

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	16 - 18 Montagu Place, 3 Bryanston Mews and 21 Bryanston Square, London, W1H 2BQ		
Proposal	Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels.		
Agent	The Planning Lab		
On behalf of	The Swiss Federal Office for Buildings and Logistics		
Registered Number	23/08666/FULL + 23/08667/LBC	Date amended/ completed	14 December 2023
Date Application Received	14 December 2023		
Historic Building Grade	II		
Conservation Area	Portman Estate		
Neighbourhood Plan			

1. RECOMMENDATION

Grant conditional planning permission and listed building consent in accordance with the provisions of section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes works to the Embassy of Switzerland to include; the removal and replacement of the top storey of the building with solar panels and green roof to be installed on the

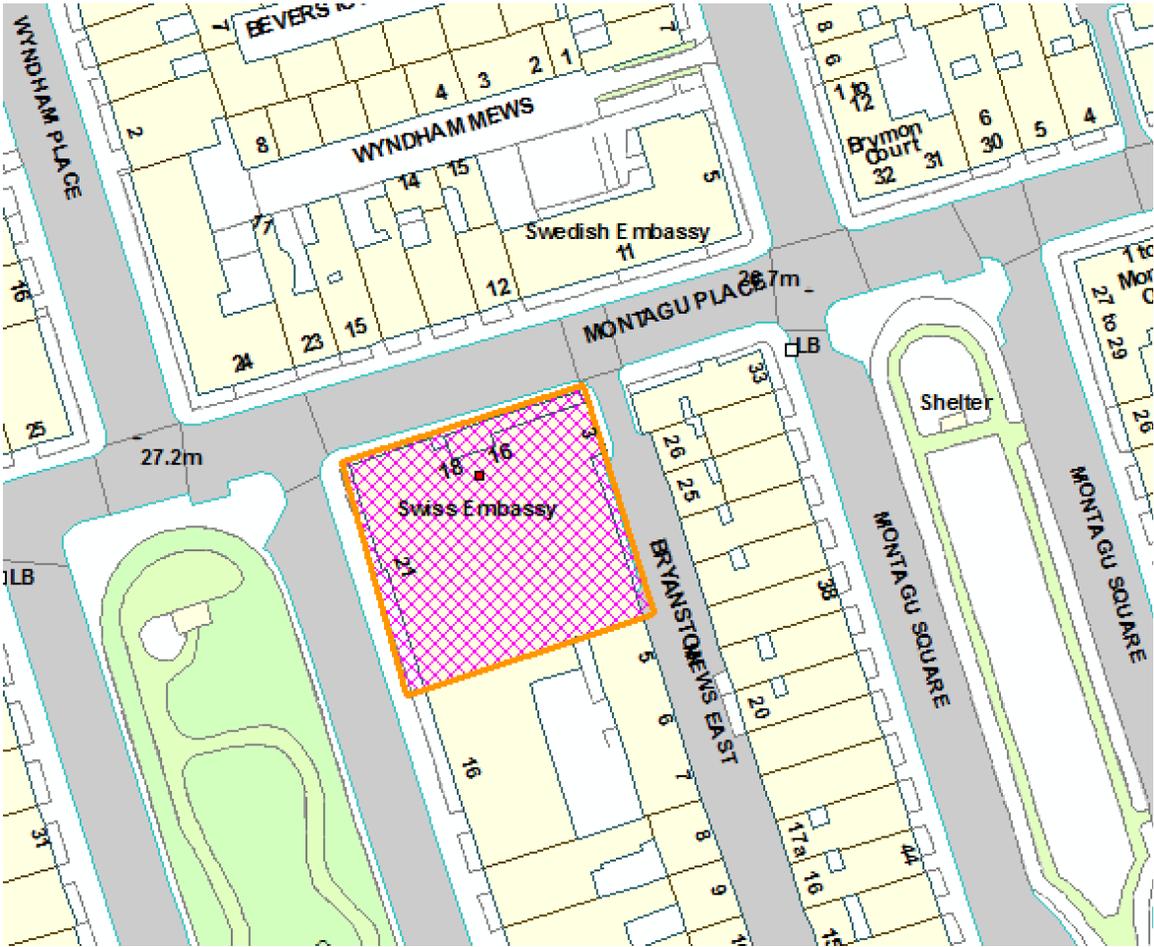
new main roof; erection of a single storey first floor extension on the podium section at the rear of the building; infilling of a ground floor lightwell on the southern side of the site and creation of a new ground floor courtyard; alterations and recladding of the rear east facing elevation of the building to include the installation of solar panelled brickwork; works to the other elevations to include new windows, doors and solar blinds, and the installation of two ramps at ground floor level in the front lightwell on the Bryanston Square frontage; all in association with the continued use of the building as the Embassy of Switzerland.

The key considerations in this case are:

- The acceptability of the proposed alterations to the building in design terms.
- The impact of the proposed works on the character and appearance of the wider Portman Estate Conservation Area.
- The impact on the amenity of neighbouring residential properties, specifically with regard overlooking, sense of enclosure and effect on daylight and sunlight.
- Impact during construction works on the amenity of neighbouring occupiers and the local highway network.

Subject to safeguarding conditions and the applicant agreeing to sign up to the City Council Code of Construction Practice, the proposal complies with relevant policies from the London Plan and City Plan 2019-2040 and the applications are therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial View:



Bryanston Square Elevation:



Montagu Place Elevation – looking east:



Bryanston Mews East Elevation –



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR MARYLEBONE (Councillor Scarborough, Councillor Arzymanow, Councillor Rowley)

Support the concerns of residents who have objected with particular regard to:

*The use of the residential flats and whether this will be restricted to the Ambassador, staff and visitors to the Embassy.

*Increased overlooking between the single storey extension and the residential buildings in the mews opposite.

*Request the application is subject to the City Council Code of Construction Practice.

*Concerns about the impact of the development on the daylight and sunlight levels to neighbouring sensitive properties.

MARYLEBONE ASSOCIATION

Supports the application in principle, especially with regard;

*The sustainability benefits of the retrofit thus reducing carbon emissions.

*Accessibility improvements.

* The installation of solar blinds to reduce solar gain in summer months.

Concern in relation to;

*The sustainability benefits of the PV panel brickwork on the east facing façade.

*Noise and disruption during the construction phase.

HISTORIC ENGLAND

Authorisation to determine as seen fit.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

WASTE PROJECTS OFFICER

Further information requested.

HIGHWAYS PLANNING OFFICER

No objection subject to conditions.

