

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 April 2024	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>19 South Street, London, W1K 2XB</b>		
<b>Proposal</b>	Partial demolition to rear wing and roof; excavation of a new basement storey and extension at rear second floor level with erection of a new single story roof extension with rear terrace at third floor; installation of plant with screening on the second-floor terrace; installation of sedum roof at main roof level; and associated works all in association with the continued use as a single-family dwelling.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Mr Sam Farmar		
<b>Registered Number</b>	23/03029/FULL	<b>Date amended/ completed</b>	5 May 2023
<b>Date Application Received</b>	5 May 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Neighbourhood Plan</b>	Mayfair Neighbourhood Plan		

**1. RECOMMENDATION**

Grant conditional planning permission.
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**2. SUMMARY & KEY CONSIDERATIONS**

<p>This application was reported to the Planning Applications Sub-Committee on 5<sup>th</sup> March 2024 (see attached copy of report). Members resolved to defer consideration of the proposal for the following reason:</p> <p><i>That the Committee agreed to defer making a decision on the application on the basis that there was a high level of local community objections, it would be beneficial for the Committee to visit the site to obtain a greater sense and understanding of what is happening on the ground.</i></p> <p>The site visit to the application site and neighbouring properties took place on 21<sup>st</sup> March 2024.</p> <p>Since the previous report was published the applicant has amended the extent of the proposed basement excavation so it is pulled back within their demise within the rear courtyard shared between the application site and 17 South Street. The objector at 17 South Street had queried</p>
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whether a small part of the basement excavation in the courtyard had been in their ownership. Officers were of the opinion it was not but that notice had been served and it would have been a matter for private resolution between the relevant parties. The revised basement plan and section drawing are included below. The amendment is acceptable in planning terms but any ongoing dispute about the boundary is a private matter.

At the site visit some discussion took place with regard to alternative forms of screening around the second and third terraces, currently proposed as railings with planting inside maintained to a height of 1.8m. Objectors have queried the effectiveness of planting to prevent overlooking, citing concerns about inadequate maintenance, etc. The applicant has confirmed that they are amenable to alternative forms of screening and in design terms Officers are of the opinion a trellis or fret cut metal screen may be acceptable on the west facing side of the second / third floor terrace to provide increased privacy to the neighbouring occupier of 17 South Street, should Committee deem it necessary. It is noted in the recent (12 September 2023) planning permission related to 15 South Street and the creation of a terrace on a flat roof at second floor level with an external access stair from third floor level, the installation of a wooden trellis on the eastern side of the new terrace was conditioned in order to ensure there was no loss of privacy to 17 South Street to the east. The condition required that the trellis was installed before the terrace could be used and had to be maintained in perpetuity. The trellis does not appear to have been installed and there is an ongoing planning enforcement investigation.

Since the last meeting of the Sub-Committee, an additional letter has been received from the daylight and sunlight assessor representing the occupiers of 10 Balfour Mews to the north of the application site. They have clarified the uses of rooms at lower ground floor level in the property (which were visited during the Sub-Committee site visit). What was referred to as the 'media room' in the original committee report is in use as a 'painting room' and the 'bedroom' is in use as a 'music room'. With regard to these windows, as explained in the original report to the Sub-Committee, there are some losses in excess of the BRE guidance and these have now been included in the table below given the additional submission from the neighbour's daylight and sunlight assessor. With regard the no sky line (NSL) to 10 Balfour Place (details in table below), the kitchen at lower ground floor experiences losses in excess of the BRE guidance but the losses to the other two rooms are well below the 20% limit advised by the Guidance and are therefore considered to be acceptable.

Window	NSL		
	Existing	Proposed	Loss (%)
Kitchen (lower ground)	18.11%	13.64%	24.68
Painting room (lower ground)	18.09%	16.79%	7.2%
Music room (lower ground)	14.06%	13.43%	4.48%

There are losses in excess of the BRE guidance with regard the sunlight to one of the windows serving the kitchen, which is served by two windows and detailed in the table below (along with the music room and painting room):

The kitchen is served by two windows and the overall sunlight losses to the room are from 14.0% to 7.0%.

Window	Annual Sunlight		
	Existing (%)	Proposed (%)	Loss (%)
Music Room W3	13.0%	10.0%	23%
Music Room W4	17.0%	13.0%	23.52%
<b>Music Room Overall</b>	<b>18.0%</b>	<b>14.0%</b>	<b>22.22%</b>
Painting Room W5	17.0%	16.0%	6%
Painting Room W6	16.0%	13.0%	18.75%
<b>Painting Room Overall</b>	<b>22.0%</b>	<b>19.0%</b>	<b>13.6%</b>
Kitchen W7	12.0%	6.0%	50.0%
Kitchen W8	5.0%	2.0%	60%
<b>Kitchen Overall</b>	<b>14.0%</b>	<b>7.0%</b>	<b>50%</b>

The BRE Guidance states that reductions below 25% of annual probable sunlight hours (APSH) should be kept to a minimum and if the available sunlight hours are both less than 25% of APSH over the annual period and less than 0.8 times the former value and the loss is greater than 4.0% of the APSH, the 'room may appear colder and less cheerful and pleasant.' This is the secondary kitchen to the property with the primary kitchen being unaffected by the proposal. Only one of the kitchen windows experiences a loss in excess of the suggested absolute margin of loss in the BRE of 4% APSH. The BRE Guidelines advise that when considering sunlight effects to surrounding properties, the primary focus is on living rooms and conservatories, whereas kitchens and bedrooms are less important. Given the secondary nature of the kitchen and the BRE guidance that kitchens are less important and that these windows are on the boundary of the site looking into a closed courtyard area between multiple different buildings the loss is considered acceptable.

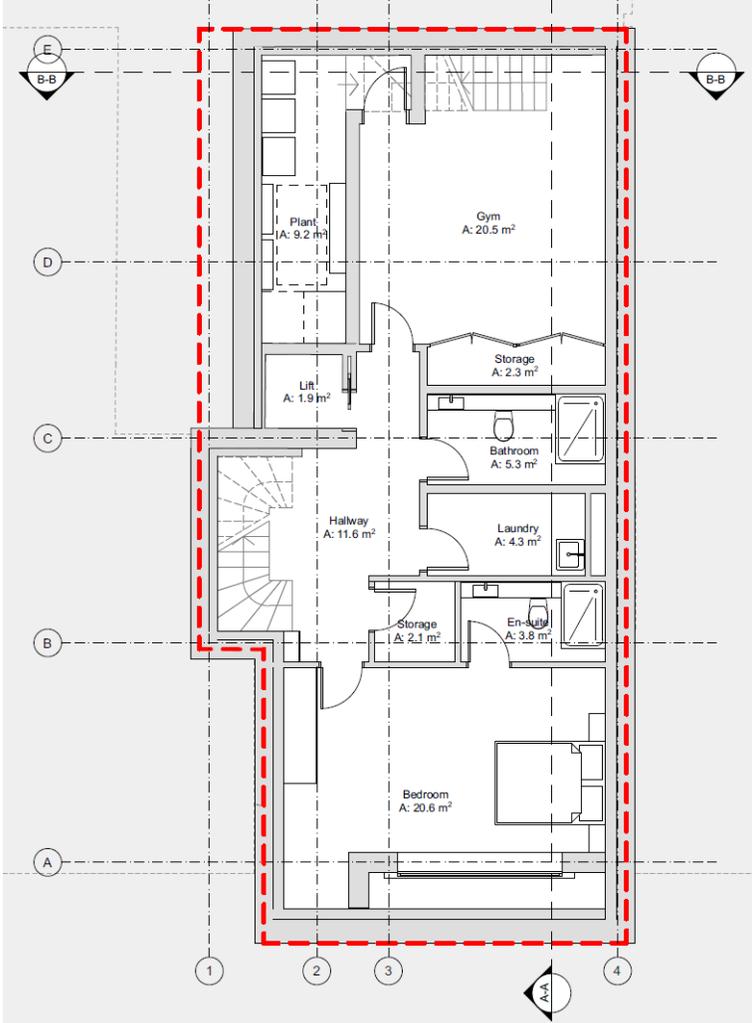
With regard to the music room, as the BRE Guidance states that the overall loss of APSH should not be "greater than" 4%, it is acknowledged that this is at the maximum limit of loss advised by the Guidance but as it does not exceed this, there are no grounds for refusal. There is also some loss to the painting room, but this is within the losses considered to be acceptable by the BRE Guidance.

Subsequent to the site visit having taken place the application is reported back to Committee for further consideration.

