there to be sufficient room for waste to be separated into the required different streams to allow for recycling. In respect of this, the requested condition is not considered necessary for this existing dwelling.

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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 applicant's adherence to City Council's Code of Construction Practice during the demolition, excavation and construction phases of the development and the applicant has agreed to the imposition of the condition. They have also agreed to a construction contract, to ensure that the demolition and building work are done as continuous work, to ensure that a gap was not left in the conservation area (condition 12).

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

No environmental impact assessment was required for this application.

8.14 Other Issues

Basement

The excavation of basements must be considered against policy 45 City Plan 2019 – 2040.

Part A of policy 45

Part A 1 and 2 of policy 45 requires basement development to safeguard structural stability and be design and constructed to minimise construction impacts on the surrounding area as well as minimise surface water and sewerage flooding risks. Part A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area.

The City Council's Building Control Officers have reviewed the applicant's Pre-Construction Structural Report, Structural Methodology and Ground Investigation Report, and advise that they have no adverse comments with regard to the ground condition and stability of existing structures during the works. The City Council wish to make it clear the applicant's reports are not directly being approved, but instead is used to show that there is no impediment foreseeable at this stage that would prevent the creation of a basement in principle. As the relevant reports have been produced by a professional, they carry a duty of care which should be sufficient to demonstrate that assessment made is accurate.

Objections from neighbours raised concern about the impact of the noise, dust, vibration and general loss of amenity that would be generated by the construction works. Though impacts generated by construction works are not typically regarded as material planning matters, the applicant has agreed to the City Council's Code of Construction Practice (CoCP). This requires that measures are put in place to mitigate the construction impacts on neighbours.

It was raised in an objection that construction works may block the service road to the rear of the application site that provides vehicular access to Chelwood House. Such matters will be considered by Environmental Sciences and Highways team as part of their agreement to Code of Construction Practice.

The applicant has not provided a flood risk assessment; however, one is not required by policy 45 City Plan 2019 - 2040 upon the application site being located in Flood Risk Zone 1, outside of a surface water hotspot and that the nearest underground river being approximately 500m away.

Through the basement being confined beneath the footprint of the application site and the only external manifestation being a small glazed rooflight that measures approximately 0.4m by 0.8m against the rear elevation and enclosed by the proposed rear extension and the side elevation of no. 34 Radnor Mews, the proposal can be considered acceptable in regard to its impact on heritage assets.

The proposed lower ground floor level which is indicated on the submitted drawings as containing two bedrooms will each contain a window enabling the rooms to have natural

ventilation as well as some daylight and outlook.

The basement level is to contain a gym, cinema and plant room. No details have been provided of how the plant room or basement will be ventilated and therefore a condition is recommended for the submission of details of any vent and its location. Westminster standard noise and vibration conditions are also recommended to ensure that any associated noise meets their requirements to protect the amenity of neighbouring residents. An informative is also recommended to advise the applicant that if any external plant is required, then planning permission will likely be required.

Part B of policy 45

The requirements of part B 1 and 2 of policy 45 are not relevant to the application upon these relating to basements beneath garden land. Part B 3 states that basement developments should not comprise of more than one storey beneath the lowest original floor level.

Objections have been submitted stating that the proposed basement is not in accordance with policy CM28.1 (City Plan November 2016), with particular regard to how many subterranean storeys can be created. Policy CM28.1 stated basements should "not involve the excavation of more than one storey below the lowest original floor level". Policy 45 of City Plan 2019-2040 now states "not comprise of more than one storey beneath lowest original level" and has superseded Policy CM28.1, but has the same requirement.

The existing application site contains a lower ground floor level that measures approximately 20sq.m, which is situated beneath approximately half of the body of the application site, whilst the other portion of land adjacent to this lower ground floor room beneath the application site is undeveloped land. It is proposed that this undeveloped land is to be excavated plus the addition of a further storey beneath it.

Given that the City Council understands that most, if not all, of the mews houses in this terrace contain a room at lower ground floor level, then these lower ground floor rooms are assumed to be original. The proposed excavation at lower ground floor level is, therefore, next to, and not below the lowest original floor level. As a result of this, only the proposed basement storey would be beneath the "lowest original level" as required by both the relevant policies. On this basis it is considered that the proposed depth of the basement is acceptable, and the objections cannot be sustained as a reason for refusal. For the avoidance of doubt, it should be clarified that it is not uncommon for the City Council to approve of basement excavations beneath lower ground floors elsewhere within the borough.

The requirements of part B 4 and 5 of policy 45 are not relevant to the application upon these relating to basements beneath garden land and highways.