SUSTAINABILITY OFFICER

Scheme is deemed acceptable in sustainability terms.

THE GARDENS TRUST

Do not wish to comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

(23/08666/FULL)

No. Consulted: 89
Total No. of replies: 38
No. of objections: 33
No. in support: 5 (inc. Portman Estate and Swedish Embassy)

(23/08667/LBC)

No. Consulted: 0
Total No. of replies: 36
No. of objections: 35
No. in support: 1

Objections on the following grounds:

Amenity:

- *Potential for disturbance during construction (dust, construction vehicles, noise etc).
- *Loss of privacy resulting from the larger windows on the top floor fronting Montagu Place.
- *Increased overlooking and associated loss of privacy resulting from the new first floor windows on the extension on the podium section.
- *Increased sense of enclosure to the mews properties from the additional storey on the podium section of the building.
- *Potential for light pollution to neighbouring properties.
- *Loss of sunlight and daylight to surrounding properties.
- *Potential noise disruption from plant operation.

Design and Heritage:

- *Unacceptable impact of the extension on the mews on the intimate character and townscape of the mews.
- *Replacement roof storey has a negative impact on the appearance of the building.
- *Works are detrimental to the character and appearance of the Mayfair Conservation Area.
- *The awnings are harmful to the appearance of the building.
- *Internal parts of the building and the plan form should be given greater heritage status than the applicant affords them.
- *New ramps and entrance to the Bryanston Square elevation are harmful to the appearance of the building.

Other:

- *Concern that the residential element of the embassy will be utilised as market housing.
- *One of the residential units is above the 200sqm limitation on new residential units as detailed in Policy 8 of the City Plan.
- *Consider the urban greening factor may not be as high as detailed in the application.
- *Consider that the 16 retained car parking spaces should also be removed.
- *Loss of 'green space' resulting from the partial removal of the first floor terrace.
- *Object to the use of a crane for any construction.

- *Potential loss of income from rental properties due to the construction works.
- *Potential detrimental impact on mobile phone signal.
- *Structural implications on neighbouring buildings.
- *Security risks associated with an embassy use in a residential area.
- *Discrepancies over the proposed height of the building.

Support on the following grounds:

- *Improved sustainability credentials of the building.
- *Better accessibility of the building resulting from the installation of the new ramps.
- *Commend the embassy on the pre-application consultations they have carried out.
- *Do not consider the extension on the mews elevation would affect the amenity of nearby residential occupiers.
- *Consider the design acceptable and appropriate in the context of the conservation area.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Presentation	September 2023	Marylebone Association, Portman Estate, Cllr Barbara Arzymanow and the Bryanston Square Trust	Discussions about construction programme, sustainability principles, PV brickwork installation and solar blinds.
Meeting	September 2023	Residents from Bryanston Mews East	Concern in relation to daylight / sunlight impact / overlooking and materials of single story roof extension.
Discussion	November 2023	Marylebone Association, Portman Estate	Further discussion on the sustainability credentials of the application. Discussion of the ramps on the Bryanston Square frontage.
Meeting	November 2023	Residents from Bryanston Mews East	Concern in relation to daylight / sunlight impact / overlooking and materials of single story roof extension.

Pre-application discussions were initiated with the Marylebone Association, Historic England, Twentieth Century Society, Portman Estate, Bryanston Square Trust, local councillors and residents within Bryanston Mews East who were sent letters inviting them to a meeting at the Embassy.

The applicant states that two meetings were held with residential occupiers from Bryanston Mews East, one in September 2023 and one in November 2023. Letters had been sent to 5, 6, 7, 7a, 8, 9, 10, 11, 13, 13a, 15, 16, 17a, 20, 24, 25, 26 Bryanston Mews East to invite them to a meeting at the embassy to review the proposals and provide feedback. Residents from two properties attended the first meeting and the occupier of one property attended the second meeting. Concerns were raised at the meeting in relation to the single storey extension on the podium section and its impact on daylight / sunlight and loss of privacy to nearby properties. The applicant advises that residents raised concerns about the building materials proposed for the single storey extension. The applicant also advises that subsequent to these discussions the following amendments were made to the proposal; the mews extension was reduced in height; a set back was introduced along the mews; the materials were lightened; discussions were ongoing about the mitigation to address the impact of the proposal on the privacy of residents.

Some objections were received to the application on the grounds that the initial pre-application consultation by the applicant with neighbours only included addresses in Bryanston Mews East. Given this, during the course of the application a further public event has been held at the embassy on the 30th January 2024, with invitations sent to 110 addresses within the vicinity, this meeting was attended by approximately 50 people with a presentation by the project team and then a discussion. Subsequent to the meeting further amendments were made to the scheme to address concerns including the installation of opaque glazing on Bryanston Mews East. It would seem a large number of comments received at this meeting were in relation to issues which might arise during construction works.

Of the consultation responses received people have written both to comment on the lack of pre-application consultation by the embassy and conversely to commend the embassy on their extensive pre-application discussions. Whilst these comments are noted the pre-application consultation carried out by the embassy is considered sufficient and accorded with the suggestions in the City Council Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

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

City Plan Partial Review -

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

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

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

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

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

6.2 Neighbourhood Planning

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

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The building has frontages to Bryanston Square to the west, Montagu Place to the north and Bryanston Mews East to the east, it is Grade II listed and located within the Mayfair Conservation Area and the Central Activities Zone. The property comprises of basement, lower ground floor, ground and first to fifth floor levels. There are level changes around the site so the lower ground floor becomes the ground floor level on Bryanston Mews East. There is a podium section fronting Bryanston Mews East which

has a large terrace at first floor level, there are also terraces on all frontages of the building at fifth floor level. The property is utilised in its entirety as the Embassy of Switzerland.

7.2 Recent Relevant History

03/09162/FULL + 03/09163/LBC: *Installation of external sunblinds to windows on Bryanston Square facade of the Embassy of Switzerland building.*

Planning permission and listed building consent were refused on the 8th June 2004 for the following reason:

Because of their detailed design and use of materials the proposed external sunblinds would harm the character and appearance of this Grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Portman Estate Conservation Area. This would not meet DES5, DES7, DES8 and DES14 of our Unitary Development Plan, DES5, DES9 and DES10 of our Replacement Unitary Development Plan (Second Deposit version) and DES5, DES9 and DES10 of our Pre-Inquiry Unitary Development Plan.

