

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 October 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	11 Little St James's Street, London, SW1A 1DP		
<b>Proposal</b>	Excavation of new basement level; erection of extensions at rear second and third/roof levels; replacement of windows and doors and new windows at rear first floor level; new mechanical plant and enclosure at main roof level.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	The Warwick House Trust		
<b>Registered Number</b>	24/00152/FULL	<b>Date amended/ completed</b>	16 August 2024
<b>Date Application Received</b>	10 January 2024		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		
<b>Neighbourhood Plan</b>	None		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY & KEY CONSIDERATIONS

11 Little St Jame's Street is a four storey single family dwelling house. Permission is sought for alterations and extensions including a single storey basement beneath the house and rear courtyard.

Objections have been received from neighbours on heritage and amenity grounds, principally the construction impacts of the proposed basement excavation.

The key considerations in this case are:

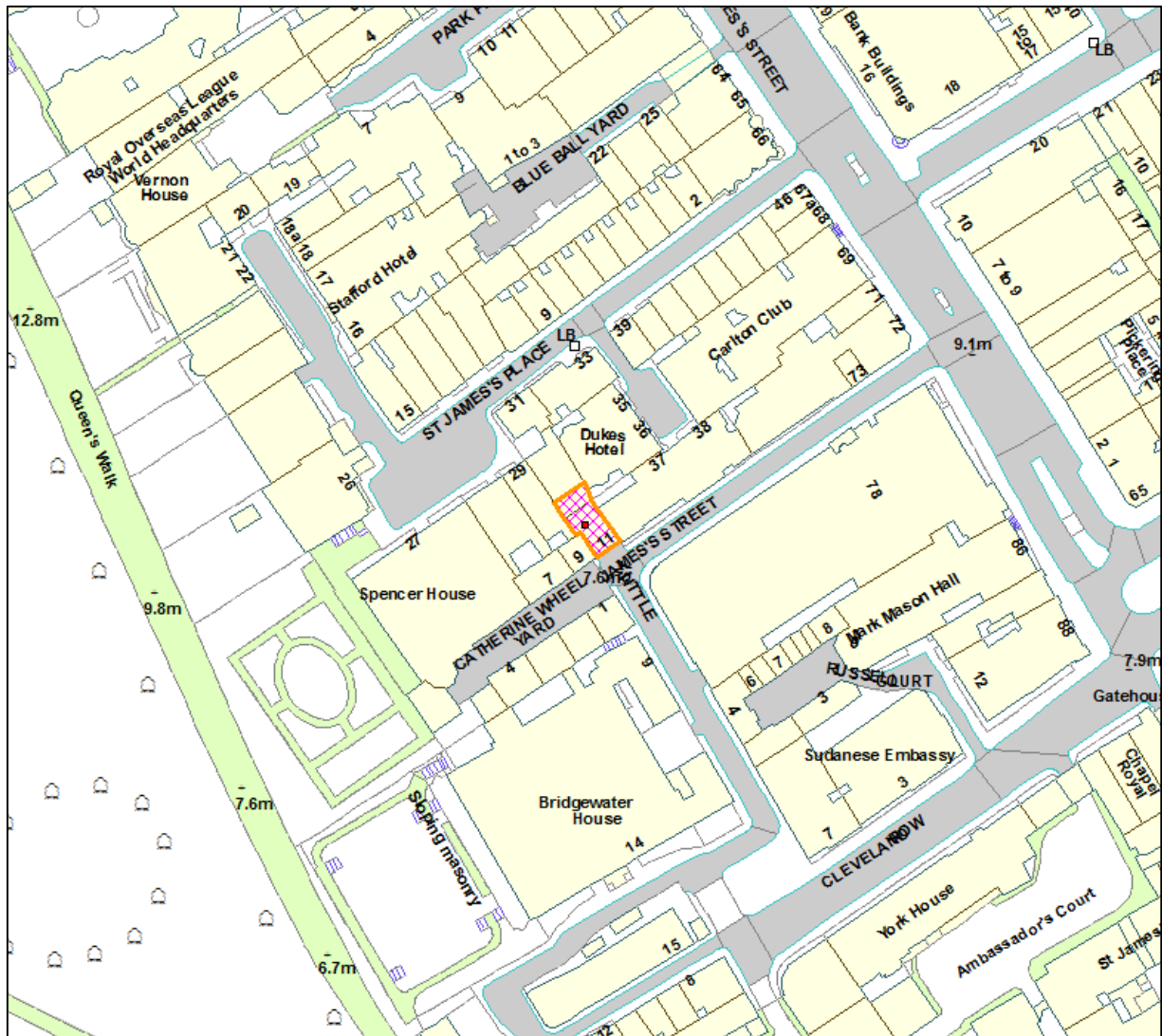
- The impact of the development on appearance of the host building and the character and