In summary of the above, the proposed basement is considered to be fully in accordance with the relevant policy of 45 of the City Plan 2019 – 2040.

Construction impact

It was raised in an objection by a neighbour stating that no evidence has been provided to show that the retention of front facade can be delivered without significant impact to

neighbours and that there is already construction work on Radnor Mews at Alleyn Court. The submitted structural materials submitted with the application for information only, have been assessed by the City Council Building Control Officers and been found to be acceptable. The heritage statement and the submitted drawings indicate that parts of the front elevation are to be retained. Should the applicant need to further demolish in the future, it is likely a new application would be required and would then be again assessed. It is however also noted that the development does result in a large proportion of the building and front elevation to be altered/developed, however as noted, no objection has been raised by the Building Control Officer in regard to this. The applicant will need to make separate applications for approval under separate legislation. It is considered that the information submitted is acceptable to determine the planning application, which is assessed under separate legislation.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

9. KEY DRAWINGS

Existing Front Elevation

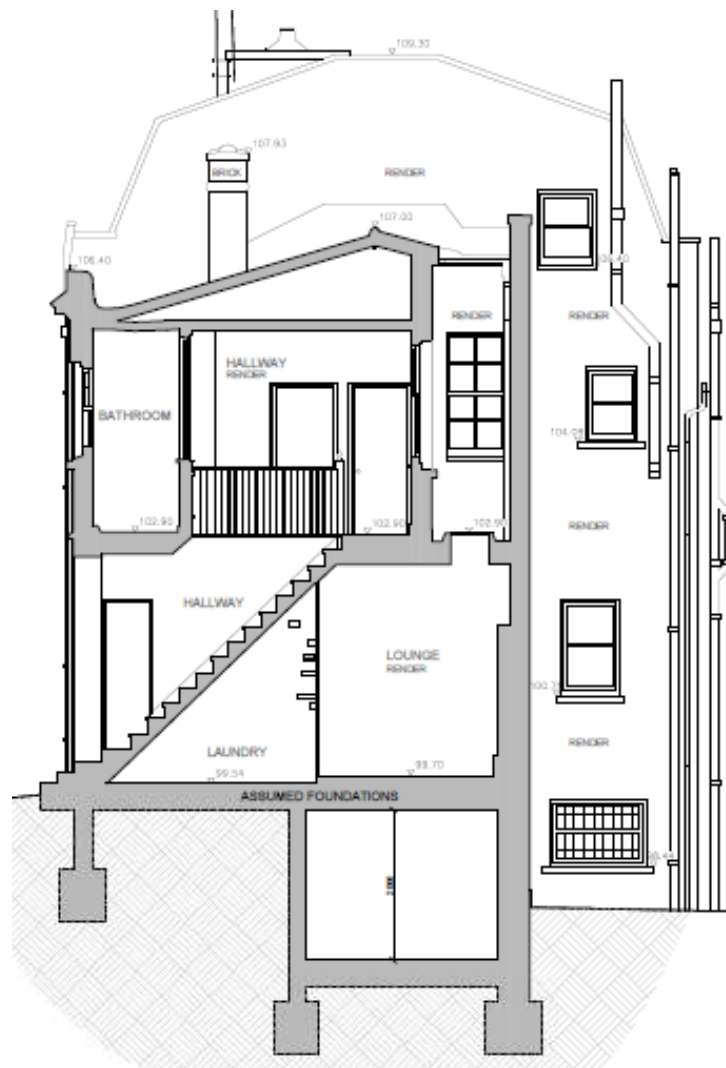


Proposed Front Elevation

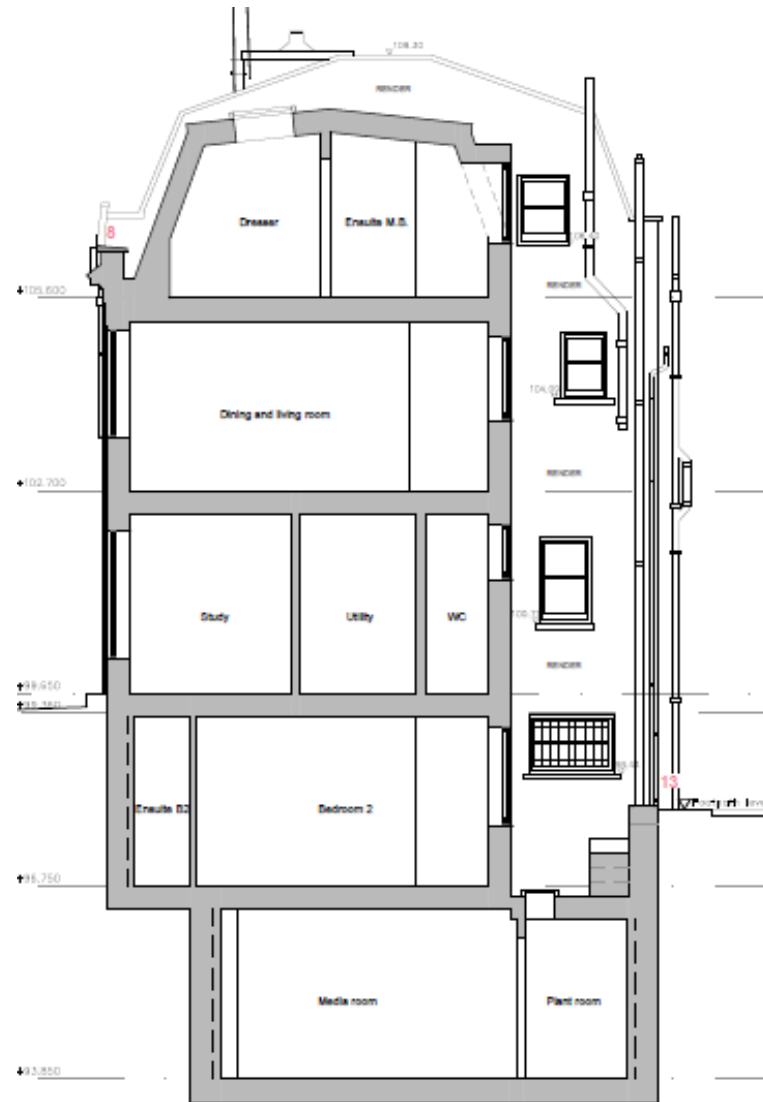


Architectural drawing of a building facade. The central feature is a large rectangular area labeled "STAINED RENDER" with a red "1" below it. To the left is a vertical section with a small square window, an arched doorway, and a small rectangular window below it. To the right is another vertical section with a small square window, a larger arched window, and a small rectangular window below it. A red dashed line runs vertically through the center of the facade. A red "10" is located at the top right, and a red "1" is located at the bottom center. A small black square is located on the left side of the facade.

Existing Section



Proposed Section



DRAFT DECISION LETTER

Address: 33 Radnor Mews, London, W2 2SA,

Proposal: Excavation of a basement, extension to rear at all levels, erection of mansard and alterations to the front elevation including new windows and doors.

Plan Nos: 275_GA0001 Rev A, 275_GA1001 Rev A, 275_GA2001 Rev A, 275_GA2002 Rev A, 275_GA3001 Rev A, 275_GA1010 Rev B, 275_GA1011 Rev B, 275_GA1012 Rev B, 275_GA1013 Rev B, 275_GA1014 Rev C, 275_GA1015 Rev C, 275_GA2010 Rev B, 275_GA2011 Rev C, 275_GA3011 Rev C, 275_GA3012 Rev C, 275_GA3013 Rev B, Appendix A - Checklist, Design and Access Statement and Heritage Statement.

