

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 December 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	14 St Petersburg Place, London, W2 4LB		
Proposal	Erection of a mews building of basement, ground and two upper floors for use ancillary to main dwellinghouse; erection of a lower ground floor extension to the main house at lower ground floor in association with the use of the basement as an studio ancillary to the main dwellinghouse; installation of an air source heat pump at roof level; installation of replacement windows at ground and first floor levels to the main property and reduction of garden level.		
Agent	Miss Kate Nicklin		
On behalf of	Mr & Mrs van Heusde		
Registered Number	20/07873/FULL	Date amended/ completed	1 February 2021
Date Application Received	9 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a mid-terrace property, located on the east side of St Petersburg Place. The rear boundary of the site fronts St Petersburg Mews. The site is not listed but is located within the Bayswater Conservation Area.

Permission is sought for construction of a mews building of basement, ground and two upper floors (to be used as ancillary accommodation to main property), construction of an extension to main house at lower ground floor (in association with the used of the basement as an ancillary studio apartment) with other associated work.

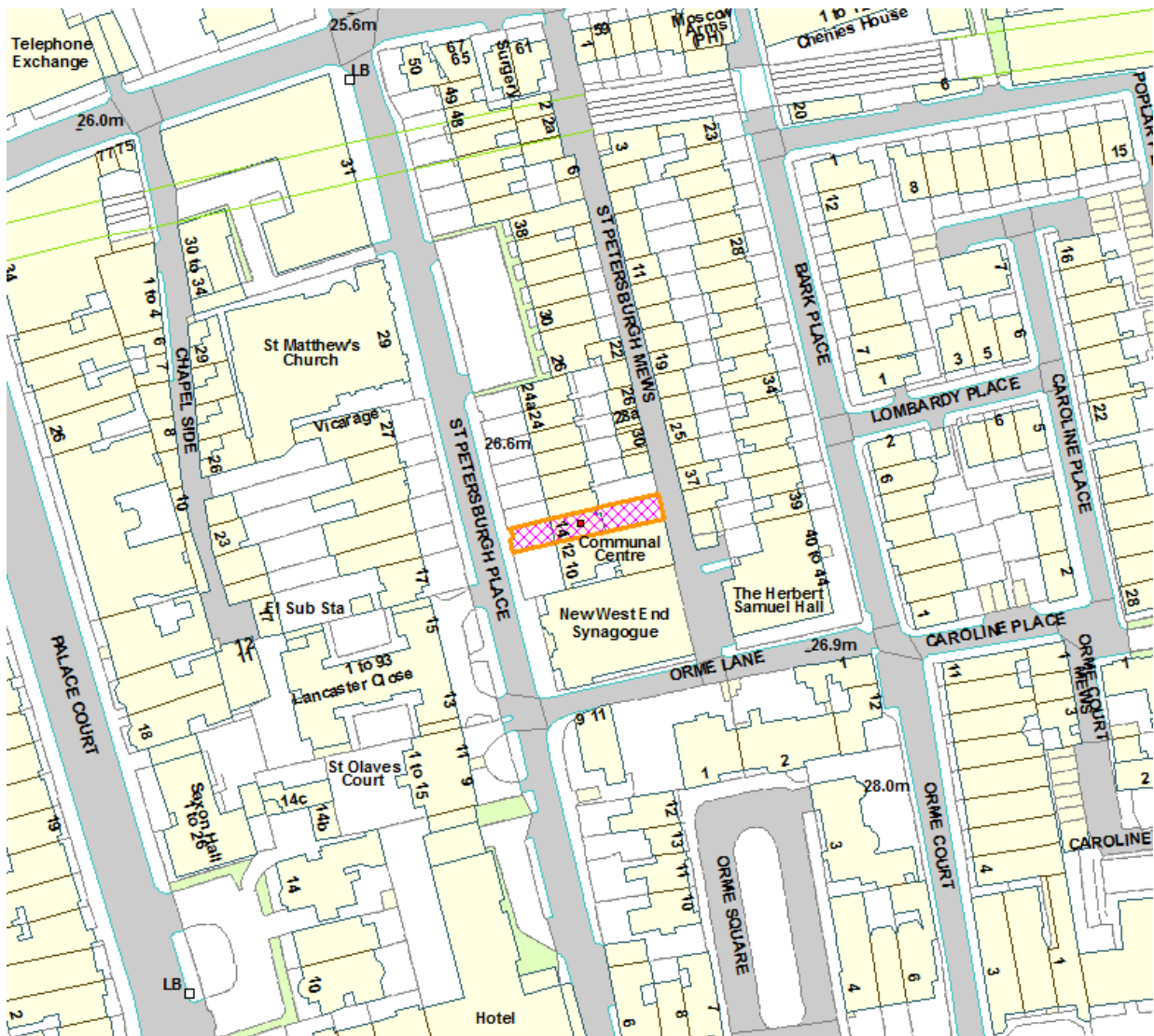
Objections to the proposals have been received primarily on design and amenity grounds. Noise and disruption during the course of works has also been received.