appearance of the St James's Conservation Area.

- The impact of the amenity of neighbours

The material planning issues relevant to the application including comments received in response to public consultation are assessed in full in the report. Subject to the conditions listed in the draft decision letter at the end of the report, the proposal is considered acceptable and to be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND – ARCHAEOLOGY

Site is within the Great Estates Archaeological Priority Area. Previous nearby archaeological investigations have recorded medieval and post-medieval remains. Request a pre-commencement condition to safeguard the archaeological interest of the site.

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

Any response will be reported verbally by officers.

#### ST JAMES'S CONSERVATION TRUST

Any response will be reported verbally by officers.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions requiring detailed site investigation for potential building or land contamination, developer to be bound by the Council's Code of Construction Practice and controlling noise from plant and machinery.

#### BUILDING CONTROL

Construction methodology and proposals to safeguard adjacent properties during construction are considered acceptable.

#### TREE SECTION

Request that full details of proposed green roofs are secured by condition.

#### LEAD LOCAL FLOOD AUTHORITY

Satisfied that the proposed development will not increase ground water flood risk. No objection, subject to a pre-commencement condition requiring details of flood resilient and resistant measures which must be installed and retained.

#### THAMES WATER

No objection, subject to condition requiring the submission and approval of a piling method statement prior to any piling taking place and informatives offering advice on ground water risk management and water network capacity.

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

No. Consulted: 10

Total No. of replies: 8 including 5 responses from/on behalf of the Dukes Hotel and 3 from local residents

No. of objections: 4

No. in support: 0

Objections received on the following grounds:

#### AMENITY

- Loss of light

- Loss of privacy
- Noise and disruption during construction work

#### DESIGN

- Harmful impact on St James's Conservation Area and other heritage assets
- No Heritage Impact Assessment submitted.

#### OTHER

- Likely to cause structural damage to adjoining properties
- Flooding
- Applicant not fully engaged early enough with neighbours on construction/demolition noise and vibration issues
- Will inhibit ability to construct scaffolding to maintain rear of neighbouring building
- Property to be used as staff annex

#### PRESS NOTICE/ SITE NOTICE:

Yes

### **5.2 Applicant's Pre-Application Community Engagement**

Our Early Community Engagement Guidance (February 2022) encourages householders carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, householders are not required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of the proposed scale.

## **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.

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.

### **6.2 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 closed on 9 May 2024 and the council is currently considering the responses received. 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:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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
- 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.

### **6.3 Neighbourhood Planning**

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

### **6.4 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**

11 Little St James's Street is a four storey dwellinghouse with a rear courtyard which is almost completely enclosed by a timber garage roof structure. The building is not listed but is located in the St James's Conservation Area. The grade II listed No. 29 St James's Place adjoins the site to the rear at the north-west. None of the other immediately adjoining buildings are listed.

The site is also located within the Great Estates Tier 2 Archaeological Priority Area and within a Surface Water Flood Risk Hotspot.

## 7.2 Recent Relevant History

None.

## 8. THE PROPOSAL

Planning permission is sought for excavation of a single storey basement level beneath the existing house and the rear courtyard retaining a 1m gap from the rear boundary; extensions at rear second and third floors in a mansard roof form with dormers; replacement of existing single glazed windows on the front elevation with double glazed timber framed windows; replacement and new/additional windows on the rear elevation; replacement of existing roof plant enclosure with new louvred acoustic enclosure; replacement of the existing roof hatch with a retractable flat glass rooflight; replacement garage roof structure and green/blue roofs on the main roof and garage (first floor) roof.