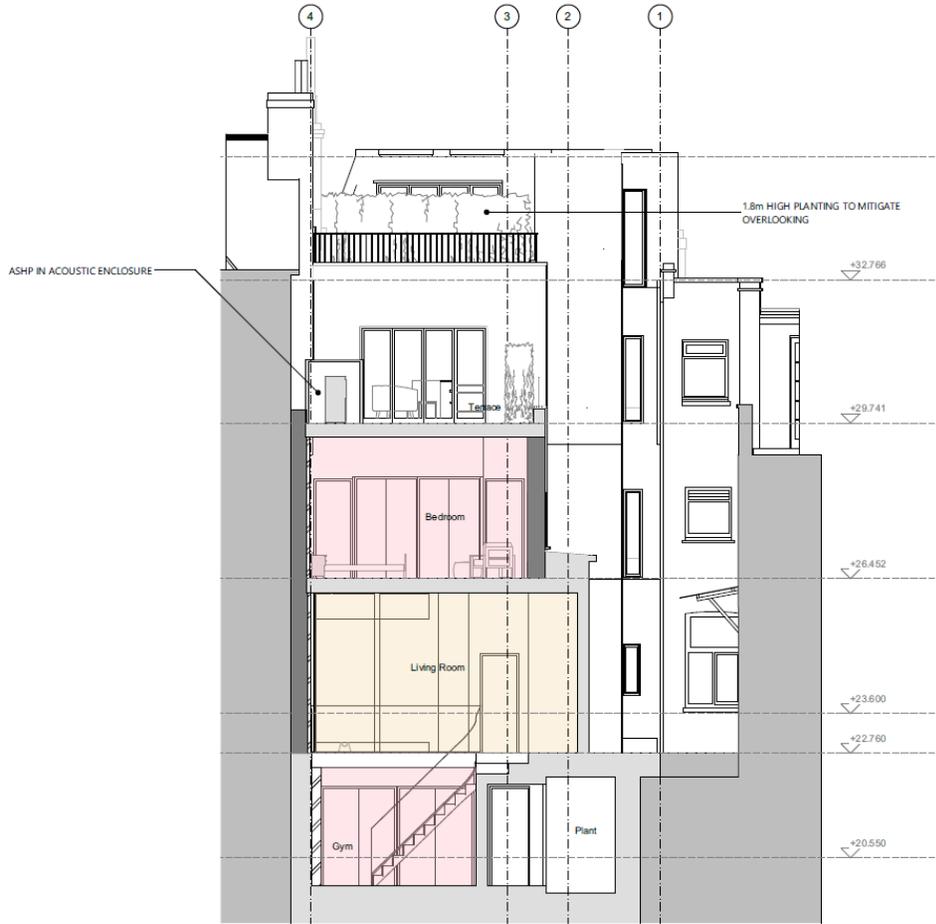
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

**3. REVISED DRAWINGS**

**Proposed Basement Plan:**



**Proposed Section BB**



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#### 4. RECOMMENDATION

Grant conditional planning permission.

#### 5. SUMMARY & KEY CONSIDERATIONS

The application proposes the partial demolition of the existing building and the excavation of a new basement level, provision of a single storey mansard roof extension and extensions to the building at the rear all in connection with the continued use of the building as a single-family dwelling (Class C3). The existing terrace at second floor level is retained whilst a new terrace is proposed at rear third floor level with associated planting. An air source heat pump within an enclosure is proposed on the terrace at second floor level. A green roof would be provided at main roof level.

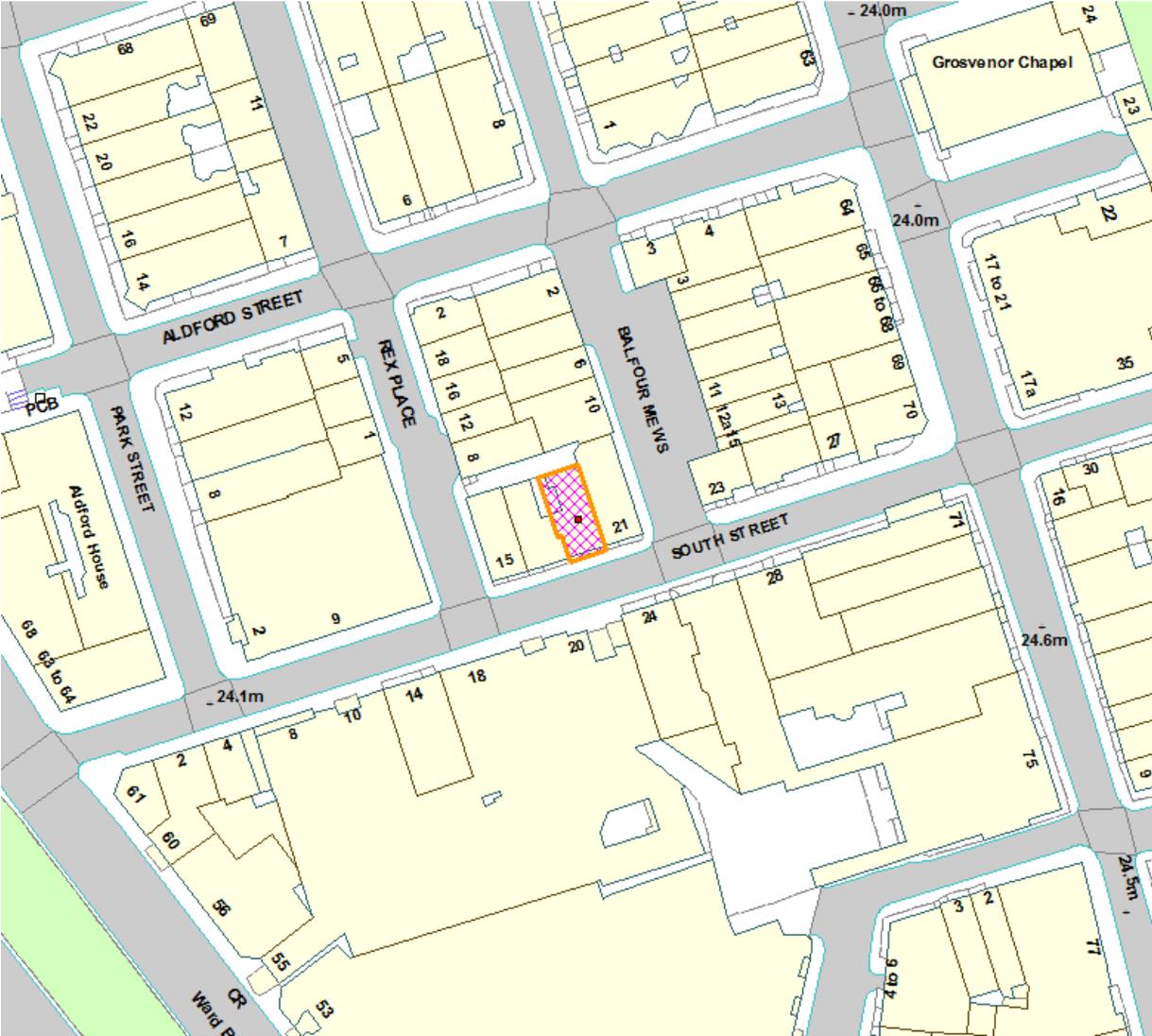
The key considerations in this case are:

- The acceptability of the energy performance of the proposed building.
- The acceptability of the proposed building in design terms.

- The impact of the proposed building on the character and appearance of the wider Mayfair Conservation Area.
- The impact of the development on the amenity of neighbouring residential properties, specifically with regard overlooking, sense of enclosure and impact on daylight and sunlight.
- Highways and amenity impacts during excavation and construction of the basement.

The application has been amended since it was originally submitted and the proposed alterations to the property are now considered acceptable in design and amenity terms. Subject to safeguarding conditions, the proposal complies with relevant policies from the adopted City Plan 2019-2040 and the Mayfair Neighbourhood Plan and the application is therefore recommended for conditional approval.

6. LOCATION PLAN



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7. PHOTOGRAPHS

Front elevation of the property:



North side of South Street:



Rear elevation of the property:



## 8. CONSULTATIONS

### 8.1 Application Consultations

#### MAYFAIR RESIDENTS GROUP

No response to date.

#### MAYFAIR NEIGHBOURHOOD FORUM

No response to date.

#### RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

\*More minimal works should be carried out the property in order to upgrade the property.

\*Additional overlooking of neighbouring properties from the third-floor terrace.

\*Noise disturbance from the vents in the courtyard wall.

\*Concern over the ownership of the courtyard.

\*Design concerns in relation to the additional storey of accommodation.

\*Proposed works are detrimental to the appearance of the Mayfair Conservation Area.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

#### BUILDING CONTROL

No objection.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions.

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

No. Consulted: 18; Total No. of replies: 18

No. of objections: 12 (Two respondents have submitted two letters of objection, and one respondent has submitted three letters of objection)

No. in support: 6

#### PRESS NOTICE/ SITE NOTICE:

Yes

Support on the following grounds:

\*Proposed dwelling will provide better quality living space.

\*Existing building requires extensive internal and external refurbishment and repair.

\*Consider the development represents an improvement to the appearance of the building and the character and appearance of the wider Mayfair Conservation Area.

\*Welcome improvements to the energy efficiency of the building.

Objections on the following grounds:

*Amenity:*

\*Potential for disturbance during construction (dust, construction vehicles, noise etc)

- \*Noise disturbance in the courtyard resulting from the 'plant room' in the basement of the property.
- \*Encroachment of the basement development into areas owned by 17 South Street.
- \*Loss of privacy resulting from the windows at the rear and from the terrace.
- \*Increased sense of enclosure
- \*Potential for light pollution to neighbouring properties.
- \*Loss of sunlight, daylight and overshadowing
- \*Potential for the door to the ground floor courtyard to result in noise nuisance to neighbouring properties.
- \*Noise from plant
- \*Noise transference through the building structure to neighbouring properties.