8. THE PROPOSAL

A single storey extension is proposed on the podium section of the embassy, a new ground floor central courtyard is created through removal of part of the ground and first floors. The current fifth floor is to be demolished and replaced with a new fifth floor. The east façade is to be rebuilt and PV brickwork is proposed. New access ramps are proposed at ground floor level on Bryanston Square, one to the main entrance of the embassy and one to a new access door for staff, planters are proposed between the railings and the ramps. Solar blinds are proposed to be installed to the windows on the west elevation of the property. Solar panels will be installed with a green roof at main roof level and a green roof is also proposed on the roof of the new podium extension. Internal alterations are proposed at all floor levels. The windows and doors are to be replaced.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The building is used in its entirety as the Embassy of Switzerland who have had an embassy in this location for over 100 years. The current building includes a larger section to the rear along Montagu Place which was constructed in 1971. The proposed building would still be used entirely as the Embassy of Switzerland. The site is located within the Central Activities Zone (CAZ) and the City Plan details within Para. 1.8 that embassies are acceptable uses within the CAZ. The embassy provides an important function in maintaining and strengthening diplomatic ties between the United Kingdom and Switzerland. Proposals to improve or expand an embassy use would be supported in principle. The existing building provides 6,060sqm of floorspace, the proposal would see 785sqm demolished and the rebuilt part providing 797sqm which means an overall uplift of floorspace of 12sqm. Embassy uses are an acceptable use within the CAZ and provide an important diplomatic function with regard relations between the relevant

country and the United Kingdom.

Some objections have commented on the level of ancillary residential accommodation which would be provided in the proposed scheme which they consider disproportionate to the size of the embassy building. However, ancillary residential accommodation for the ambassador, staff or visiting dignitaries would be a use ordinarily expected within an embassy and the applicant has confirmed that is how the proposed residential accommodation would be utilised. The objection from the local councillors supports the comments of residents in this regard, objectors have also commented that they think the residential element might be rented out, however, any use of the property in this manner would require planning permission and is not part of this application. The quantum of proposed residential accommodation within the embassy is similar to the existing it is just reconfigured within the building. Given this, the objections on these grounds are not considered sustainable.

Objectors have also commented on the size of what is proposed to be the residential apartment for the Ambassador which measures 228sqm. Policy 8 of the City Plan states that; '*No new homes in Westminster will exceed 200 sqm Gross Internal Area (GIA), except where it is necessary to protect a heritage asset.*' This is to ensure that site capacities are used efficiently to maximise the number of residential units within development sites. As detailed above, the building will be entirely in embassy use and the residential accommodation associated with this use is ancillary to the main function of the building as an embassy. The proposal would not therefore be considered against this policy as this would only be applied to individual residential units whereas the proposed accommodation is considered an ancillary function of the embassy, and how the applicant used that floorspace would be their prerogative. As the application is not considered with regard the requirements of Policy 8 of the City Plan relating to the maximum size of individual residential units the objections on these grounds are not sustainable.

9.2 Environment & Sustainability

Sustainable Design

Part D of Policy 38 of the City Plan requires the following:

Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including:

- 1. use of high-quality durable materials and detail;*
- 2. providing flexible, high quality floorspace;*
- 3. optimising resource and water efficiency;*
- 4. enabling the incorporation of, or connection to, future services or facilities; and*
- 5. minimising the need for plant and machinery.*

Paragraph 38.11 of the City Plan requires that; 'as new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for

substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.'

The proposed includes some demolition of the existing building and the application is supported by a Sustainability Appraisal and a BREEAM Pre-assessment. The proposed development however seeks to re-use and refurbish a great majority of the existing building on the site to prevent unnecessary demolition. The vast majority of the existing building, including the slab, internal floors, north, west and south facades of the building are to be retained. This is considered to be in accordance with the Environmental SPD which advises that 'where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition.'

The application and supporting documentation has been reviewed by the City Council Sustainability Officer who has no objection to the proposal. The proposal incorporates a number of sustainability features including solar blinds to prevent solar gain in the hottest months of the year, the installation of PV panels on the roof, the installation of green roof areas for insulation and the reduction of rainwater run-off and the use of PV brickwork on the rear façade of the building for energy generation.

Some concern has been expressed about the benefit of the PV wall on the rear elevation with regard the embodied carbon of the PV panels themselves and also the efficiency of the wall if it is east facing. These concerns are noted, however, this is the only wall which it would be suitable to install this panelwork on and this is a novel technology having so far only be used on a few sites in Switzerland. The analysis by the applicant determines the wall will be capable of generating 20kWp of electricity per annum and will have offset the embodied carbon in the materials within a five year period. The Sustainability Officer has no objection in principle to the PV panel wall and has commented on the benefits of supporting new innovative technologies for energy generation.

Policy 38 of the City Plan also includes a requirement that; '*applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows: 1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard.*' Given over 500sqm of the building is demolished and re-provided the application needs to be considered against this policy. The applicant has provided a BREEAM pre-assessment report which shows the development achieving a rating of 'excellent' which meets the policy requirement. A condition is recommended to ensure the development will achieve a BREEAM rating of 'Excellent' or higher or equivalent. The condition also requires a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories.

The application and supporting documentation has been scrutinised by the City Council Sustainability Officer who states; '*The overall sustainability of the scheme is acceptable. The retrofit of the existing building, and the use of low-carbon materials is supported.*' A number of letters of support have also been received commending the quantum of the building which is retained and the retrofitting of a large part of the existing building.

Energy Performance

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

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

- *Use of cross laminated timber in the construction to reduce the embodied carbon of the new construction.
- *Retrofitting thermal insulation and installing windows with a better thermal performance.
- *New solar shading to reduce cooling requirements in hotter months.
- *Use of heat pumps for heating and cooling.
- *Photovoltaics at roof level and on the rear façade, expecting to generate 70kWp from the roof installation and 20kWp from the rear wall installation.

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

Air Quality

Policy 32 (Air Quality) of the City Plan requires the submission of an Air Quality Assessment for the following developments; major developments; proposals that include potentially air pollution generating uses or combustion-based technologies; proposals incorporating sensitive uses; and all residential developments within Air Quality Focus Areas. As the proposal does not fall within these criteria an Air Quality Assessment is not required.

Flood Risk & Sustainable Drainage

Rainwater runoff from the building is to be captured in a new storage tank at basement level and utilised for irrigation of the green roof areas and for flushing toilets in the building. This will significantly reduce rainwater runoff from the site and reduce the demand for water from the public network.

Light Pollution

Some objections have expressed concern about potential light pollution from the building affecting nearby residents.