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

This application is for alterations and extensions to an existing dwellinghouse. There is no change of use proposed.

### 9.2 Environment & Sustainability

#### Sustainable Design

City Plan Policy 38 (D) expects development to 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.

At rear second and third floor levels where it is proposed to reconfigure and extend the building, the existing brick wall would be dismantled and re-used to construct the new façade. The rear roof tiles would also be salvaged and re-used in building the new mansard. At rear ground and first floors, the rear wall is to be dismantled to insert structural supports and then re-built using the existing bricks. Internally, any materials such as structural metalwork and timber beams, will re-used and recycled where possible. Subject to a condition requiring the submission and approval of a pre-demolition audit, the approach to the design of the proposed development is considered compliant with City Plan Sustainable Design and Waste Management policies (Policies 38 and 37).

#### Energy Performance

City Plan Policy 36 expects all developments to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects on climate change.

It is considered that the proposal has satisfactorily addressed this requirement through the



proposal replacement of single glazed windows with thermal efficient double glazed windows and the installation of an air source heat pump.

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

City Plan Policy 35 requires that all development proposals take flood risk into account and new development should reduce the risk of flooding. Part B (3) of the policy requires a site-specific Flood Risk Assessment (FRA) for all developments within a Surface Water Flood Risk Hotspot.

The site is located in a Surface Water Flood Risk Hotspot. The applicant submitted a Site-Specific Flood Risk Assessment (FRA) and has subsequently amended it to address comments received from the Lead Local Flood Authority (LLFA).

The LLFA have confirmed they are now satisfied that the proposed development would not increase groundwater flood risk but have requested a pre-commencement condition requiring the submission and approval of details of flood resilient and resistant measures; these measures must then be installed and maintained in perpetuity. It is recommended that this condition is attached and also a condition requiring full details of proposed green/blue roofs proposed at main and rear (garage) first floor levels which are intended to reduce existing water run-off rates.

### **Land Contamination**

City Plan Policy 33 (E) requires applicants to carry out contaminated land assessments and take appropriate remediation measures for development on or near a site which is potentially contaminated. This requirement also applies to all developments which include a basement as set out in our Environmental Supplementary Planning Document adopted February 2022. The Council's Environmental Sciences Team have requested a pre-commencement condition requiring a detailed site investigation for potential land/building contamination. It is recommended that this condition is attached.

## **9.3 Biodiversity & Greening**

There is presently no greenery on the site. The proposed introduction of green roofs at main and rear first floor roof levels is welcomed and will contribute to the greening of Westminster and improve the biodiversity of the site in accordance with Policy 34 of the City Plan. It is recommended that full details of the green roofs, including maintenance is secured by condition.

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

### **Legislative Context**

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

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.

Policy 38 of the City Plan sets out that all development will positively contribute to Westminster’s townscape and streetscape incorporating exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

Policy 39 of the City Plan sets out that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance and that development will preserve or enhance the character and appearance of Westminster’s conservation areas. It also sets out that development which involves excavation or ground works in Westminster’s Archaeological Priority Areas will demonstrate that they have properly evaluated the archaeological potential and significance of the site and assessed and planned for any archaeological implications of proposals.

Policy 40 of the City Plan sets out that development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape and that alterations and extensions will respect the character of the existing and adjoining buildings.

### **Townscape & Heritage Assessment**

The application building is of a neo-Georgian design, with a locally distinctive bow-window first floor level, and it is prominent in views along street.

The external alterations at the rear envisage creation of a double-mansard, which is unusual, but in the context of its architecturally varied surroundings, which include several neighbouring buildings with similar mansard roofs, it would not appear incongruous and, overall, the appearance of the building's rear façade would be improved. A small plant enclosure, of similar size to the existing one is proposed at roof level and its location, size, and design are acceptable.

The windows would be replaced with double glazing, and this is also acceptable in

design and heritage asset terms.

Overall, the above ground alterations and extensions would not adversely affect the building's bulk, massing, or detailed design, and they will maintain the character and appearance of the St James's Conservation Area along with the setting of surrounding listed buildings. The objections received, which include opinions to the effect that the alterations are not in keeping with the style and historic character of the area, are not supported by officers.