*Design and Heritage:*

- \*Failure to Positively Contribute to Westminster's Townscape.
- \*Roof extension has a detrimental impact on the appearance of the building.
- \*Works are detrimental to the character and appearance of the Mayfair Conservation Area.

Other:

- \*Impact on the water table in the area.
- \*Non-compliance with basement policy
- \*Overdevelopment
- \*Access not having been provided to the applicant's property.

## 8.2 Applicant's Pre-Application Community Engagement

Following a number of withdrawn applications the applicant has had in-person meetings both with the owner of the adjoining property at 17 South Street and with the owner of a number of neighbouring properties (21 South Street / 15 South Street / 10 Balfour Mews / 12 Rex Place). Meetings have also been held with representatives of the Mayfair Neighbourhood Forum and the Residents Society of Mayfair and St James's'.

The applicant contends that various design concessions have been made to the scheme to address the objections of neighbouring residents and the amenity societies, however the neighbouring residents continue to object to the current proposal.

## 9. WESTMINSTER'S DEVELOPMENT PLAN

### 9.1 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) (September 2023) and should be afforded full weight in accordance with paragraph 219 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 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **9.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

## **9.3 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 (September 2023) unless stated otherwise.

# **10. BACKGROUND INFORMATION**

## **10.1 The Application Site**

19 South Street is an unlisted building located within the Mayfair Conservation Area and the Central Activities Zone. The property comprises of ground, first and second floor levels and is in use as a single-family dwelling (Class C3). There is a large existing terrace at second floor level.

The property is accessible from the rear along a gated passage and steps down from Rex Place, leading to an archway, beyond which is a small, shared, courtyard.

## **10.2 Recent Relevant History**

22/04228/FULL - Demolition behind partially retained front facade to provide a replacement single family dwelling (Class C3) with excavation of a new basement storey and ground to third floor levels; creation of terraces at rear second and third floor levels; installation of green roof at main roof level; installation of plant at basement level served by a ventilation grille on the western ground floor elevation.

Application considered unacceptable on multiple grounds and withdrawn prior to determination.

21/02083/FULL - Demolition of existing three storey dwelling house, excavation of new basement floor and erection of a replacement building of four storeys plus basement for use as a single family dwelling house (Class C3) with associated air conditioning units at basement and rear ground floor lightwell. Creation of terraces at the rear of the property and at main roof level.

Application considered unacceptable on multiple grounds and withdrawn prior to determination.

## 11. THE PROPOSAL

The existing residential dwelling measures 233sqm and comprises ground, first and second floor levels. There is a shared courtyard with 17 South Street at the rear and to the side of the building. The proposal sees some demolition of the existing dwelling, but this is limited to the rear wing and roof, and the creation of a new dwelling measuring 404sqm comprising basement, ground and first to third floors.

A small extension at second floor is proposed which as a result reduces the size of the existing terrace at this level, and a mansard and new terrace is proposed at rear third floor level. An air source heat pump within an enclosure is proposed on the rear second floor terrace. A new lightwell is proposed at the front of the building which is currently covered over by paving behind existing railings (which are retained). At main roof level a green roof is proposed.

## 12. DETAILED CONSIDERATIONS

### 12.1 Land Use

The existing house measures 233m<sup>2</sup> and the proposed house would measure 404m<sup>2</sup>. Policy 8 of the City Plan 2019 – 2040 requires that new residential units do not exceed 200m<sup>2</sup> however, paragraph 8.11 states that; 'the limit will not apply to the replacement of a single dwelling.' The principle of extending the existing single-family dwelling is therefore acceptable in land use terms. Objections have been received to the application stating that the proposal would be 'overdevelopment' of the site given that the unit would be over the 200m<sup>2</sup> threshold in this policy, but as detailed above given that this application is not creating a new unit, the unit size created here is not seen to be in breach of the policy.

### 12.2 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 previously withdrawn planning applications proposed either full or substantial demolition of the building. The current proposal retains the majority of the facades of the building including the entire front elevation, the majority of the rear elevation, the rear lift shaft and most of the upper floor slabs. The rear archway over the courtyard between the application site and 17 South Street is also to be retained and repaired. The applicant has confirmed that all timbers removed from the floors will be inspected and repaired for re-use on site if possible. It is also acknowledged that the property does require extensive intervention to bring the building up to modern requirements.

### **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 use of an all-electric heating system at the property through the air source heat pump and the mechanical ventilation with heat recovery system results in the operational carbon output of the proposed dwelling being around 1 ton of CO<sub>2</sub> per annum compared to the existing dwelling which is 12 tonnes of CO<sub>2</sub> per annum, meaning a reduction of 91%.

### **Air Quality**

Environmental Health have reviewed the submitted documentation and consider the proposed alterations to the building including the new air source heat pump, double glazing and improvements to the thermal performance of the building will optimise the building's energy efficiency and reduce heat loss and on-site CO<sub>2</sub> & NO<sub>x</sub> emissions, therefore meeting the building emission air quality neutral benchmark. They consider the provision of the green roof will also make a positive contribution to air quality.

### **Flood Risk & Sustainable Drainage**

A green roof is proposed to help intercept and retain precipitation, reduce the volume of runoff and attenuating peak flows. It is also proposed to install a sump and a pump in the basement to ensure water discharge into the gravity sewer system and the high-level gravity connection will minimise flood risk to the basement in the event of extreme storm event. The outlined measures will reduce the risk of surface water flooding in the area and the site's surroundings.

## **Light Pollution**

An objector has commented on the potential for light pollution resulting from the windows at the rear of the property, however there are existing windows on the rear elevation and side (west) facing elevation. It is not considered the proposal would result in any greater level of light pollution compared to the existing situation, especially given the presence of windows on other buildings in the immediate vicinity and it is not considered that the application could be refused for these reasons.

## **Land Contamination**

The Environmental Health Officer has identified the risk of asbestos in the building and its method of disposal is dealt with by informative. In addition, although the potential of radon is low in the whole of Westminster, as the development includes the excavation of a new basement there is the potential for Radon contamination. Environmental Health have requested a condition be included requiring the applicant carry out a radon assessment in accordance with the UK National Action Plan.

## **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. 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.

### **12.3 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 is proposed at main roof area (16sqm), it is shown this will reduce surface water run off by 80% in Summer and 25% in Winter. A condition is included to require the submission of further details of the green roof including species to be planted and a maintenance scheme, the condition is worded to ensure the green roof is provided and retained due to the benefits this will provide in terms of biodiversity.

### **12.4 Townscape, Design & Heritage Impact**

#### **Legislative & Policy Context**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the LBCA Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the LBCA Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

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

### **Detailed Design and Impact on Heritage Assets including Archaeology**

No. 19 South Street is an unlisted building in the Mayfair Conservation Area and the site lies within the Great Estates Area of Special Archaeological Priority. The nearest listed buildings (Grade II) are at 24, 26 and 28 South Street, 23 South Street, and at 12A, 15 and 15 Balfour Mews. A little further to the east is 71 South Street (listed Grade II-Star).

South Street has a mixed architectural character and the site is part of a densely developed urban block of relatively small-scale buildings many of which are typical Mayfair mews houses.

A building superficially similar to No.19, but better preserved, can be found at 39 Bruton Place.

No. 19 stands on the north side of the street and is historically part of a pair with No.17. The two buildings were used in the past for a variety of purposes including by a riding school and vet. Both uses have long since ceased, but there are some remaining architectural elements of both buildings that are evidence of these uses. It is clear from the consultation responses received that these buildings and their evidence of historic uses are highly valued by local residents.

Seen from South Street, No.19 now appears markedly different to No.17, has an altered façade which has been unsympathetically modernised with poor quality replacement windows, and there is an isolated pilaster at the eastern end of the facade which stops abruptly and awkwardly below a second floor window. While both buildings have some features in common, such as a shared parapet height and flat roofs, they do not appear as a matching pair when seen from South Street.

Both buildings are accessible from the rear along a gated passage and steps down from Rex Place, leading to an archway, beyond which is a small, shared, courtyard. At the rear, the facades of the two are a mix of rendered, painted, and unpainted brickwork. The Archaeological Desk Based Assessment submitted with the application provides helpful, historic, plans of the building, although the plan dated 1880 has been inadvertently substituted by an irrelevant drawing.

The proposed alterations envisage excavation of a basement with a front area lightwell, a roof extension, and alterations at the rear. Several objections from neighbours and from the Residents' Society of Mayfair & St James's have been received which, in essence, object to the loss of historic features and harm to the appearance of the building as part of a pair with No 17.

Since the initial submission the proposals have been amended to take into account, as far as the applicant considers possible and reasonable, the objections received. Consequently, the detailed design of the mansard roof has been changed, and the detailed design of the alterations which included an incongruous vertical slot window and installation of glass balustrades have all been satisfactorily amended.