The key issues in the determination of this application are:

- The impact of the new mews building and rear extension upon the character and appearance of the Bayswater Conservation Area;
- The impact of the proposals upon the amenity of neighbouring properties.

For the reasons as set out within this report, the proposals are considered acceptable in land use, conservation, design and amenity terms and the proposals are considered to accord with policies as set out in the City Plan, adopted April 2021.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Front Elevation



**Rear of application site** (where primarily the development is proposed). Site is the one with trellis fencing above the white garage doors





Photo of rear of property and 31 St Petersburg Mews opposite



## 5. CONSULTATIONS

### ORIGINAL SUBMISSION

#### COUNCILLOR SUSIE BURBRIDGE:

Support the objections that have been raised by the local amenity society and neighbours.

#### COUNCILLOR ANDREW SMITH:

Support the objections that have been raised by the local amenity society and neighbours. Additional comments are made to the proposed height of the mews building as being excessive and design of the mews building which is not in keeping with the character of the area.

#### BAYSWATER RESIDENTS ASSOCIATION:

No objection raised to the principle of the new mews building. However support is given to the objections raised by neighbouring properties to the height of the mews, loss of light proposed and design of mews.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Support given to the objections received. The proposed height and form does not preserve or enhance the character and appearance of the Bayswater Conservation Area.

#### ENVIRONMENTAL HEALTH:

No objection to the proposals subject to conditions regarding plant machinery and contaminated land.

#### BUILDING CONTROL:

No objection made to the proposed method of basement excavation or impact to local flooding. Concern made as to means of access.

#### HIGHWAYS PLANNING MANAGER:

No objection raised. Cycle parking and waste storage to be conditioned.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 12

No. of objections: 7 (some from multiple households)

No. in support: 1

Objections received on some or all of the following grounds:

#### Land Use:

- The basement to the mews could be used as a separate unit/ rental that is not conducive to family living in the mews;
- Numerous kitchens shown on the drawing indicate more than one family home

#### Design:

- height is different to other mews in the mews and not in keeping with the area

- and harmful to the quality of the design of the mews;
- proportions of new mews are offensive;
- a taller synagogue does not mean a mews can be taller than the other mews buildings;
- a taller mews building in this location will allow a precedent to be set for other to increase the height
- detailed design is an eyesore
- white painted brickwork is not consistent with other properties;
- are the bars to the elevation of the mews building artistic license or security bars. If security bars, these are unattractive;
- air source heat pumps would be unsightly from Bark Place properties and should be within an enclosure

**Amenity:**

- loss of light;
- the sunlight and daylight assessment is not considered sufficient and contains errors/ factually incorrect;
- overshadowing to properties opposite;
- excessive bulk;
- loss of privacy from windows and different floor to ceiling heights;
- Sense of enclosure;
- A roof terrace to the front of the mews would cause overlooking;
- noise from the proposed air source heat pumps

**Other:**

- Noise and disruption during the course of work;
- Construction access;

One letter of support received on behalf of the Orme Square Residents Association.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**ADDITIONAL CONSULTATION (12 April 2021) AS A RESULT OF THE REDUCTION IN HEIGHT OF MEWS BUILDING & UPDATED SUNLIGHT AND DAYLIGHT ASSESSMENT**

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 16

Not received by neighbours.

**ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 30 APRIL 2021**

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 16

Not received by neighbours.

**ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 17 MAY 2021**

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 16



Not received by neighbours.

#### **ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 27 MAY 2021**

##### **BAYSWATER RESIDENTS ASSOCIATION:**

Support maintained to the objections from neighbours.

##### **BUILDING CONTROL:**

No further comments to revisions from a basement/ flooding perspective. Concerns regarding means of access from basement.

##### **ADJOINING OWNERS/OCCUPIERS:**

No. Consulted: 16

No. of Objections: 5

No. in Support: 1

##### **Design:**

- the revised proposals fail to address any of the previous design concerns raised:
- redesign does nothing to overcome concerns raised
- proposed mews building still too high;
- sheer façade will result in sense of enclosure to the mews;
- design and materials of the mews are poor
- security bars are unattractive;
- air source heat pumps are visually unattractive;

##### **Amenity:**

- the revised proposals fail to address any of the previous amenity concerns raised including:
  - loss of light;
  - loss of privacy;
  - overlooking;
  - overshadowing;
- the sunlight and daylight assessment is not considered sufficient and contains errors/ factually incorrect;

One letter of support from Orme Square Residents Association

#### **ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 11 AUGUST 2021 AS A RESULT OF A REVISED SUNLIGHT AND DAYLIGHT ASSESSMENT**

An administrative error occurred, and some residents were sent 14 day letter and others 21 days. This was rectified with additional letters, described below.

#### **ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 25 AUGUST 2021**

Letters sent advising of 21 days to comment.

##### **SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:**

Support letter of objection from neighbouring property (copied into response to case officer).