Policy 33 of the City Plan, Part B states that; '*Developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.*'

An informative is included to advise the applicant to design any external lighting (including on the terraces) to minimise light spill to neighbouring occupiers. Whilst it is noted that larger windows are proposed on the top floor of the building when compared to the existing situation given the distance to the properties opposite and the large

number of windows on other floors on the elevations the increased size of the windows is unlikely to result in a nuisance to neighbours from light spill.

Environment & Sustainability Summary

Given the improvements to the environmental performance of the building the proposal is compliant with the requirements of Policy 36 of the City Plan which requires development to reduce on-site energy demands and maximise the use of low carbon energy sources. The development will also be the first in the UK to use the innovative PV brickwork on the rear elevation, supporting the development of this novel technology. A condition is included to ensure that prior to the development being occupied all the energy efficiency measures as detailed in the approved Energy and Sustainability Statement are provided and thereafter retained. A further condition is included to require the development achieves a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of the energy performance and sustainability performance of the building with the requirement for a post completion certificate to be submitted to the City Council.

9.3 Biodiversity & Greening

Policy 34 of the City Plan deals with green infrastructure and requires developments to, wherever possible, contribute to the greening of Westminster by incorporating trees, green roofs, rain gardens and other green features and spaces into the design of the scheme. A green roof will be provided over the roof of the mews extension and at main roof level. The green roof to the mews extension will be intensively planted, but due to the need for maintenance around the solar panels at main roof level this green roof area is proposed as sedum. Planters are also proposed within the lightwell to the Bryanston Square frontage. A condition is included to require the submission of further details of the green roof areas including species to be planted and a maintenance scheme, the condition is worded to ensure the green roof areas are provided and retained.

Objections have been received with regard the loss of the planting on the existing first floor podium terrace. However, this planting (within pots) has been installed by the Embassy and there is no requirement for it to be retained. The proposed planting is required to be installed and retained and will cover a much greater proportion of the site. An objector has commented on the application insinuating the entirety of the main roof level would be a green roof whilst part of it will have solar panels installed. This is noted but there is a balancing act between the installation of solar panels for the generation of renewable energy and the installation of green roof areas for biodiversity benefit. The embassy has sought to maximise the use of the flat roof areas for both and this is welcomed.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

TOWNSCAPE, CONSERVATION AND DESIGN

21 Bryanston Square is a Grade II listed building located on the north-east corner of Bryanston Square, with frontages on Montagu Place, to the north, and Bryanston Mews

East, to the west. The building is situated at the end of the terrace and, unlike the earlier buildings to the south, was constructed in 1970 by Jacques Schader for the Government of Switzerland, the current occupant. It replaced an early nineteenth century building that had been listed in 1954.

This application has been assessed against policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) and the guidance set out within the 'Environmental' SPD, and the 'Portman Estate Conservation Area' SPG.

The application building post-dates the 1950s listing. Based on the areas viewed by Officer's during a site visit and the detailed assessment including within the Heritage Statement, the special interest (significance) is primarily derived from the Georgian-style façade fronting Bryanston Square and its contribution to the Square. The notable artwork in the basement was not viewed by officers, but is also likely to be of significant interest and artistic value. Whilst some of the artworks around the basement lift enclosure is to be removed the remainder is being retained in situ and a drawing has been provided to show this.

The resulting building is a unique hybrid of Schader's original modernist design and the more traditional amendments inspired by Lord Mancroft and the Marylebone Society's ambitions for the site. Officer's share Historic England's view that the significance of this building is largely (if not solely) derived from its external appearance. Internally, no historic features of interest survive. The authorisation to determine has been received from Historic England subject to endorsement by the Secretary of State, however, that endorsement has not been received. We may grant listed building consent after 28 days from the date of the Secretary of State's notification stated on Historic England's authorisation letter which was the 17th January 2024.

Demolition and replacement single storey roof structure:

The existing roof structure forms part of the 1970 reconstruction. However, it is at odds with the Georgian character of the façade below and provides no contribution to the special interest of the listed building or the character and appearance of the conservation area.

The proposals will see the removal of this storey and its replacement with a new structure of similar proportions and height. This has been negotiated throughout the pre-application process and during the course of the application. It will be set back 1m from the parapet to street facing elevations. The fenestration has been amended and relief panels provided to the north elevation to provide interest to blank facade. The fenestration rhythm reflects that of the building beneath while the grey metal finish is akin with the established palette of materials found within the local roofscape.

While the additional bulk formed of two lift overruns will compromise the coherent roofline of the building, these will be visible from a very limited number of viewpoints. Furthermore, the lead finish will reduce their visual impact.

The proposed extension forms a restrained addition which will be visually subservient to the principal façade. It will form a calm addition to the wider terrace and its roofscape, sitting below the height of No.18 Bryanston Square.

While it will appear similar to the existing fifth floor, the fenestration and finishes better relate to the building beneath. The proposals are contextual and will preserve the character and appearance (significance), in compliance with policies 38, 39 and 40 of the City Plan 2019-2040.

Erection of one additional storey to the Bryanston Mews East building:

To the rear of the site the proposals seek to extend the mews building by a single storey. Bryanston Mews East is primarily characterised by modest two storey mews brick buildings, a number of which have an additional dormered mansard storey above. While the application building forms an anomaly within the streetscape in terms of its modern streamlined design, the height reflects the context.

The additional storey has been designed in a modern architectural style reflective of the building beneath, while its grey metal covering speaks to the grey slate finishes of the typical mansard roof storeys found along the mews.

As such, the proposals will have a neutral impact on the character and appearance of this part of the conservation area, reflective of the requirements of policies 38, 39 and 40 of the City Plan 2019-2040.

Alterations to the north and east façades:

The ground floor level of the north façade to Montagu Place is characterised by a blank marble finish with high windows. This contributes to a blank and hostile façade. The proposals will introduce framed glazing which will contribute to a more active frontage.

The rear, east, façade is not visible from street view, but is from a small number of private high-level windows to the buildings on the east side of Bryanston Mews East. The proposals will see the façade clad in new kiln glass slips. Officers are advised that these glass tiles have not been used in the United Kingdom before. They are designed with PV technology to generate electricity. The glass panels will be moulded to reflect stack bond brickwork, however, they will be transparent with metallic elements remaining visible. This will form an unusual finish. However, given the lack of views towards this façade and its utilitarian character, the new finish will have a neutral impact on the special interest of the listed building and the character and appearance of the conservation area.