The proposed basement occupies the full extent of the site which is mostly under the existing building except at the rear where it is also beneath the courtyard adjacent to No. 17. This has no adverse impact in terms of the building's external appearance or relative size in relation to similar properties within the surrounding conservation area. It is acceptable in heritage asset terms and the front lightwell is open to the basement instead of being glazed over as previously proposed. Therefore, the basement accords with City Plan policy 45 (parts 3 and 4). Historic England (Archaeology) confirm that the impact of the basement can be adequately addressed by condition, and it therefore is also in accordance with City Plan policy 39. The relevant condition as requested by Historic England is included.

At roof level, the proposed mansard is set back an appropriate distance behind a parapet gutter and the hipped end (on the east side) means it now has a suitable architectural relationship with No.21.

Notwithstanding the objections received, in design and heritage asset terms, the South Street façade of No.19 is more than sufficiently different to that of No.17 so as to not read as a pair. The proposed mansard follows established principles in terms of its size and detailed design, the neighbours' objections to it cannot be sustained in design and heritage asset terms.

The building's footprint is a key part of its historic interest and the contribution it makes to the character and appearance of the surrounding conservation area. While this is largely invisible from the public realm, it is readily apparent from the tight-knit group of buildings around the rear yard accessed from Rex Place. The revised design at rear ground floor level is now of the same groundline as the existing building. The enlarged window openings have been omitted in favour of design which better suits the character and appearance of the building and surrounding conservation area. Likewise, glass balustrades have been omitted in favour of painted-metal ones.

## Conclusion on heritage matters

Overall, there is no harm in design or heritage asset terms and proposals accord with City Plan policies 38, 39, and 40, and with policy MD of the Mayfair Neighbourhood Plan.

### 12.5 Residential Amenity

#### Daylight & Sunlight

Policy 7 of the City Plan requires that development is neighbourly and '*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 17 South Street, 10 Balfour Mews, 8 Rex Place and 55 Park Lane.

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 the 75 windows tested one has a loss of VSC in excess of the BRE Guidance and of the 57 windows assessed for NSL one has a loss in excess of the guidance. Of the 21 windows tested for sunlight losses one window fails to meet the guidelines. An objection was received which raised the issue of a window being missed from the analysis but subsequent to this objection and amendments to the scheme as a whole a new daylight and sunlight assessment has been submitted which includes the window.

### *Daylight*

With regard to the one window which fails to comply with the VSC test, this is a rear ground floor window serving the kitchen of 17 South Street. The existing VSC level is 2.29 which falls to 1.82 as a result of the development which is a reduction of 21%. Whilst the BRE guidance states that reductions in excess of 20% are likely to be noticeable, the existing level is also very low so even a small change would result in a significant percentage change. With regard the NSL for this kitchen the results show that this would retain 96% of the former value and well above the 0.8 value in the guidance.

In the analysis of all other windows there is one room shown as having a loss of NSL in excess of the 20% in the guidance which is a window to a kitchen at lower ground floor level in 10 Balfour Mews. An objection has been received with regard to the losses of light to the lower ground floor. It is understood that this is a secondary kitchen at lower ground floor, and this would experience a relative change of 25%. This effect is only slightly beyond BRE Guidelines recommendations and is largely a result of the very low existing levels of light in these rooms. In absolute terms, the loss of sky view to this room caused by the development is 0.97m<sup>2</sup>, which equates to less than 5% of the total room area.

### *Sunlight*

The lower ground floor kitchen at 10 Balfour Mews also experiences the loss of annual sunlight in excess of the guidance. There are two windows serving this room. One window serving this rooms meets the BRE recommendations for APSH, however one window will result in an absolute reduction to the annual Sunlight potential of 6 APSH (from 12% to 6%). This is slightly above the suggested absolute margin of loss in the BRE of 4 APSH. The BRE Guidelines advise that when considering sunlight effects to surrounding properties, the primary focus is on living rooms and conservatories, whereas kitchens and bedrooms are less important. It is understood that this is a secondary kitchen and given that the primary one is unaffected, the sunlight effect to this room is considered to be minor and it is not considered that the application is refusable on these grounds.

### *Overshadowing*

Further analysis has been carried out with regard to three outside gardens / terraces of neighbouring properties, these being the first-floor terrace at 21 South Street, second-floor terrace to 17 South Street and the rear ground floor garden of 10 Balfour Mews. With regard to gardens and useable outside spaces the BRE Guidance states: *It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.*

It should be noted that 55 Park Lane to the south of the application site is 10 storeys and has a significant impact on the levels of sunlight to the building and its neighbours. The BRE recommends that ideally 50% of any open space should receive at least two hours of Sunlight availability on 21st March. None of the three areas assessed are close to this

threshold, with the highest result recorded being 31.48% (at 10 Balfour Mews) and the other two areas receiving less than 1%.

With regard to the terrace at 21 South Street, the changes comply with the guidelines.

For the second-floor terrace at 17 South Street the following changes would result from the proposal:

<b>Sunlight Availability (mins)</b>	<b>21<sup>st</sup> March</b>		<b>21<sup>st</sup> June</b>	
	Existing (%)	Proposed (%)	Existing (%)	Proposed (%)
More than 2 hours	0.72	0	68.71	65.93
Between 1 and 2 hours	6.53	4.74	7.84	8.07
Less than 1 hour	92.75	95.26	23.45	26

The BRE guidance is that 50% of the open space should receive two hours of sunlight on March 21<sup>st</sup>. As the above table demonstrates only 0.7% of the terrace space would have over two hours of sunlight on the 21<sup>st</sup> March and with the development this reduces to 0%. This is technically contrary to the BRE guidance as the loss is greater than 20% but given only 0.7% of the area would have over 2 hours of sunlight this is such a small volume as to be inconsequential. The analysis of the 21 June shows that during the summer months the proposal has only a minimal impact on the sunlight to this terrace.

For the rear garden at 10 Balfour Mews the following losses result from the proposal:

<b>Sunlight Availability (mins)</b>	<b>21<sup>st</sup> March</b>		<b>21<sup>st</sup> June</b>	
	Existing (%)	Proposed (%)	Existing (%)	Proposed (%)
More than 2 hours	31.48	4.45	79.48	79.48
Between 1 and 2 hours	11.67	37.96	6.13	6.13
Less than 1 hour	56.84	57.59	14.37	14.37

The area of the garden receiving over 2 hours sunlight will reduce by 86% from the existing 31.48% to 4.45% contrary to BRE guidance. This is a significant reduction and strong objections to this loss have been received from the neighbouring resident.

The detailed submitted shadow analysis shows that the shadow of the development would impact the neighbouring garden between 09:00 and 11:00, however, by 10:45 the shadow of the proposed development is already subsumed by the shadow of the larger building behind at 55 Park Lane. The applicant argues that this identifies that the material effect of the proposed development on this garden is limited to a 90-minute window on 21<sup>st</sup> March, occurring between 9:00 and 10:30. During this time, the majority of the garden is already in shadow. The applicant considers that given the limited availability of sunlight on the 21<sup>st</sup> March that this means that even a relatively modest effect can be enough to reflect a seemingly large relative change when referenced only against the binary two-hour sunlight threshold that is typically recommended by the BRE.

The BRE suggests that it can also be practical to consider the effect of proposed developments on sunlight availability in the summer period as an additional point of

reference. During the summer period, there is no effect from the proposed development and the garden will continue to enjoy sunlight availability for approximately 80% of the garden area for more than two hours on 21<sup>st</sup> June. However, it should be borne in mind that 21<sup>st</sup> June represents the best case of minimum shadow, and that shadows for the rest of the year will be longer.

Whilst the proposed development will result in overshadowing, the losses are relatively early in the morning, and after 10.30 the area of garden receiving sunlight is unaffected by the proposals. Given this, and that there would be no impact in the summer months when the garden is most likely to be in regular use, the impact on the amenity of this space is considered acceptable.

### **Sense of Enclosure**

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.' 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 will result in an increased sense of enclosure to their properties.

The extended second floor level would be set 3.4m further back than the existing rear wall at this level. The neighbouring property at 17 South Street has no windows facing the extension at this level which would be impacted. There is a terrace at rear second floor level to 17 South Street and a courtyard garden at 10 Balfour Mews but the proposed extension at rear second floor level would have minimal impact upon the resident's enjoyment of their external amenity spaces. The adjoining property to the east at 21 South Street has a blank wall at this level so would not be impacted.

### **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.' A number of objections have been received to the application concerned about overlooking from the windows looking into the shared courtyard to the rear of the property, and as a result the full height 3-storey window on the rear courtyard elevation has been deleted from the proposal.

There is an existing window on the rear ground floor level and on the west facing elevation at ground and first floor levels. Windows are proposed at ground and first floor level on both the rear and west facing elevations which overlook the courtyard. In order to mitigate the potential for overlooking of the courtyard from the property a condition is proposed to require the rear ground floor window and the windows on the west facing elevation to be obscure glazed with samples to be provided to the City Council before being installed. With this condition for the provision of obscure glazing and taking into account there are existing windows overlooking this shared courtyard the objection on these grounds can not be sustained.