##### **ADJOINING OWNERS/OCCUPIERS:**

No. Consulted: 16

No. of Objections: 3

No. in Support: 1

**Amenity:**

-the applicant has failed again to accurately represent neighbouring properties in the sunlight and daylight assessment.

Two objections repeat previous objections to the proposals as the objections raised initially have not been addressed.

One letter of support from Orme Square Residents Association

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a mid-terrace property, located on the west side of St Petersburg Place. The rear boundary of the site fronts St Petersburg Mews. The site is not listed but is located within the Bayswater Conservation Area.

### **6.2 Recent Relevant History**

None relevant to the application site.

**16 St Petersburg Place – 17/10491/FULL & 18/03201/FULL**

Erection of a mews building in the rear garden of 16 St Petersburg Place fronting St Petersburg Mews comprising basement, ground and two upper storeys. Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level. Permission granted 25 September 2018, and complete.

**18 St Petersburg Place – 16/10334/FULL**

Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place

Permission granted 25 April 2017.

## **7. THE PROPOSAL**

Construction of a mews building of basement, ground and two upper floors (to be used as ancillary accommodation to main property), construction of an extension to main house at lower ground floor (in association with the use of the basement as an ancillary studio apartment); installation of an air source heat pump at roof level; replacement of ground and first floor windows to main property with double glazed sash windows and reduction of the garden level by 1200mm to align with the existing main house internal

basement level.

A reduction in the height of the new mews building has been made during the course of the application resulting in the main parapet line the same height as the neighbouring mansard roof of 16 St Petersburg Place and residents were consulted on this. Furthermore, during the course of the application it was considered that the sunlight and daylight assessment submitted was not sufficient enough and this was revised. Again neighbouring residents were consulted on this.

As a point to note six further rounds of consultation were undertaken to address the revisions, revised documents etc and because it was reported to the case officer, that in some instances none of the residents received the letters generate or some of the letters quoted a 14 day response whereas some quoted a 21day response. This has all been rectified but through a lengthy and often confusing procedure given the different reports to the case officer.

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

The Government on 20 July 2021 published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance and the application is in accordance with the NPPF.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

A new mews property is proposed to the rear of the main building. This building and the basement of the main dwelling will provide ancillary accommodation to the main dwelling at 14 St Petersburg Place and comprises basement, ground, first and second floor levels. At ground floor level there is an internal access route from the mews to the rear courtyard garden, but there is no direct access from the ground or basement floor internal accommodation of the property to the courtyard, given the difference in floor levels.

As this is ancillary accommodation, this is acceptable and the extensions to provide additional floorspace in the form of a mews property is supported by policy 8 and 12 of the City Plan.

An objection has been received on the grounds that the basement of the main dwelling property could be used as a separate dwelling as there is no staircase linking the upper floors. This basement is again considered ancillary to the main dwelling/ mews building at the applicant's request. Whilst this arrangement is unusual, this is not a reason in itself to withhold permission. In addition, should the applicant use this as a separate unit then planning permission would be required.

As ancillary accommodation, the additional floorspace and standard of accommodation proposed cannot be afforded as significant weight as if it were a separate residential house. However, the proposed accommodation looks to be sufficient in terms of its floor area, room proportionality and outlook.

## 8.2 Townscape and Design

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39K of the City Plan 2019-2040 requires development to preserve or enhance the character and appearance of Westminster’s conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

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

The relevant policies for consideration are 34, 36, 38, 39, 40 and 45 of the City Plan 2019-2040.

The objections received primarily relate to the scale and detailed design of the mews building proposed to the rear of the site fronting St Petersburg Mews. Whilst many say there is no in principle objection to a new mews building, the height, materials and scale of the fenestration are considered to be out of keeping with the mews and harmful to the character and appearance of the conservation area. As previously noted in the report the height of the building has been amended, with the front parapet proposed to align with the neighbouring mews building. Additionally the scale of the fenestration has been reduced.

In design and townscape terms the principle of erecting a mews building at the end of the garden of no.14 St Petersburg Place is not considered to be contentious. As noted in the submission, permission has been granted for the erection of a mews building on the neighbouring site at no.14 St Petersburg Place and this plot is contained within immediate neighbouring buildings. Therefore, the proposed building will complete the mews on this side of the street. With regards to its footprint the mews aligns with the front and rear built lines of the neighbouring mews building, which accord with the aims of policies 38 and 40. As amended the height of the building does follow the established height along the mews and therefore the objections with regards to the buildings height have been addressed. It is acknowledged that there is a marginal increase in height

behind the parapet to accommodate the green roof, however this will not be perceptible from the public realm and only visible in oblique views from the buildings opposite in the mews and Bark Place. Given the benefits of greening, the proposed height change is considered to be acceptable and in accordance with policies 34, 38 and 40 of the City Plan.