Alterations to the Bryanston Square façade and infilling of the lightwells:

The scheme seeks to improve access. This will be achieved through the installation of two ramps within the lightwell area to the front of the building. These will be accessed by a new opening within the centre of the railings. Open lightwells form an important townscape feature within the conservation area and their loss is usually contrary to policies 38, 39 and 40 of the City Plan 2019-2040.

However, the lightwell at the application building is mostly infilled with concrete load bearing structures. Page 130 of the submitted Design and Access Statement provides a detailed description of the existing situation. The open areas are grated over due to the

two-storey depth of the lightwell. The proposals will see the installation of two open metal mesh ramp. Planters are proposed to screen the ramp and provide greening.

Alternative options have been explored, including lifts. However, given the existing infilled condition of the lightwell, the proposed ramps are considered to have a negligible impact on the special interest of the listed building and the contribution that it makes to the character and appearance of the conservation area. Furthermore, the greening is welcomed and in accordance with policy 34 of the City Plan 2019-2040. A condition is recommended regarding the details relating to the ramp, including handrails, any associated signage and alterations to the railings.

The proposals will also see the installation of external fabric blinds to the windows of this elevation. Such blinds were a common feature found within the square historically. They form a removable lightweight addition that will assist with solar shading.

Comments received

A number of objections have been received on design grounds. The following concerns have been raised:

1. Harm to the intimate character of the townscape through the extension to the mews.
2. The new roof storey replacement will harm the appearance of the listed building and the character and appearance of the conservation area.
3. The awnings and replacement windows would be detrimental to the appearance of the listed building.
4. Internal parts of the listed building and the plan form should be afforded greater heritage status than the applicant affords them.
5. New ramps and entrance to the Bryanston Square elevation are detrimental to the appearance of the building.

1.

As discussed above, the Bryanston Mews East elevation has a traditional character, primarily formed of modest two storey brick buildings with additional third storeys above. Some of the top floors are formed of slated mansard additions, and others are sheer, and faced in brick. The mews facing portion of the application building is starkly modern in its architectural language and materiality. The proposed extension will be set back behind the parapet and finished in a grey cladding. It will be of an appropriate scale when compared with other properties along the mews, and its finish is reflective of mansard extensions. As such, the proposals will have a neutral impact on the character and appearance of this part of the conservation area and the wider townscape.

2.

As discussed above, the existing roof structure provides no contribution to the special interest of the listed building or the character and appearance of the conservation area. The existing roof structure sits just over 3m above the parapet. The proposed structure will also rise just over 3m above the parapet level. The increase in height is minimal, save for two lift over runs. The new extension will sit 300mm closer to the northern parapet edge, remaining 1m set back. It will sit approx. 3m closer to the parapet edge to the eastern most parapet at Bryanston Mews East. While the massing would increase, the proposed 2m set back will see the extension remain a recessive addition to the

principal building. The increase in massing at this level will not impact on any identified views and will have a neutral impact on the special interest of the listed building and character and appearance of the conservation area.

3.

The proposed awnings form a lightweight and removable addition. They reduce overheating, cut UV damage and allow windows to be kept ajar for ventilation in most weather conditions. Such awnings formed a common feature during the nineteenth and early-twentieth century prior to the rise of air conditioning. The City Council has declared a climate emergency, and blinds form a traditional addition to the building which will serve to reduce the solar gain during the summer months and will have no impact on the historic fabric. As such, they form an appropriate addition in this case. A condition is required to ensure that their detailed design is appropriate.

The windows form modern additions. There is no objection to their replacement. A condition is recommended to ensure that their detailed design is appropriate.

4.

The internal plan form does not reflect a traditional townhouse plan. It is made up of modern partitions the layout of which relates to the embassy use. The plan form does not include historic fabric, are not illustrative of the past use of the building and are of not architectural interest. As such, the internal parts of the building do not hold evidential, historical, aesthetic or communal value, save for the artworks at basement level. As such, the interior is not considered to contribute to the special interest of the listed building when assessed against Historic England's 'Conservation Principles, Policies and Guidance' document.

Summary:

The infilling of the space to the front of the building is undesirable, it will cause a negligible impact on the special interest (significance) of the listed building and the character and appearance (significance) of the conservation area. However, given the existing situation and access benefits it provides, the proposals are considered justified in this case, in accordance with Paragraphs 206 and 208 of the NPPF. The remainder of the proposals will preserve the special interest (significance) of the listed building and the character and appearance (significance) of the Conservation Area and reflect the requirements of policies 38, 39 and 40 of the City Plan 2019-2040.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7 of the City Plan requires that; '*development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.*' Para 7.3 elaborates and states that; '*negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.*'

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties including; 12, 13, 14, 15 Montagu Place, 23, 24 Bryanston Square, 5, 23, 24, 25, 26 Bryanston Mews East, 33, 35, 36 and 37 Montagu Square.

Under the BRE guidelines the level of daylight received by a property is assessed by the Vertical Sky Component (VSC) which 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 window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. An assessment has also been made of the 'No Sky Line' (NSL) in rooms. The NSL is a measure of the daylight within rooms measured mapping the region of the room where light can reach directly from the sky. The BRE Guidance states that; *'if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.'*

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

The applicant's daylight and sunlight assessment concludes that of all the buildings assessed only one property (5 Bryanston Mews East) would experience losses in excess of the BRE guidance related to VSC, this being one window at rear ground floor level and one window at rear first floor level which are the closest windows to the boundary with the Swiss Embassy which adjoins this building to the north. Objections have been received to the application from a number of properties in the vicinity concerned about daylight / sunlight losses to their windows but as detailed only 5 Bryanston Mews East would experience losses in excess of the guidance and therefore the objections on these grounds from the occupiers of other buildings in the vicinity are not considered sustainable.

There is a rooflight in the two storey rear wing of 18 Bryanston Square which has an existing VSC level of 61.96 which is reduced to 49.18 which is a 21% loss but as the rooflight still receives well in excess of 27% it is deemed to still receive good levels of daylight by the BRE guidance.

Daylight

With regard to the two windows which fails to comply with the VSC test at 5 Bryanston mews East, this is a rear ground floor window and the rear first floor window directly above. It is unknown what these windows serve. With regard the ground floor window the existing VSC level is 4.87 which falls to 3.03 as a result of the development which is a reduction of 38%. For the first floor window the existing VSC is 6.92 which is reduced to 5.01 which is a reduction of 28%. This is detailed in the table below:

Window Ref	Existing VSC	Proposed VSC	VSC Reduction (%)
Ground (5 Bryanston Mews East)	4.87	3.03	38%
First (5 Bryanston Mews East)	6.92	5.01	28%

Whilst the BRE guidance states that reductions in excess of 20% are likely to be noticeable, the existing levels to these two windows are very low so even a small change results in a significant percentage change. The submitted Daylight and Sunlight report has attempted to ascertain the No Sky Line for the rooms these windows serve but this is estimated given floorplans for this building have not been made available and can not be relied upon.