Objections have also been received with regard to the potential for overlooking from the

new third floor terrace. There is a terrace at second floor level on the existing building which would be reduced in size by approximately 50%. The proposed second floor terrace would measure 13.4sqm whilst the terrace proposed at third floor level would measure 12.2sqm, both terraces have metal balustrading and planting around their edges. The adjoining property at 17 South Street has a terrace at rear second floor level. Permission has also recently been granted for a terrace at second floor level at the rear of 15 South Street with steps out the rear of the building at third floor level in association with a residential property, screening was provided to that terrace in the form of a wooden trellis to a height of 1.8m and conditioned to be installed and retained. There is considered to be a high degree of mutual overlooking at the rear of the buildings with the presence of high level terraces on a number of neighbouring buildings, given the site context the terrace proposed at third floor level is considered acceptable. A condition is included to require the installation of planting as shown on the drawings and to ensure that it is maintained to a height of 1.8m on the third floor terrace.

An objection was also received to the application on overlooking grounds from the occupier of 2-4 Balfour Mews however this property is 20m away and appears to have no windows which would be overlooked by the development.

## **Noise & Vibration**

### **Plant**

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. A single air source heat pump is proposed on the second floor terrace within an acoustic enclosure. Background noise measurements at the property have been measured with the lowest background noise level being recorded as 40dB. As this figure is above the WHO guideline levels the design criteria is 10dB below being 30dB at the nearest noise sensitive property.

The nearest noise sensitive windows were identified as being the windows of the adjoining residential house at 17 South Street at a distance of 4m from the plant. It is proposed that the plant can operate at any time over a 24 hour period. The air source heat pump would be installed within an acoustic enclosure for noise mitigation purposes.

The acoustic report concludes that with the acoustic mitigation measures installed that the noise levels at the nearest sensitive property will be compliant with the City Council criteria. An objection has been received to the application from an acoustic consultant representing a nearby occupier, they comment that no detailed design has been provided to demonstrate what this may look like, its size and indeed whether it is technically possible. The proposed drawings have the detail of the acoustic enclosure and the acoustic report includes the details of various manufacturers who can supply the enclosure which will provide the required acoustic mitigation. Environmental Health have reviewed the application and have determined that the acoustic mitigation required by the enclosure is achievable. The objector has also queried whether the plant would be

intermittent or tonal which would require a further reduction of 5dB in the noise levels but given the nature of heat pumps this would not be the case. Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable. Conditions are included to control noise and vibration levels from the plant and the installation of the acoustic enclosure.

The objector has commented on the potential for structural borne vibration from the operation of the unit. The standard condition has been included on the application stipulating acceptable vibration levels from the plant operation. Additionally, to avoid the potential for vibration from the equipment the vibration isolators will be installed within the enclosure between the unit and the enclosure itself with no rigid connection between the enclosure and the plant.

Objections have been received to the application concerned with the potential for noise disturbance from the operation of plant in the basement of the property as the proposed plans show a small plant room at this level. The applicant has confirmed that this plant room would house the water tank with integral booster pumps, hot water cylinder, air source heat pump hydronic module (pump and valves), mechanical ventilation heat recovery (MVHR) system (which provides extract to the bathroom) with associated electrical and lighting equipment. The acoustic consultant for the applicant has confirmed that the only item which may generate noise is the MVHR system and comment that; *'The only item above which may generate some noise that is at risk of being audible from the grilles in the light well is the MVHR (background ventilation) system. However, these are well known and essential items on new, low energy homes and designed to prevent noise transfer externally or internally and operate virtually silently.'* Small air vents are shown on the west facing courtyard elevation of the property to serve the new basement plant room. Whilst the majority of the plant in the basement plant room will not generate noise given the comments of the acoustic consultant on the MVHR system a condition is included to require the submission of a supplementary acoustic report to demonstrate compliance with the City Council standard noise condition.

### **Building Structure**

An objector has commented on the potential for noise transference through the building structure to impact them once the building is occupied. Whilst it is considered the extensive works proposed to the property will likely result in improved acoustic insulation between the properties the standard noise condition is included to ensure the building structure is of sufficient quality in order to protect occupiers of neighbouring buildings from noise and vibration generated within the building. The inclusion of this condition is considered to address the concerns of the neighbouring occupier. A further standard condition is included to ensure the structure of the building is such that occupiers are protected from external noise sources.

Environmental Health have reviewed the submitted documentation and concluded that with the existing mid-18th century brickwork, the proposed new roof, new double-glazed windows and the proposed alterations to the building this will ensure adequate noise insulation for occupants with regard external noise sources.

## 12.6 Transportation, Accessibility & Servicing

### Cycling & Cycle Storage

It is not considered the proposal would result in any additional highways demands considering the existing building is a single family dwelling. Two cycle parking spaces are shown to be provided within the rear courtyard for the use of occupiers / visitors and this accords with Policy 25 of the City Plan. A condition is included to ensure this area is retained as cycle parking spaces.

## 12.7 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.

## 12.8 Other Considerations

### Courtyard Door

An objection has been received to the door leading onto the rear courtyard from the property due to the potential to 'permit considerable noise and disturbance to impact the residents of no. 17'. There is an existing door in this location providing access from No. 19 to the shared courtyard and the proposed door is in the same location.

### Basement

The proposal includes the excavation of a new basement level under the main property to provide additional residential floorspace for the house. As the proposal includes the excavation of a new basement area the application must be considered against Policy 45 of the City Plan.

#### Part A Policy 45

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and surrounding area.

The policy also requires that the applicant provide a signed pro forma Appendix A of the Code of Construction Practice. This has been completed and submitted by the applicant as part of the application.

The submitted structural methodology statement has been reviewed by the Building Control Officer who has confirmed they are satisfied with the information provided and consider that sufficient safeguards have been shown to ensure the structural stability of neighbouring properties during construction works. A site investigation of existing structures and geology has been carried out and demonstrated the basement excavation to be acceptable. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has

been found to be negligible. The basement is to be constructed using traditional reinforced concrete underpinning to provide permanent basement wall which is considered to be appropriate for this site.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

The City Council has adopted a Supplementary Planning Document which relates to basement extensions in Westminster. This identifies areas of the borough as being more susceptible to surface water flooding and where applications for basements will need to be accompanied by additional information relating to rainwater infiltration. As this site is located outside of the identified 'Surface Water Risk Hotspots' no further information is required with regard this issue. Objections have been received to the potential for the construction of the basement to adversely impact the local water table and underground rivers but given the information submitted the analysis shows this not to be the case and the proposal is acceptable with regard the impact on the local water hydrology.

Objections have been received concerned about the structural implications of the proposal for the building and neighbouring properties. However as detailed above the submitted information demonstrates that the proposed construction methodology is acceptable.

The impact of the basement upon the heritage asset is addressed above in section 9.4 above and has been considered acceptable. Historic England have assessed the application and raised no objection subject to a relevant condition to require the submission and approval of a written scheme of investigation for a programme of archaeological work.

#### Part B of Policy 45

These parts of the policy relate to the extent and depth of basements. Objectors have raised concern that the proposed basement would extend under the entirety of the courtyard area contrary to Policy 45.

Part B. (1) states that basement developments will be supported where they do not extend beneath more than 50% of the garden land – on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building in that direction. The policy also restricts basement depths to one storey beneath the lowest original floor level.

The proposed basement comprises one storey beneath the lowest original floor level and would extend beneath the courtyard by a depth of 7.2m in excess of the policy stipulation for a small site such as this. However, this is still a modest area and an unconventional layout with the footprint of the existing building running up to the rear boundary. The policy is intended to strike a balance between allowing development, while ensuring a substantial area remains undeveloped without any impermeable surfacing installed. Although strictly not compliant with the word of the policy, in this instance, as the courtyard is already fully paved and no additional impermeable surface is created, on balance the extent of basement excavation is considered acceptable.

An objector considers that the basement 'encroaches under the neighbour's side of the courtyard' (17 South Street). This does not appear to be the case from the drawings as the basement excavation falls along the centre of the courtyard and no further evidence has been provided to substantiate this claim. Nonetheless, notice has been served on 17 South Street and any underpinning of neighbouring walls would require the relevant party wall agreements. The applicant has also provided their property 'title' to the property which shows they own half of the courtyard to the rear of the building.

### **Construction impact**

Concerns have been raised by neighbouring occupiers with regard potential disruption and disturbance during building works. The applicants have also confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity within the vicinity. 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 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 recommended to safeguard residents' amenity.

### **Access**

An objection has been received from an agent acting on behalf of a neighbouring property who tried to arrange access to the application building and it seems access was denied. The objection on these grounds is noted but the applicant is under no obligation to provide access to their property to consultants of neighbouring occupiers and planning permission could not be denied on these grounds.

### **Consultation process**

Objections were initially raised regarding the accuracy of the description of development which initially omitted reference to the proposed third floor terrace. Neighbours have been re-notified following the revised description of development.

## **12.9 Environmental Impact Assessment**

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

### 12.10 Planning Obligations & Pre-Commencement Conditions

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

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. During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and for the submission of a written scheme of investigation for a programme of archaeological work. The applicant has agreed to the imposition of these pre-commencement conditions.