As recognised within the public comments the buildings within the mews are of differing designs, having been built at different times. St Petersburg Mews is not a historical mews in that it contained stabling for horses which has developed into residential accommodation; historic maps show it was an access route to which gardens backed onto and the buildings were erected over time. This is considered to form part of the character of the mews, which positively contributes to the character and appearance of the conservation area. The detailed design of the proposed building does depart from the traditional norm. However, it does reference the neighbouring buildings through its horizontal proportions, the strong lintel above the ground floor and the fenestration at ground floor level. Whilst the primary material also departs, it is brick and will retain a masonry palette as its primary material. Policy 38A of the City Plan requires new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. Given the mews developed overtime, it is considered to be an appropriate location for high quality architecture of its time and therefore infilling the mews with a contemporary building is considered to contribute positively to the character and appearance of this part of the conservation area as well as according with the identified policies.

In considering the impact of a basement beneath the mews building, in design terms of relevance is policy 45, specifically parts A3 and A4 which state that basement developments should protect heritage assets and conserve the character and appearance of the building and its garden setting. As there are no external manifestations of the basement proposed other than the high-level windows to the rear of the basement accommodation, the basement is not considered to raise any design or heritage concerns and is therefore in accordance with policy 45.

To the main house it is proposed to erect a single storey rear extension at lower ground floor level, measuring 1.95m deep, replace the fenestration at ground floor level introducing doors onto a terrace and to replace the windows at first floor level. The lower ground rear extension is comparable in scale and form to the extension permitted at the neighbouring site, with a large amount of glazing on the rear elevation and a flat roof forming a terrace to the ground floor level. The form and scale of the extension is considered to be appropriate, not visually detracting from the host building and being of a sympathetic detailed design. Similarly the insertion of doors and the creation of a terrace at ground floor level is not contentious in design terms as this alteration is common along the rear of St Petersburg Place. The replacement of the windows at first floor level, of a like for like design, is acceptable. The works to the principal building are in accordance with policies 38, 39 and 40 of the City Plan and will preserve the character and appearance of the conservation area.

On the roof of the main building two air source heat pumps are proposed. They have been located within the centre of the plan adjacent to the party wall upstand. Whilst they will result in additional bulk at roof level, they have been sited to reduce visibility and



they will only be fully appreciated in a limited number of private views. This point has been objected to by residents in Bark Place who will see these from upper levels of their properties. Policy 36 of the City Plan seeks to maximise the use of low carbon energy sources to minimise the effects of climate change. Air source heat pumps are a renewable energy source and therefore, when balanced with benefits of renewable energy and the requirements of policy 36, the location of the pumps is acceptable in design terms.

As such, the proposal is considered acceptable, mindful of policies 34, 36, 38, 39, 40 and 45 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**

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 of the City Plan is also relevant which seeks to make sure that the quality of life and health and wellbeing of existing and future occupiers is maintained.

#### **Rear extension to main building**

The proposed rear extension to the main building raises no amenity concerns, given it is at basement level, measures 1.95m in depth and is contained wholly within the boundary walls of the application site.

#### **Mews building**

##### **Sunlight and Daylight**

Objections to the proposals have been made on the grounds that the height of the mews, which is higher than others, will result in loss of light, notably to the property directly opposite, 31 St Petersburg Mews. Comments have also been received from the occupier of 31 St Petersburg Mews that the sunlight and daylight assessment was not carried out using the VSC method, therefore not in accordance with BRE Guidance; is inaccurate and did not accurately represent their property in the assessment. The sunlight and daylight assessment was revised and carried out in accordance with BRE guidance, and neighbours notified of the revision. Objections have still been made to the assessment as they don't contain section diagrams for the assessment, that the design quality and clarity is poor and that the facades of the buildings are shown in strong blue apparently demonstrating overshadowing of the façade in a shade of lighter blue, which serve to obfuscate and frustrate the reader. The accuracy of the data is also questioned. The objector does not believe that their windows can only lose 1% of their annual probable sunlight when a taller building is constructed at a distance of only 5m away.

To clarify the existing rear wall to the property, fronting the mews measures 3.6m. The proposed mews building to the parapet line measures 7.1m, some 3.5m taller.

As noted above, the applicant has submitted an assessment of light loss in accordance with Building Research Establishment (BRE) publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" 2011 ("the BRE Guide"). The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken by plotting the No Sky Line (NSL). VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

This assessment considers light loss to 14, 16, and 18 St Petersburg Place and 29, 31 and 33 St Petersburg Mews. All other properties are considered too far from the application site to experience material light loss. The sunlight and daylight assessment demonstrates that all properties assessed would, even though there are some minor losses, comply in full with the BRE guidance. For clarity, and given the objection from the neighbour at 31 St Petersburg Mews, the results tables/ data for their property are set out below.