Whilst the losses to these windows are unfortunate, none of the windows to the front of the property would be impacted and the remainder of the measured windows on the rear elevation of this property are compliant with the BRE guidance. Given the losses in excess of the guidance are only to two windows at the property, which both have very low values and the dense urban nature of the site the impact on 5 Bryanston Mews East is considered acceptable.

Sunlight

There are no losses to sunlight levels to windows in excess of the BE Guidance and the impact of the development is therefore considered acceptable in this regard.

Sense of Enclosure

Policy 7 of the City Plan requires that; ‘development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.’ A number of objections have been received to the application from residential occupiers in the immediate vicinity concerned that the increased height and bulk of the building both on the Montagu Place and the Bryanston Mews East elevations will result in an increased sense of enclosure to their properties.

Montagu Place

The existing fifth floor of the building includes a set back of approximately 5m from the fourth floor along the Montagu Place frontage. The rebuilt fifth floor of the building would be set back 2.5m on the Montagu Place frontage, whilst also extending a further 2.5m along this elevation to the east being the Bryanston Mews East frontage of the building. Objections have been received with the regard the extended fifth floor level and the potential increased sense of enclosure to properties opposite on Montagu Place and in Bryanston Mews.

The objectors properties in Montagu Place are 15m distant from the larger fifth floor level and the rebuilt fifth floor would be 2.5m closer but still set back from the fourth floor below. It is not considered this element of the works would result in an increased sense

of enclosure to the residential properties in Montagu Place such that the application could be refused on these grounds. There have been some comments about the proposed height of the building and whether all drawings include the proposed solar panels at main roof level, but these are set back from the edge of the building and would have no impact on the overall sense of enclosure to surrounding properties.

The objections that the increased bulk of the fifth floor would impact the sense of enclosure to properties in Bryanston Mews East are not considered sustainable as it is unlikely the fifth floor would be visible from these properties. The larger fifth floor would be visible from the rear windows of some properties on Montagu Square but these windows are 19.5m from the existing fifth floor and would be 17m from the proposed fifth floor. The impact on these windows is considered acceptable and compliant with the requirements of Policy 7 of the City Plan.

Bryanston Mews East

Objections have been received from occupiers of the buildings opposite within the mews and the occupiers / representatives of occupiers of adjoining buildings to the south along Bryanston Mews East and Bryanston Square concerned that the increased bulk resulting from the extension on the podium section of the building will result in an increased sense of enclosure to their residential properties.

There is an existing wooden trellis on the eastern side of the rear first floor terrace which provides visual screening both for users of the terrace and the residential occupiers opposite. Views of this section of the building from the mews properties opposite are seen in the context of the close relationship between the existing lower floors and the upper floors of the main bulk of the Bryanston Square part of the embassy. There is a variation of building heights within the mews but approximately half of the buildings in the mews have a second floor so an extension at this level would not be out of context, with a recent permission having been granted for a second floor on 22 Bryanston Mews East. Given the presence of the trellis at this level, its replacement with the built form of the new extension means that the proposal is not considered to result in an unacceptable increase in the sense of enclosure to the buildings opposite in the mews such that the proposal would be contrary to the requirements of Policy 7 of the City Plan.

With regard to the objection to increased sense of enclosure to properties further south along Bryanston Mews East and Bryanston Square, on the southern side of the podium section it is proposed to infill a small lightwell area at ground floor level (behind the party wall to the south) and the built form of the first floor extension rises 2.1m above the height of the existing party wall separating the properties. This would be at a 90° angle to any views from windows in the buildings to the south and occupiers would only be afforded oblique views of the increased bulk on the other side of the party wall in the context of the large bulk of the existing embassy building behind. The representative of a number of these properties has also commented on the impact on the open space between the rear of properties along Bryanston Mews East and the rear of the Bryanston Square buildings which is currently a paved area primarily used for parking vehicles but there are also some very small fenced off sections which are used as private external amenity spaces for various properties along Bryanston Mews East. There is a two storey rear building on the south side of the party wall which provides residential accommodation for the 18 Bryanston Square. Given there is this large built form on the

south side of the party wall and the extension at the application site would only be 2.1m above the party wall on the northern side, it is not considered the proposal would have a detrimental impact on the properties or the outside spaces such that the proposal would be refusable on the grounds of increased sense of enclosure or its overbearing nature.

Privacy

Policy 7 of the City Plan states that; 'development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.'

The existing layout of the Montagu Place section of the embassy uses the ground, first, second, third and fifth floors as general office accommodation with staff residential accommodation at fourth floor level. The proposal consolidates staff residential accommodation in this section of the building so in the proposed scheme the ground and first floors are office accommodation with the second to fifth as residential accommodation for staff, the Ambassador and visiting dignitaries. Given office and residential accommodation for staff area uses ordinarily expected within an embassy they could be relocated within the building without the need for planning consent. A number of objections from residential occupiers in Montagu Place have expressed concern that the change of use of the part of the embassy opposite their residential windows might have detrimental consequences for their privacy. This part of Montagu Place is 15m in width, these are existing windows, (although new larger windows would be installed to the fifth floor level). It is not considered that the use of these floors as the residential element as opposed to the office element of the embassy would have any detrimental impact in terms of the privacy to the residential windows on the opposite side of the street.

The Marylebone Association have commented on this aspect of the proposal and consider the use of these floors as residential accommodation as opposed to the office accommodation would, in their opinion, result in a potential reduction in overlooking of occupiers on the opposite side of Montagu Place. They consider blinds / curtains are more likely to be drawn on residential accommodation and it is unlikely to be occupied for portions of the daytime unlike office accommodation. As detailed above the use of the building is still as an embassy and as the windows on the majority of floors are unaltered, the objections on these grounds are not considered sustainable. It is noted that the windows in the rebuilt top floor will be larger than the existing windows at this floor level but there is a high degree of mutual overlooking from all the other floors and the increase in size of these windows is not considered to result in an unacceptable degree of overlooking such that the proposal would be contrary to Policy 7 of the City Plan, and the proposal is therefore acceptable in this regard.