The proposed single-storey basement, by virtue of having no external physical manifestations once completed, would have no adverse impact on the conservation area nor on any adjoining, or nearby, listed buildings. The basement is assessed against Policy 45 of the City Plan (specific to basement developments) later in this report.

Considering the above, it is considered that the proposal accords with Policies 38, 39, and 40 of the City Plan 2019-2040 (April 2021) and is acceptable in design and heritage asset terms.

As mentioned by an objector, a Heritage Impact Assessment (HIA) has not been submitted, however heritage matters have been adequately addressed in the submitted Planning and Sustainability Statement and the proposal is considered to accord with the relevant heritage policies, see above. Hence, the absence of a HIA is not considered sufficient reason to withhold permission here.

### **Archaeology**

The site is located within the Great Estates Tier 2 Archaeological Priority Area.

Previous archaeological investigations on nearby sites have recorded medieval and post-medieval remains. Historic England (Archaeology) (GLAAS) have therefore requested a pre-commencement condition to safeguard the archaeological interest of the site. It is recommended that this condition is attached to meet the requirements of City Plan Policy 39 (Westminster's Heritage).

### **9.5 Residential Amenity**

Policy 7 of the City Plan sets out 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.

Policy 33 of the City Plan sets out that the Council will make sure that quality of life and health and wellbeing of existing and future occupiers are not adversely affected by harmful pollutants and other negative impacts on the local environment, including noise and vibration and construction impacts.

Policy 38 of the City Plan sets out that all development will place people at the heart of design, ensuring a good standard of amenity for new and existing occupiers.

Policy 40 of the City Plan sets out that alterations and extensions to buildings will avoid adverse amenity impacts.

## **Daylight & Sunlight**

The applicant has undertaken an assessment of the potential impact of the development on daylight and sunlight to windows in residential properties, 9 Catherine Wheel Yard, 29 and 30 St James's Place and to Dukes Hotel 35-38 St James's Place.

The submitted daylight and sunlight report demonstrates that there would be no material loss of daylight and sunlight to windows in these properties with the exception of one window at rear ground floor level of 30 St James's Place, which would experience a loss of winter sunlight in excess of BRE recommended guidelines. The affected window is a secondary window to a bedroom, the main window to this room would not experience a material loss of winter sunlight and both windows would continue to receive a good level of annual probable sunlight.

## **Privacy**

The distance between the application property and the residential flats in Essex Court, 30 St James's Place to the rear is approximately 4.3 metres. A degree of mutual overlooking therefore already exists between the two buildings. The proposal would result in a different arrangement of windows at rear second and third floor levels plus additional window openings at rear first floor level of the application building. The windows at second and third floors would serve bathrooms and are proposed to be obscure glazed; this will be secured by condition. The windows at rear first floor would serve the kitchen and pantry with the main habitable rooms located to the front of the house. It is not therefore considered necessary to require obscure glazing to the rear first floor windows as it is considered that these windows would not materially worsen the mutual overlooking which already exists between the two properties.

The applicant is not proposing to use the main roof of the house or the rear first floor (garage) roof for sitting out purposes. A condition is recommended to secure this in order to protect the amenity of adjoining residents.

## **Plant Noise & Vibration**

New mechanical plant is proposed to be installed within a replacement louvred acoustic enclosure on the roof. The Council's Environmental Services Team are satisfied that the applicant's noise assessment report demonstrates that the new mechanical plant is capable of complying with the Council's noise thresholds. Conditions controlling noise emission levels are recommended.

## **Construction Impacts**

City Plan Policy 33 (F) requires developments to minimise demolition and construction impact by complying with Westminster's Code of Construction Practice (CoCP).

The Council's CoCP is intended to help developers manage and minimise the environmental impacts of demolition and construction activities and applies to basement excavation projects. The CoCP requires site specific mitigation measures to be set out in a Site Environmental Management Plan (SEMP).