#### 31 St Petersburg Mews: VSC

Window	Existing VSC data	Proposed VSC data	Ratio of Proposed to Existing
GF Window	19.37%	17.02%	0.88
FF Window 1	24.22%	24.38%	0.92
FF Window 2	25.91%	24.44%	0.94
FF Window 3	39.52%	39.48%	0.99

#### 31 St Petersburg Mews: No Sky Line

Window	Existing	Proposed	Ratio of Proposed to Existing
First Floor	74%	69%	0.93

#### 31 St Petersburg Mews: Sunlight Annual Probable Sunlight Hours

Window	Existing Annual	Proposed Annual	Ration of Proposed	Existing Winters	Proposed Winter	Ratio of Proposed
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	APSH %	APSH %	to Existing	APSH %	APSH %	to Existing
GF window	22.59	20.62	0.91	5.5	5.41	0.98
FF Window 1	29.73	29.18	0.98	8.06	7.85	0.97
FF Window 2	30.39	30.22	0.99	8.19	8.16	0.99
FF Window 3	30.43	30.21	0.99	8.27	7.52	0.91

Accordingly, the proposal would not result in unacceptable loss of light or sunlight to those properties and is acceptable.

### **Sense of Enclosure**

With regards to sense of enclosure, whilst it is acknowledged that to the centre of the roof of the mews, the mews building is marginally higher than the neighbours, the proposed building and the parapet line would repeat a pattern of development that is commonplace along St Petersburg Mews and between properties facing St Petersburg and Bark Place and backing onto properties in St Petersburg Mews. The proposed mews building would be separated from properties opposite by the width of St Petersburg Mews, some 5.3m. Accordingly, the proposed development would not result in a significant and unacceptable increase in sense of enclosure.

### **Privacy**

Objections have been received on the grounds that the proposed mews building would result in overlooking to the properties opposite, notably 31 St Petersburg Mews but also to Bark Place, some 20m away. Whilst there would be new windows directly opposite this property at ground, first and second floor levels, again this would repeat the pattern of development that is found with St Petersburg Mews and it is not considered that any overlooking that may occur would be so harmful so as to warrant refusal.

The windows to the rear of the mews building are to be obscure glazed and so would offer no view backwards to the neighbouring property at 16 Petersburg Place.

## **8.4 Transportation/Parking**

Whilst there are what appears to be garage doors in the rear boundary of the rear of the property, from the mews, these are very narrow and lead to the rear landscaped courtyard. However there is a drop in levels from the mews to the rear courtyard and therefore it is not considered that this is off-street car parking. The siting of a new mews building therefore does not result in the loss of off-street parking.

Comments have been made that cycle parking should be provided. Given the proposals are for an extension to an existing dwellinghouse, any cycle parking can be contained within the rear courtyard and it is not reasonable to request further details of this.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The proposed mews building has level access from the mews. It does not have level access to the remainder of the main property. However, as this is ancillary accommodation to the main property this is not a reasonable request and would require significant alterations to the rear courtyard.

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

### **8.7.1 Noise from Plant and Machinery**

Air source heat pumps are proposed at roof level of the main property. Environmental Health officers have assessed the acoustic report submitted with the application and consider these to be acceptable in noise terms and compliant with City Council policy. The Council's standard noise conditions are recommended

### **8.7.2 Refuse /Recycling**

The proposals are for extensions to an existing residential dwelling where there are existing waste/ refuse arrangements. It is therefore not reasonable to request any further details.

### **8.7.3 Trees**

There are some climbing planters and small trees within the rear courtyard that will be lost as part of the proposals. Given their immaturity, their retention would be unreasonable.

### **8.7.4 Biodiversity**

A green roof is proposed at second floor and roof level and this is welcomed. This will be conditioned.

### **8.7.5 Sustainability**

As noted in the design section of this report, air source heat pumps are proposed to the main roof and these are a form of renewable energy and supported by City Council policy.

## **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**

There is no neighbourhood plan for Bayswater.

### **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 the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to secure contaminated land investigations. The applicant has agreed to the imposition of these conditions.

### **8.12 Planning Obligations**

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

The proposals are not CIL liable.

### **8.13 Environmental Impact Assessment**

The proposals are not of a scale to require an EIA.

### **8.14 Other Issues**

#### **8.14.1 Basement**

A basement is proposed to the rear of the site and will be sited solely under the proposed mews property.

Policy 45 of the City Plan refers to basement development. Part A states that basement developments should 1) incorporate measures recommended in the structural statement



or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding; 2) be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; 3) protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and 4) conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The site is not within a surface water flooding hotspot, although a flood risk assessment has been submitted. It identifies that the site is within Flood Zone 1 (Environment Agency) and is therefore at low risk of flooding. The construction of the extended basement, as detailed in the structural methodology statement has been assessed and is considered acceptable by the Council's Building Control Officer. To be noted, the structural method is approved for information only at this stage. The only external manifestation of the basement is a high-level window to the rear elevation, facing to within the courtyard of the application site. Designed within this modern mews the proposals are considered acceptable in conservation and design terms. The proposals comply with part A of the policy.