With regard the impact of the proposal on the privacy of occupiers in the mews, the application proposes the increase in height of the accommodation by one storey on the podium section of the mews elevation. Objections have been received from some of the occupiers of the mews buildings opposite the proposed extension with regard increased overlooking of their properties. These objections are supported by the local councillors for the Marylebone ward. There is already a high degree of mutual overlooking between the embassy accommodation and the occupiers of the mews buildings opposite with the distance between the buildings being 9.5m. The Marylebone Association has

commented that they consider the introduction of the single storey of office accommodation on the terrace may in fact result in a reduction in the degree of overlooking of the residential windows on the opposite side of the mews when compared to the existing use as the existing terrace could be used to host events late into the evening. However, the concern about an increased sense of overlooking, especially to the second floor residential windows of Nos. 25 and 24 Bryanston Mews East is appreciated. The applicant has been made aware of the issue and has agreed to the imposition of a condition requiring opaque glazing to be installed on the east facing section of the new first floor level. With the addition of this condition the proposal would not result in any increased overlooking of the residential buildings opposite in the mews.

Noise & Vibration

In relation to noise from the proposed plant the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment. Plant items assessed in the acoustic report include intake and extract grilles served by fans for the car park, offices and residential elements and emergency plant items. Background noise measurements at the property have been recorded with the lowest background noise level being 35dB in Montagu Place and 33dB in Bryanston Mews East. The design criteria is 10dB below the lowest recorded measurements so the noise from the plant should be no higher than 25dB at noise sensitive properties in Montagu Place and 23dB to sensitive properties in Bryanston Mews East.

Calculations have taken place at various parts of the site, on the rear elevation a grille is proposed linked to the ventilation fan for the car park in the basement level, this fan would only operate at full capacity between the hours of 07:00 and 23:00 and be restricted to 50% capacity between the hours of 23:00 and 07:00. It is proposed that the rest of the plant can operate at any time over a 24 hour period given the nature of the use.

The acoustic report concludes that with the acoustic mitigation measures installed noise levels at the nearest sensitive properties will be compliant with the City Council criteria. Some objections have been received which comment generally on the potential for the plant operation to cause a noise nuisance.

Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable and comply with the City Council criteria. Conditions are included to control noise and vibration levels from the plant; to ensure that the car park ventilation equipment operates at 50% capacity between 23:00 and 07:00 daily, and; that all the acoustic mitigation measures are installed before the equipment is operated and retained for as long as the plant equipment is in situ.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has requested a condition be included on any planning permission to ensure that no doors open outwards over the public highway as this could detrimentally impact pedestrian safety. A condition is included as requested.

Accessibility

Given the embassy function of the building there is a security need for separation of various groups. The re-design of the building has specified that each user group should be afforded level access. Hence, level access is proposed for the staff entrance, residential section, 'representative entrance' and the visa section. The proposal includes the installation of two new ramps on the Bryanston Square frontage for access to both the 'representative entrance' and the staff entrance. Lift access to other floors is provided within the relevant sections and the improvements to the accessibility of the building are welcomed. The improvements to accessibility are also supported by the Marylebone Association and noted as benefits in other letters of support received to the scheme.

Servicing and Waste & Recycling Storage

The proposal has been reviewed by the City Council Waste Projects Officer who has requested a condition to require the submission of detailed drawings to show suitable waste / recycling provision within the building. A condition is included as requested. The Highways Planning Manager has reviewed the application and confirmed they do not consider the proposal would result in any detrimental highways impacts in relation to servicing impacts given the existing loading / servicing arrangements and the minimal increase in floorspace resulting from the proposal.

Cycling & Cycle Storage

Given there is only minimal increase in floorspace there is no policy requirement for the provision of cycle parking, however, the application includes the provision of 40 cycle parking spaces in the basement of the property and this is welcomed. A condition is included to ensure these are provided and retained.

Parking

The proposal results in a reduction in the number of car parking spaces from the current 27 to 16, the reduction allows for an increase in the number of cycle parking spaces. The reduction in car parking spaces associated with commercial floorspace is supported by City Plan and London Plan policies which seek to reduce private car ownership and requirement in the City. An objector has commented on the retention of the 16 spaces and suggested the quantum of car parking at the site should be reduced further still.

9.7 Economy including Employment & Skills

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

9.8 Other Considerations

Construction impact

Concerns have been raised by neighbouring occupiers, Councillors and the Marylebone Association with regard potential disruption and disturbance during building works. The applicants have confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity of neighbouring occupiers. The Code of Construction Practice is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment. Whilst objections have been received to the impacts of the construction, the Code of Construction Practice will ensure all appropriate measures are included to deal with noisy works, construction vehicle movements, dust, and cleaning of the highway. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also included to safeguard residents' amenity.

Concerns have also been expressed about the possibility of construction works causing structural issues for neighbouring properties. Any works which impact on the party walls with neighbouring properties to the south will require Party Wall Agreements which will protect these neighbouring properties against any potential damage resulting from construction.

Objectors have also commented on the use of a crane for construction and the impact of the use of a crane on their privacy. It is noted that flyers have been distributed from an objector which includes an image from the application documents which demonstrates how the existing structure could support a crane on site if needed during the construction process. The applicant has not finalised their construction process but any use of a crane would only be for a temporary period and would not result in any permanent impact on the amenity of neighbouring residents.

Security

Comments have been received with regard the security implications of the embassy use and whether this area is suitable for the continued location of the embassy given there are a large number of residential uses in the vicinity. The use of the building as the embassy is lawful and whilst an embassy will need additional security measures in place there are a number of embassies within the vicinity and the City Plan details that embassy uses are acceptable within the Central Activities Zone. The embassy has also operated from this site for in excess of 100 years.

Rental Income

Objections have mentioned the potential for the construction works to impact the value of their properties on the rental market and put off potential tenants. This is not considered a material planning consideration and the application could not be reasonably refused on these grounds.

Mobile Phone Signal

Comments have been received in relation to the potential for the development to negatively impact mobile phone coverage in the vicinity. This is highly unlikely but not withstanding this it is not considered a material planning consideration and given the location there is likely to be good mobile signal.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is £0 (given the use as an embassy) whilst the estimated Mayoral CIL payment is £2,540. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 and construction phases of the development. The applicant has agreed to the imposition of the condition.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, Having regard to this assessment, it has found that the proposed development is acceptable. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021 subject to relevant safeguarding conditions. It is recommended that planning permission is granted, subject to the conditions listed at the end of this report, which are necessary to make the development acceptable.