Used for information -

Pre-Construction Structural Report, GA11 Rev D, GA01 Rev K, GA02 Rev I, GA03 Rev L, GA04 Rev I, GA05 Rev G, G 08 Rev F, GA09 Rev F, GA14, Ground Investigation Report and Appendix D Geotechnical Laboratory Test Results.

Case Officer: Harry Berks

Direct Tel. No. 07866037030

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

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

- 4 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

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

- 5 You must apply to us for approval of samples (including manufacturers / suppliers specifications) of the following parts of the development:

- i) Timber cladding
- ii) Stone window sills
- iii) Parapet coping stone
- iv) Roof slates
- v) Conservation rooflight
- vi) Sedum roof

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

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 Bayswater Conservation Area. This is as set out in

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

- 6 The two windows in the rear elevation close to 31 Radnor Mews must contain obscured glazing as shown on the approved drawing of 275_GA_1014 Rev C. You must apply to us for approval of a sample of obscured glass (at least 300sq.mm) (including manufacturers / suppliers specifications) to be fitted in these two windows. You must not start work on the relevant part of the development until we have approved the sample. You must then use the type of obscured glass we have approved and not replace it without our permission. These windows shall be fixed shut.

Reason:

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

- 7 You must not use the roof of the building or the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 8 You must apply to us for approval of the location and appearance of ventilation grills of the following parts of the development - the basement plant room / basement. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

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

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

background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

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

- 11 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

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

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Bayswater Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

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 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423,

siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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

- 3 You are advised that any external plant equipment would require a separate application for planning permission.