The Environmental Sciences Team have requested that (should permission be granted) a pre-commencement condition requiring adherence to the Council's CoCP be attached. This condition requires the applicant (prior to commencement) to submit evidence in the form of a signed and completed Appendix CoCP checklist approved by the Environmental Sciences Team to demonstrate that the implementation of the scheme will be bound by the Council's CoCP. The applicant has confirmed their intention to sign up to the CoCP. It is therefore recommended that the CoCP is attached as well as a condition controlling the hours during which noisy building works can be carried out.

## 9.6 Basement Extension

City Plan Policy 45 sets out the Council's requirements for basement developments.

The proposal is for a new single storey basement under the existing house and most of the rear courtyard.

In line with Policy 45 (A) the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.

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

As highlighted above the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology appears satisfactory. 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 decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above.

Part B of Policy 45 of the City Plan sets out criteria in terms of extent and depth which basement developments must satisfy in order to be considered acceptable. The proposal is assessed against each of these in turn:

1. The proposed basement does not extend more than 4 metres from the original rear

wall of the building

2. The existing rear courtyard is fully paved so it is not possible to 'leave a margin of undeveloped garden land' but it is proposed to leave a 1 metre unexcavated strip adjacent to the rear boundary.
3. The proposed basement would not comprise more than one storey beneath the lowest original floor level of the house.
4. As the existing courtyard is fully paved and will continue to be used for car parking it is not possible to provide a minimum of one metre of soil depth and adequate overall soil volume above the top cover of the basement.
5. The proposed basement does not extend under the highway

The proposed basement therefore accords with the requirements of Policy 45 and is considered acceptable.

#### **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**

Thames Water has requested a condition requiring the submission and approval of a piling method statement prior to any piling taking place in order to prevent and minimise any damage to subsurface sewerage infrastructure. It is recommended that this condition is attached.

The management company of Essex Court (30 St James's Place) has requested that the applicant be required by condition to continue to allow access to the rear courtyard of the application site to enable the erection of scaffolding when required for the maintenance of the rear of Essex Court. Such a condition would be unreasonable; access for maintenance purposes is a matter to be agreed between the two parties.

#### **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 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; requirement to carry out a land contamination site investigation; a written scheme of investigation for a programme of archaeological works; flood resiliency and resistant measures; and a pre-demolition audit. The applicant has agreed to the imposition of the first three of these conditions; agreement to the flood resiliency measures and pre-demolition audit pre-commencement conditions is awaited.

## **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. 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: AMANDA JACKSON BY EMAIL AT [AJACKSON@WESTMINSTER.GOV.UK](mailto:AJACKSON@WESTMINSTER.GOV.UK)