(Please note: All the application drawings and other relevant documents and Background

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2

Papers are available to view on the Council's website)

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

11. KEY DRAWINGS

Proposed Front Elevation:



Proposed Montagu Place Elevation:



Proposed Bryanston Mews Elevation:



DRAFT DECISION LETTER

Address: 16 - 18 Montagu Place, London, W1H 2BQ

Proposal: Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels. (SITE INCLUDES 21 BRYANSTON SQUARE)

Reference: 23/08666/FULL

Plan Nos: Drawings: 016-AR-E-33-40-GA-01, 016-AR-E-33-40-GA-02 RevA, 016-AR-E-33-10-EXT-00, 016-AR-E-33-10-EXT-01, 016-AR-E-33-10-EXT-02, 016-AR-E-33-20-GA-00, 016-AR-E-33-20-GA-01, 016-AR-E-33-20-GA-02, 016-AR-E-33-20-GA-03, 016-AR-E-33-20-GA-04, 016-AR-E-33-20-GA-05, 016-AR-E-33-20-GA-06, 016-AR-E-33-20-GA-98, 016-AR-E-33-20-GA-99, 016-AR-E-33-30-GA-01, 016-AR-E-33-30-GA-02, 016-AR-E-33-40-GA-03, 016-AR-E-33-40-GA-04, 016-AR-E-33-40-GA-05, 016-AR-E-33-42-DE-05, 016-AR-E-33-61-AS-00, 016-AR-E-33-61-AS-01, 016-AR-E-33-61-AS-02, 016-AR-E-33-22-DE-00, 016-AR-E-33-22-DE-01, 016-AR-E-33-22-DE-02, 016-AR-E-33-22-DE-03, 016-AR-E-33-22-DE-04, 016-AR-E-33-22-DE-05, 016-AR-E-33-22-DE-06, 016-AR-E-33-22-DE-98, 016-AR-E-33-22-DE-99, 016-AR-E-33-32-DE-01, 016-AR-E-33-32-DE-02, 016-AR-E-33-42-DE-01, 016-AR-E-33-42-DE-02, 016-AR-E-33-42-DE-03, 016-AR-E-33-42-DE-04, 526-SK-014 RevA., , Documents: Structural Methodology Statement dated December 2023, BREEAM Pre-assessment dated December 2023, Sustainability Appraisal dated December 2023, Noise Impact Assessment dated December 2023.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work

which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and,
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 4 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises. (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation. (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that

any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 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 Environmental Supplementary Planning Document (February 2022), 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 The car park exhaust hereby permitted can only operate at 50% capacity between the hours of 23:00 and 07:00.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 7 You must install all acoustic mitigation measures at the same time as the plant is installed and to the specification detailed in the acoustic report. Thereafter these measures must be retained for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 You must apply to us for approval of samples (photographs and spec) 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 10 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:
- a) All new external doors,
 - b) All new windows,
 - c) Alterations to the lightwell railings,
 - d) New ramp and planters (including sections),
 - e) New solar blinds (including traditional blind box cover).

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 drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 11 You must apply to us for approval of:
1. A sample,
 2. A bill of materials and information regarding their sourcing the composition of the product, and any anticipated emissions associated with its sourcing, transporting, manufacturing, and installation on site of the following parts of the development - the PV brickwork.

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area and to ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy S17 in the London Plan 2021, Policy 37, 38, 39 and 40 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 12 The planters to the west elevation shall be painted and maintained black.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or

radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 15 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the embassy use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the embassy. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 17 **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)

- 18 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)

- 19 You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved document 'The Swiss Embassy in London - Sustainability Appraisal' before you start to use any part of the development. You must not remove any of these features.

Reason:

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

- 20 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved. A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 21 The glass that you put in the east facing elevation of the new single storey extension at rear first floor level must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission.

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)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Please make sure that the lighting (including any on the terraces) is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

- 4 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 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.
- 6 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 8 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features would require planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 9 Conditions 3, 4, 5, 6 and 7 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)
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 12 With reference to condition 17 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 13 The development will result in changes to road access points. Any new threshold levels in the

building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 14 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. 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).
- 15 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 16 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 17 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breem/>. (I15AB)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 16 - 18 Montagu Place, London, W1H 2BQ

Proposal: Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels. (SITE INCLUDES 21 BRYANSTON SQUARE)

Reference: 23/08667/LBC

Plan Nos: Drawings: 016-AR-E-33-40-GA-01, 016-AR-E-33-40-GA-02 RevA, 016-AR-E-33-10-EXT-00, 016-AR-E-33-10-EXT-01, 016-AR-E-33-10-EXT-02, 016-AR-E-33-20-GA-00, 016-AR-E-33-20-GA-01, 016-AR-E-33-20-GA-02, 016-AR-E-33-20-GA-03, 016-AR-E-33-20-GA-04, 016-AR-E-33-20-GA-05, 016-AR-E-33-20-GA-06, 016-AR-E-33-20-GA-98, 016-AR-E-33-20-GA-99, 016-AR-E-33-30-GA-01, 016-AR-E-33-30-GA-02, 016-AR-E-33-40-GA-03, 016-AR-E-33-40-GA-04, 016-AR-E-33-40-GA-05, 016-AR-E-33-42-DE-05, 016-AR-E-33-61-AS-00, 016-AR-E-33-61-AS-01, 016-AR-E-33-61-AS-02, 016-AR-E-33-22-DE-00, 016-AR-E-33-22-DE-01, 016-AR-E-33-22-DE-02, 016-AR-E-33-22-DE-03, 016-AR-E-33-22-DE-04, 016-AR-E-33-22-DE-05, 016-AR-E-33-22-DE-06, 016-AR-E-33-22-DE-98, 016-AR-E-33-22-DE-99, 016-AR-E-33-32-DE-01, 016-AR-E-33-32-DE-02, 016-AR-E-33-42-DE-01, 016-AR-E-33-42-DE-02, 016-AR-E-33-42-DE-03, 016-AR-E-33-42-DE-04, 526-SK-014 RevA., , Documents: Structural Methodology Statement dated December 2023, BREEAM Pre-assessment dated December 2023, Sustainability Appraisal dated December 2023, Noise Impact Assessment dated December 2023.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

- 1 The works 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:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 2 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of samples (photographs and spec) 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:
- a) All new external doors and windows,
 - b) Alterations to the lightwell railings,
 - c) New ramp and planters (including sections),
 - d) New solar blinds (including traditional blind box cover).

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 drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval of:
1. A sample,
 2. A bill of materials

of the following parts of the development - the PV brickwork., 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 The planters to the west elevation shall be painted and maintained black.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,

* any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You are advised that any new signage will require listed building consent and may require advertisement consent.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.