### 13. 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. It is recommended that planning permission is granted, subject 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 Papers are available to view on the Council's website)

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

14. KEY DRAWINGS

Existing Front Elevation:



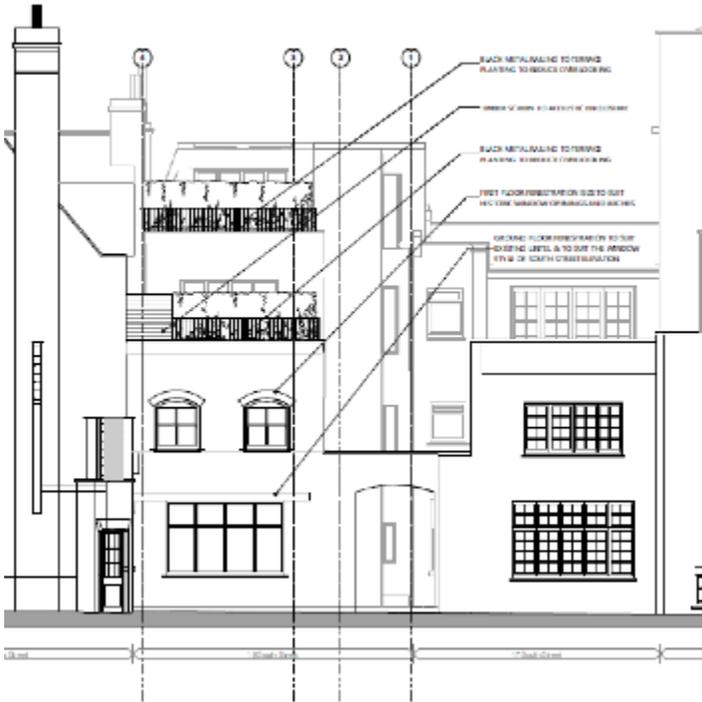
Proposed Front Elevation:



**Existing Rear Elevation:**



**Proposed Rear Elevation:**

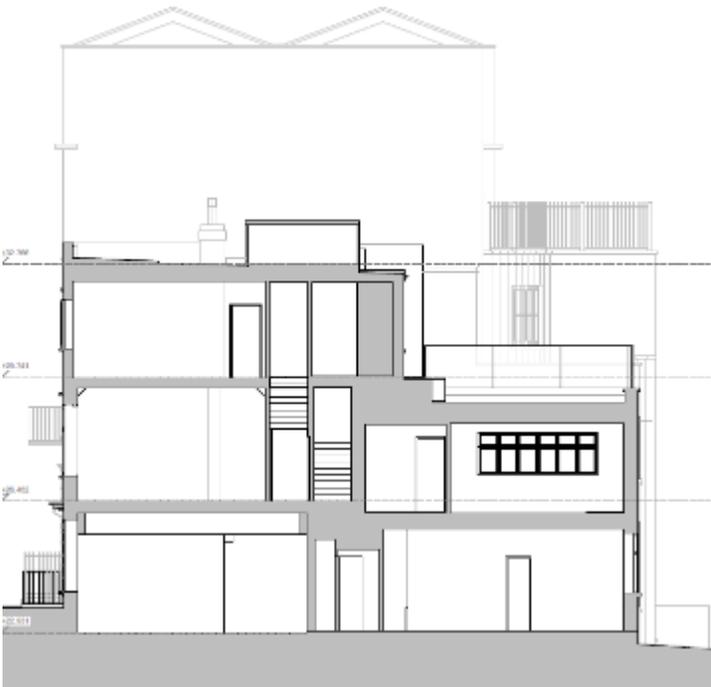


Proposed visuals:

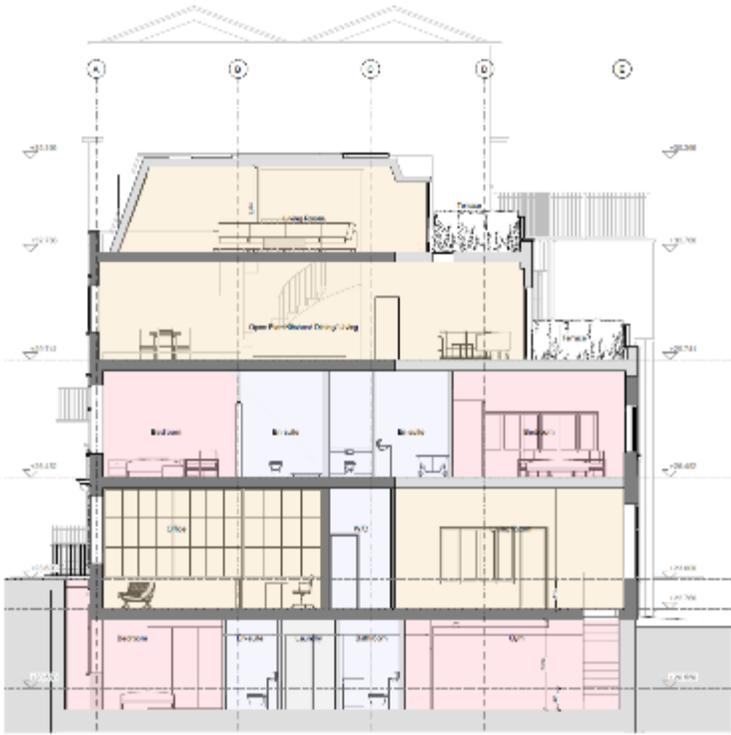




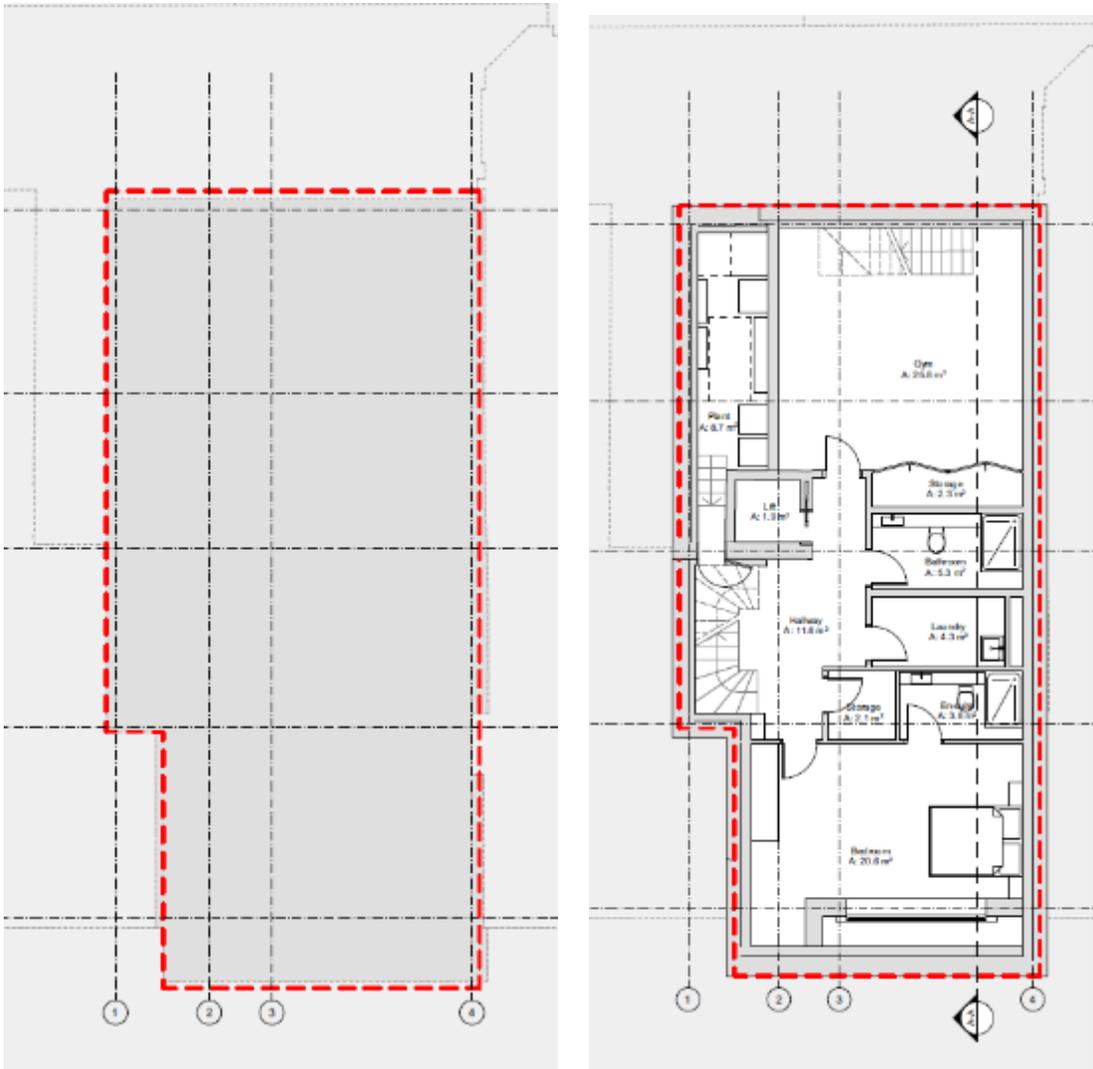
**Existing section:**



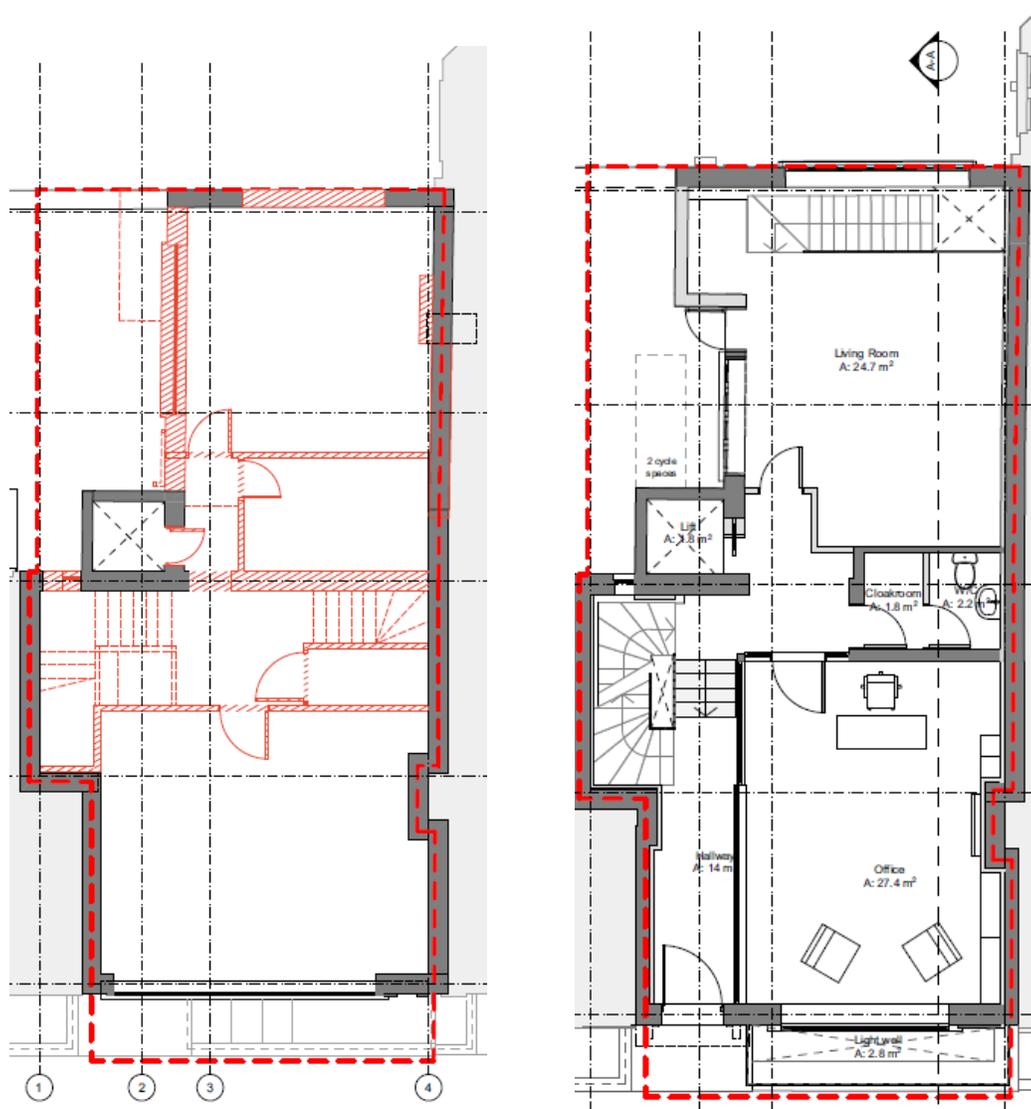
**Proposed Section:**



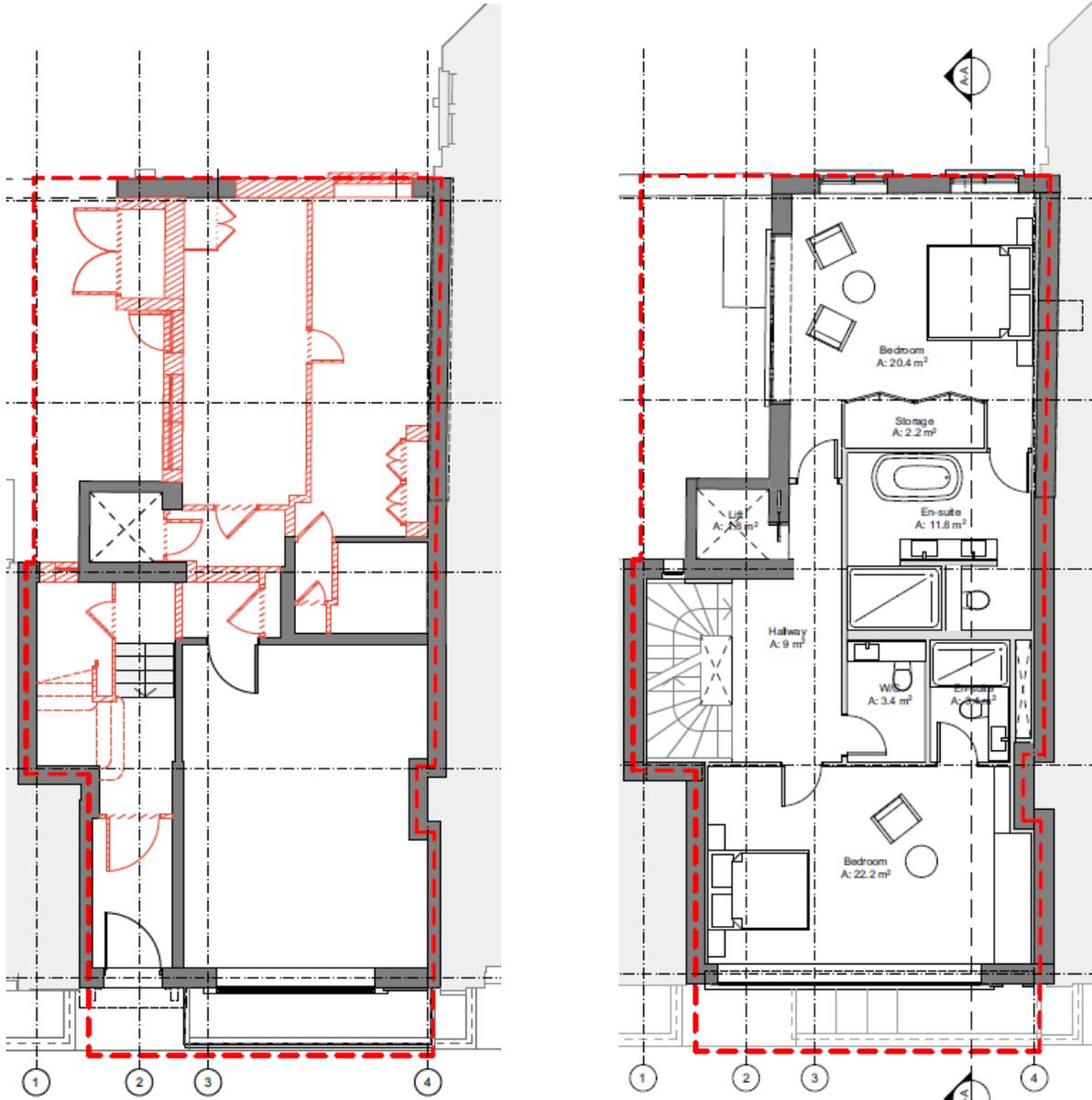
**Existing and Proposed basement floor plan:**