Part B of the policy states that basement developments will be supported where they: 1) do not extend beneath more than 50% of the garden land; 2) leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary; 3) not comprise more than one storey beneath the lowest original floor level - exceptions may be made on large sites with high levels of accessibility for construction; 4) provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and 5). not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The basement is wholly under the footprint of the new mews building, which doesn't occupy more than the half of the garden land, in this instance the existing rear courtyard. Parts 3 and 4 of the policy are not relevant. The proposal complies wholly with Part B.

#### **8.14.2 Noise and Disruption During Works**

Objections have been received on the ground of noise and disruption during the course of works. The applicant has submitted a draft Appendix A indicating that they are to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise. The applicant has agreed to the pre-commencement condition that will secure sign up to the CoCP.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control

of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation

#### **8.14.3 Contact with Neighbours**

An objector queried why the applicant has not approached the neighbours within the mews to discuss the application and their objections. However, the applicant is not obliged to do this under planning law and therefore permission could not reasonably be withheld on the basis of the objections made on this ground.

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

## 9. KEY DRAWINGS

Existing Mews elevation



Proposed Mews elevation



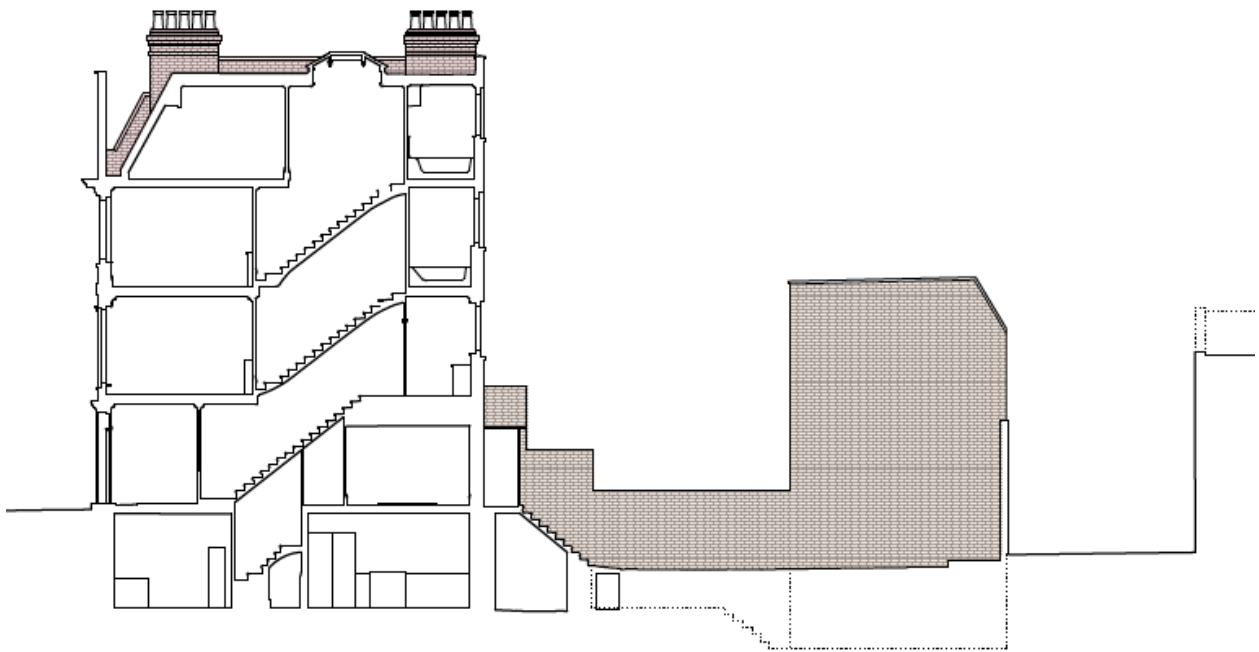
Proposed Street Elevation



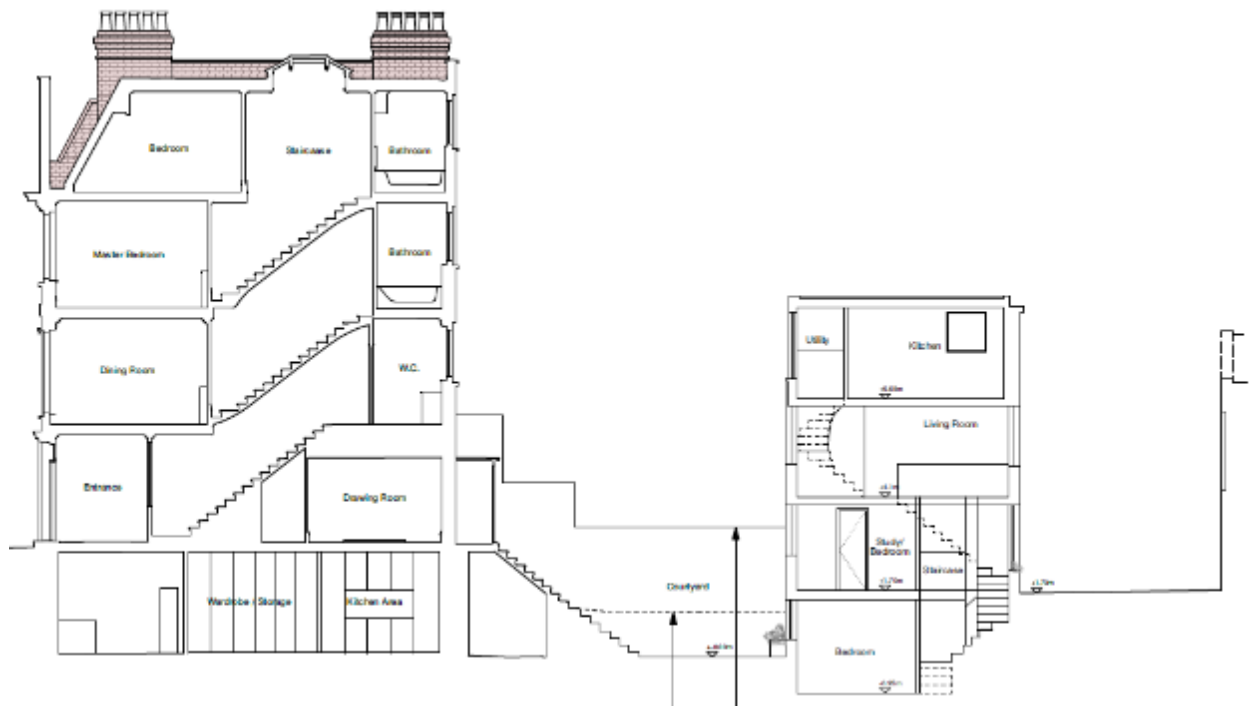
Proposed rear of news elevation



Existing Section

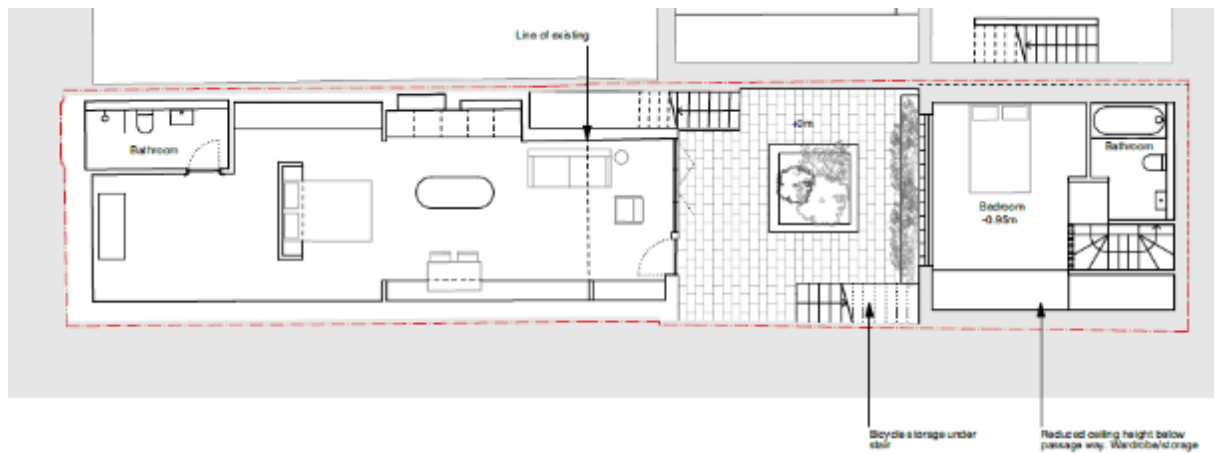


Proposed Section





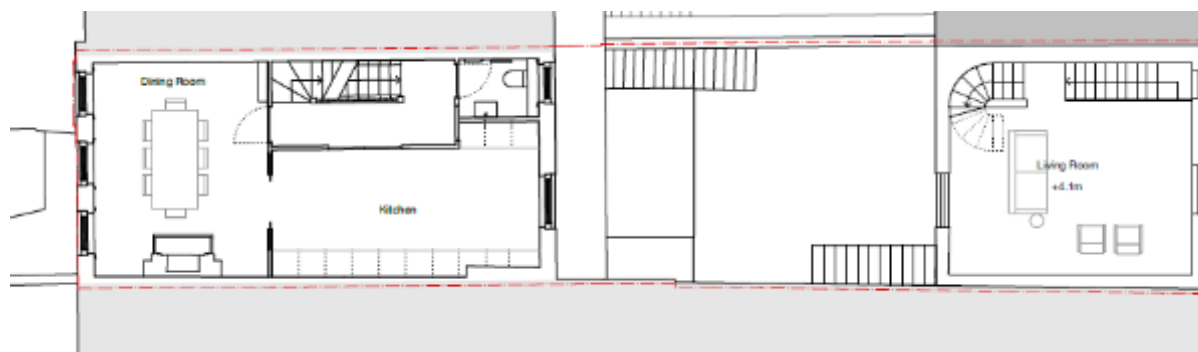
Proposed Basement Floor Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