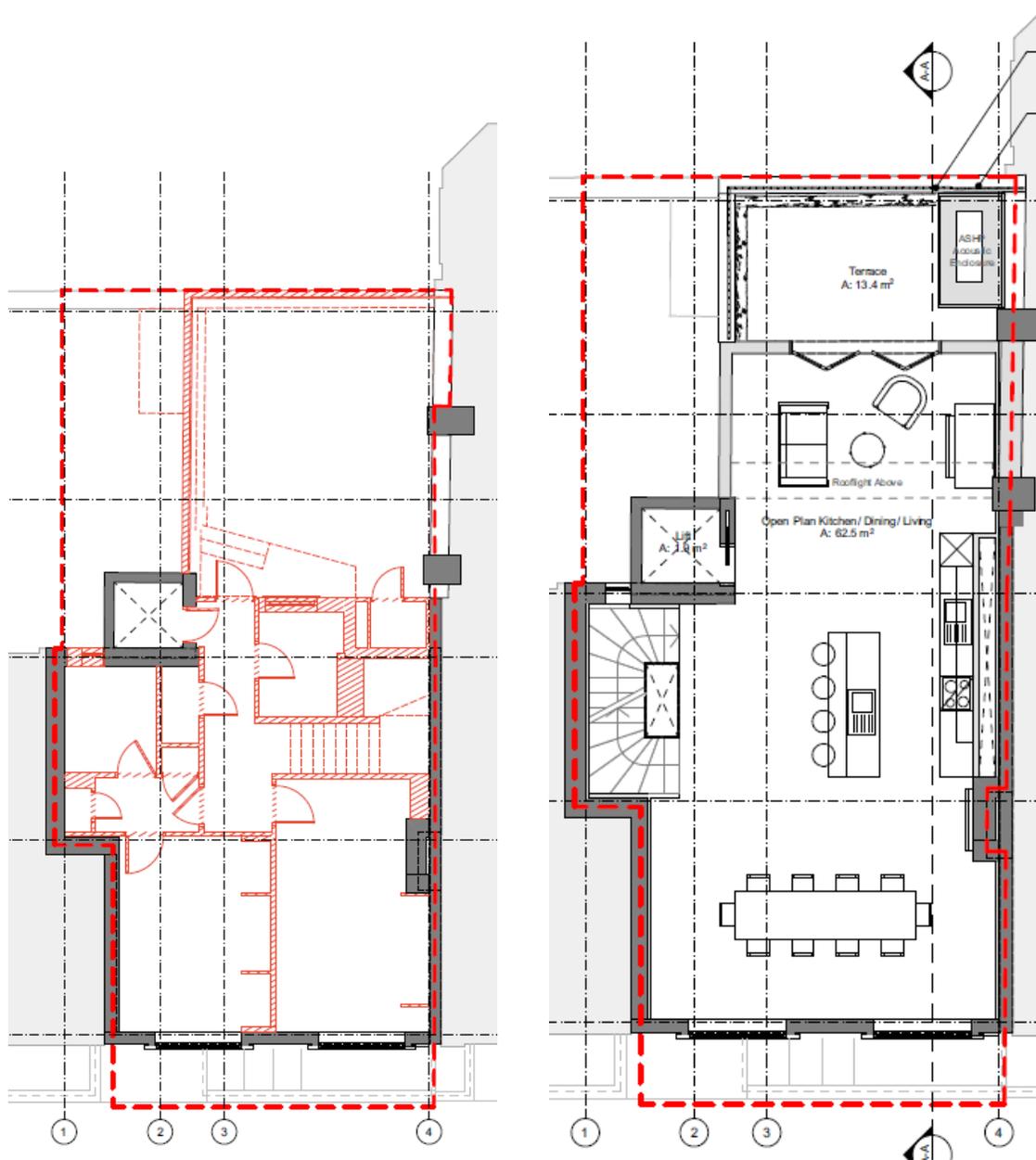
## Existing and Proposed ground floor plan:



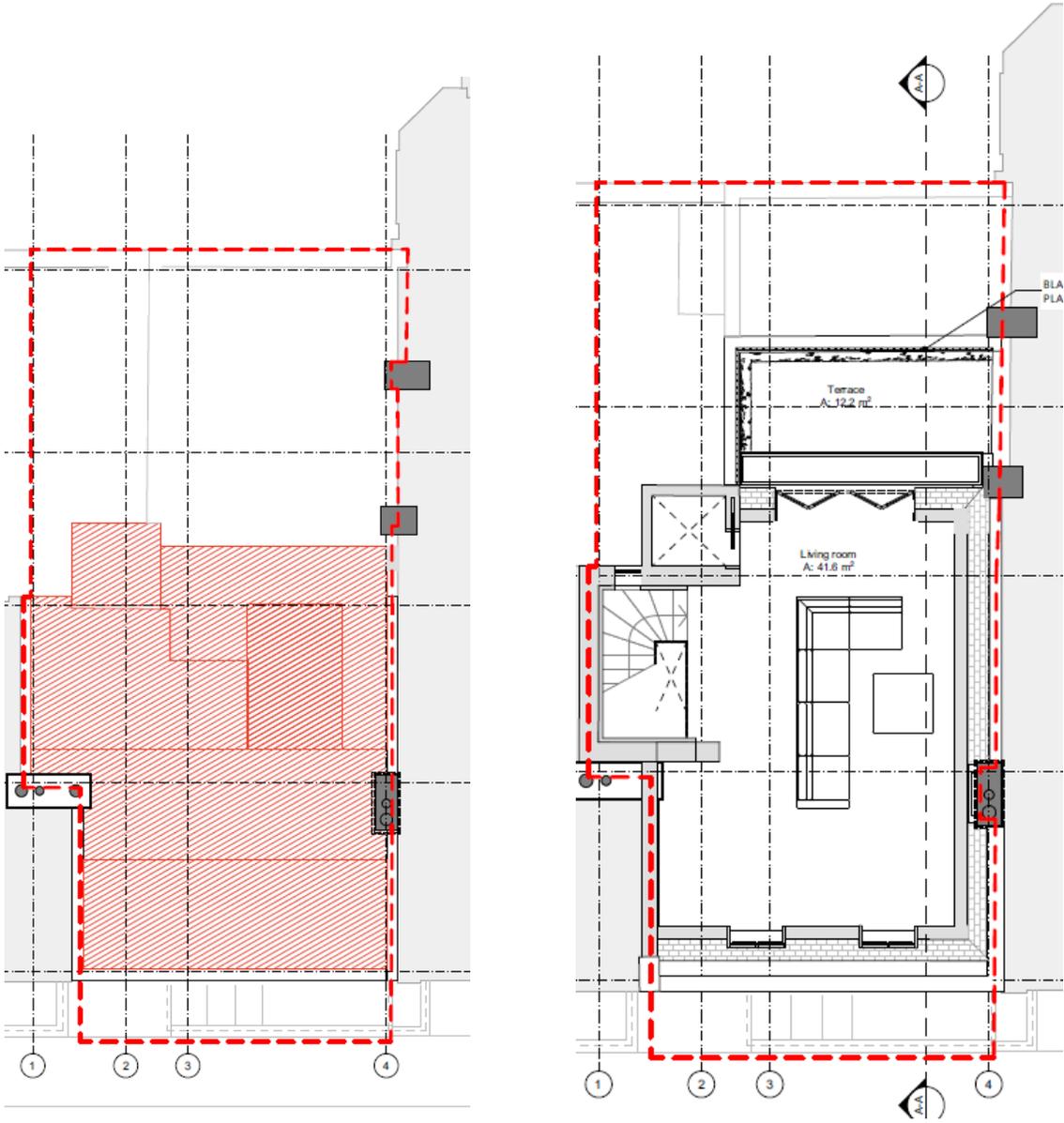
## Existing and proposed first floor plan:



Existing and proposed second floor plan:



**Existing and proposed third floor:**



**DRAFT DECISION LETTER**

**Address:** 19 South Street, London, W1K 2XB

**Proposal:** Partial demolition to rear wing and roof; excavation of a new basement storey and extension at rear second floor level with erection of a new single story roof extension with rear terrace at third floor; installation of plant with screening on the second-floor terrace; installation of sedum roof at main roof level; and associated works all in association with the continued use as a single-family dwelling.

**Reference:** 23/03029/FULL

**Plan Nos:** Drawings: 2101 RevP04, 3100 RevP04, 3101 RevP04, 2102 Rev P04, 2103 RevP04, 2104 RevP04, 2100 RevP03, 2200 RevP14, 2201 RevP14, 2202 RevP13, 2203 RevP14, 2204 RevP14, 2205 RevP13, 3200 RevP13, 3201 RevP17, 3202 RevP14, 4100 RevP02, 4200 RevP14, 4201 RevP05.

Documents: Acoustic Report Ref: 1294.NIA.07, Structural Method Statement May 2023, Archaeological Desk Based Assessment Ref: 06747E, Appendix A Checklist B: Code of Construction Practice, Desk Study and Basement Impact Assessment Report Ref: J20230.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 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 not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development

- 1) all new windows and external doors drawn at a scale of 1:10 with full size sections through mouldings and glazing bars,
- 2) the new front area lightwell railings drawn at a scale of 1:10 with full size details.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings (C26DB)

Reason:

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

- 6 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 7 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof 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)

- 8 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)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the

minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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)

- 10 You must install the acoustic enclosure associated with the air source heat pump on the rear second floor terrace at the same time as the plant is installed and to the specification detailed in the acoustic report. Thereafter the enclosure must be retained

for as long as the unit 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)

- 11 With regard the plant in the new basement plant room: You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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. (R51AC)

- 12 **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)

- 13 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)

- 14 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 15 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 16 The glass that you put in the rear facing ground floor window and in the ground and first floor windows / doors of the western / courtyard elevation must not be clear glass. 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, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 17 You must install the hedging to the third floor terrace as shown on the approved drawings before the terrace at this floor level can be used. You must thereafter maintain the hedging to a height of 1.8m.

Reason:

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

- 18 Prior to use of the basement you must carry out a detailed site investigation to find out

if the building or land are contaminated with Radon, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1 and 2 before any excavation work starts, and for phase 3 when the development has been completed but before it is occupied. Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property. Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

**Reason:**

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

- 19 You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved Energy and Sustainability Statement dated 3rd May 2023 before you start to use any part of the development. You must not remove any of these features.

You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved Energy and Sustainability Statement dated 3rd May 2023 before you start to use any part of the development. You must not remove any of these features.

**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 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](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises). This applies to both new and existing residential accommodation. Please see our website for more information: [www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets). Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 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](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 7 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 8 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the

machinery is properly maintained and serviced regularly. (I82AA)

- 9 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](http://www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening).
- 10 With reference to condition 12 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 11 With regard Condition 6 the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.