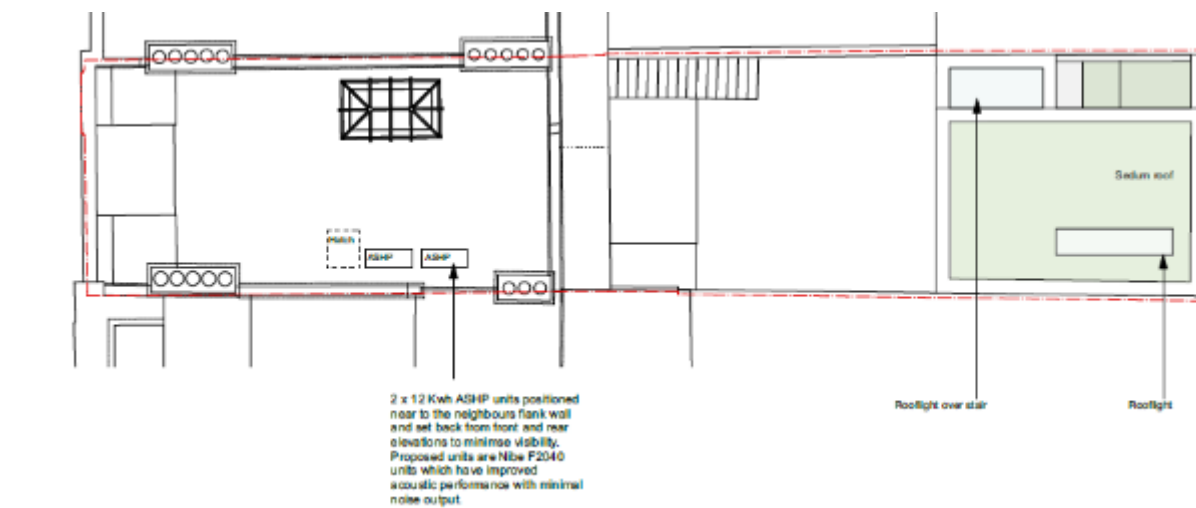
Proposed Second Floor Plan



Proposed Third Floor Plan (main dwelling)/ Roof Plan (mews building)



Proposed Roof Plan (main dwelling)



**DRAFT DECISION LETTER**

**Address:** 14 St Petersburg Place, London, W2 4LB,

**Proposal:** Erection of a mews building of basement, ground and two upper floors for use ancillary to main dwellinghouse; erection of a lower ground floor extension to the main house at lower ground floor in association with the use of the basement as an studio ancillary to the main dwellinghouse; installation of an air source heat pump at roof level; installation of replacement windows at ground and first floor levels to the main property and reduction of garden level.

**Plan Nos:** 44/1929: PL0001; PL1001; PL0003; PL0004; PL0005; PL0006; PL0007; PL0008; PL0009; PL0010; PL0011; PL0012; PL0013; PL0014; PL0015; PL0016; PL1003A; PL1004A; PL1005A; PL1006A; PL1007A; PL1008A; PL1009A; PL1010; PL1011A; PL1012A; PL1013A; PL1014A; PL1015A; PL1016A; PL1017; PL1018; PL2000; PL2001; PL2002; Design and Access Statement Dec 2020; Heritage Statement dated Dec 2020; Acoustic Report dated 11 Jan 2021; Flood Risk Assessment & Drawings dated Oct 2020.

For information only:  
Structural Methodology Statement P2 Nov 2020.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 07866036948

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

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

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

Reason:

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

**4** You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

**5** (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 Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

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

Reason:

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

- 7 **Pre-Commencement Condition.** You must carry out a detailed site investigation to find out if



the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 8 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)

- 9 You must apply to us for approval of photos and specification 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 Bayswater Conservation Area. This is as set out in

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

- 10 You must apply to us for approval of details and section (1:10/ 1:20) of the following parts of the development - new windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 11 You must apply to us for approval of detailed drawings of the following parts of the development - a screen to the air source heat pumps at roof level. 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 detailed drawings. (C26DB)

Reason:

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

- 12 The basement studio and the mews building shall be used as extended family accommodation, ancillary to the main property at 14 St Petersburg Place and shall not be occupied as a separate unit of accommodation.

Reason:

At the applicant's request.

### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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](http://www.westminster.gov.uk/contact-us-building-control)

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at [jperkins@westminster.gov.uk](mailto:jperkins@westminster.gov.uk).
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 6 With reference to condition 3 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 Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

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

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

- 7 Condition 7 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at [www.westminster.gov.uk/contaminated-land](http://www.westminster.gov.uk/contaminated-land). For further advice you can email Public Protection and Licensing at [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).
- 8 Conditions 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.