11. KEY DRAWINGS

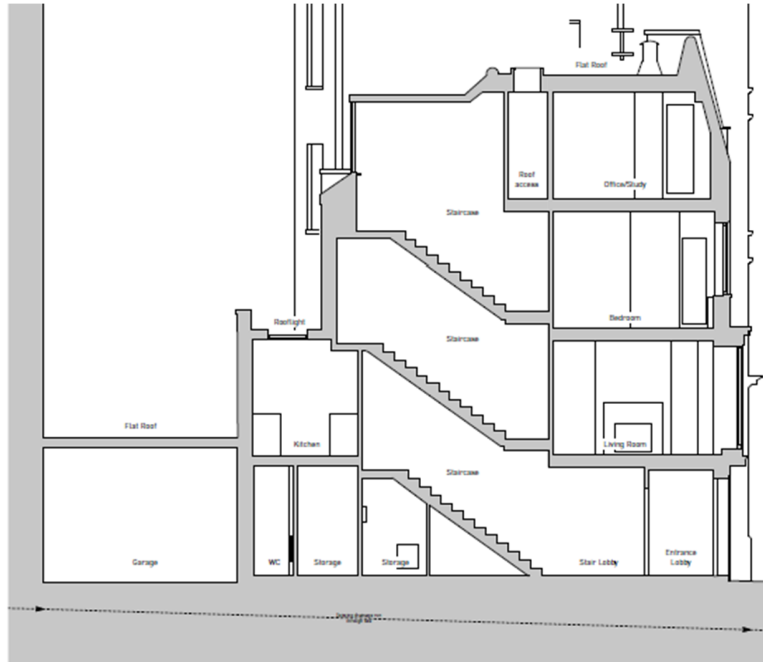


Existing and Proposed Front Elevation

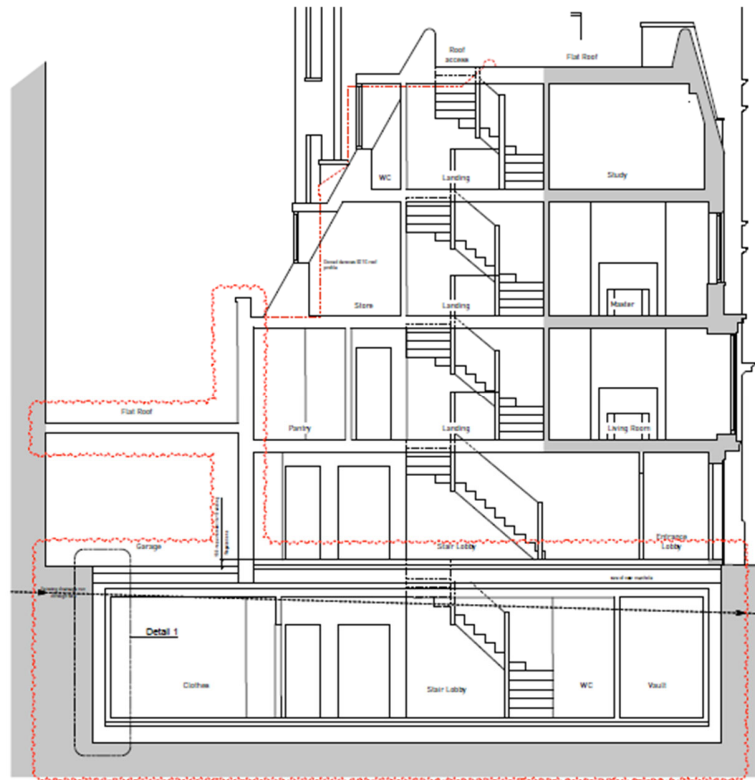




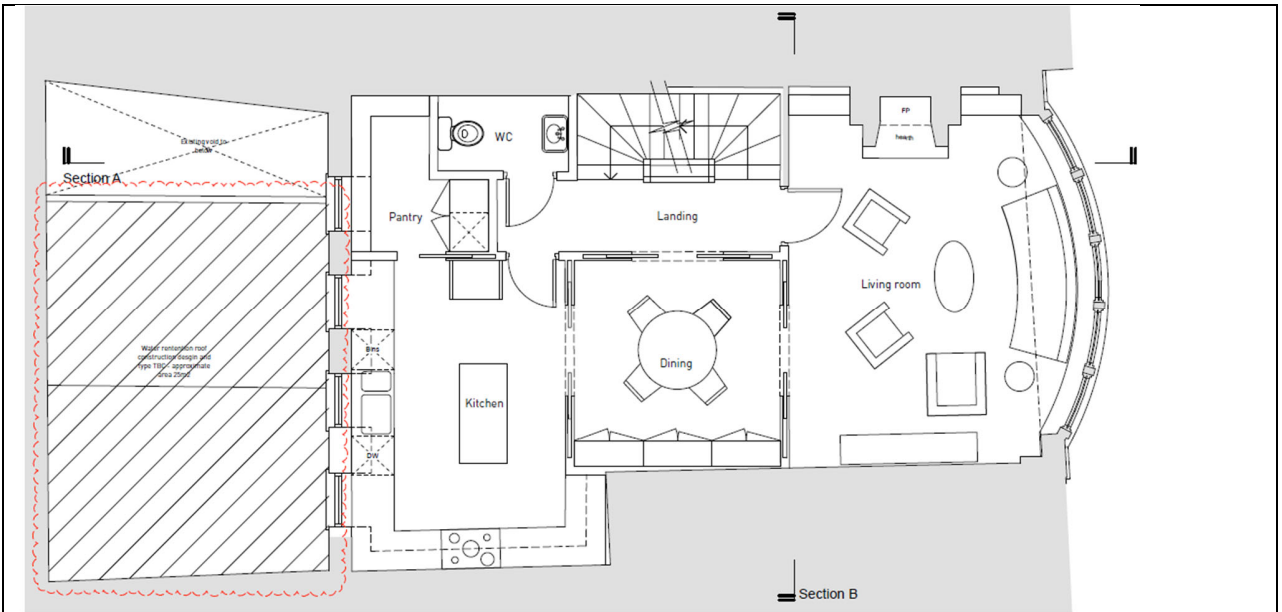
Existing and Proposed Rear Elevation



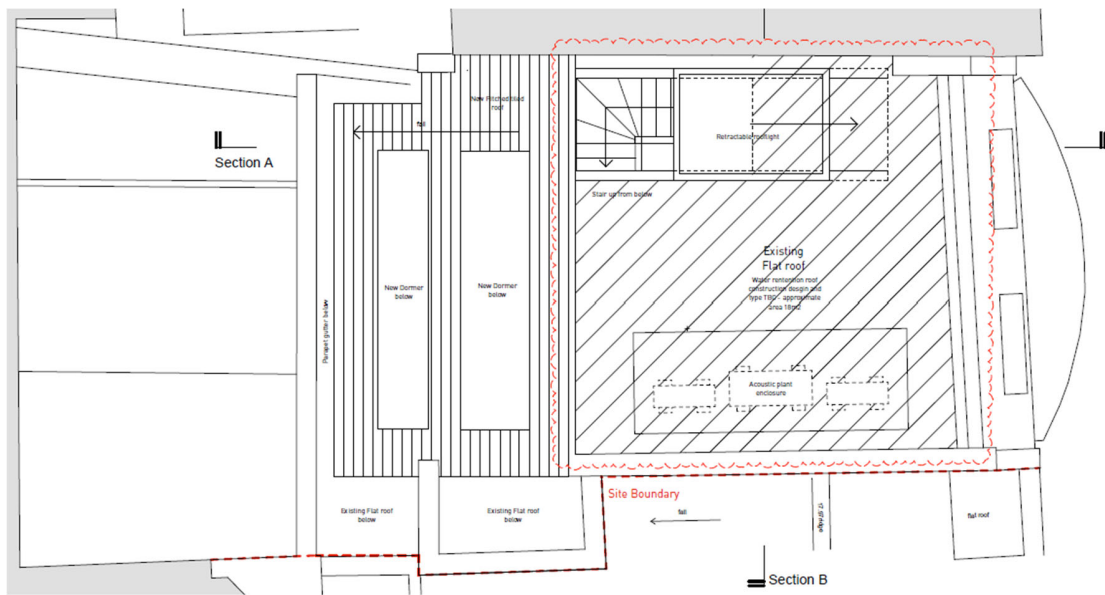
Existing section



Proposed section



Proposed first floor plan



Proposed roof plan

**DRAFT DECISION LETTER**

- Address:** 11 Little St James's Street, London, SW1A 1DP
- Proposal:** Excavation of new basement level; erection of extensions at rear second and third/roof levels; replacement of windows and doors and new windows at rear first floor level; and new mechanical plant and enclosure at main roof level.
- Reference:** 24/00152/FULL
- Plan Nos:** 247\_PL\_001 P1; 247\_PL\_003 P2; 247\_PL\_004 P1; 247\_PL\_005 P1; 247\_PL\_006 P1; 247\_PL\_007 P1; 247\_PL\_010 P7; 247\_PL\_011 P4; 247\_PL\_012 P3; 247\_PL\_013 P1; 247\_PL\_014 P1; 247\_PL\_015 P4; 247\_PL\_020 P2; 247\_PL\_021 P2; 247\_PL\_022 P4; 247\_PL\_023 P4; 247\_PL\_030 P3; 247\_PL\_031 P2; 247\_PL\_032 P1; 247\_PL\_033 P1; 247\_PL\_034 P1; 247\_PL\_035 P4; 247\_PL\_036 P4; MC0374 CIV01 P1 (SUDS Strategy Roof).

For Information Only:, Construction Traffic Management Plan prepared by Sequoia, dated 22 November 2023; Archaeological Desk-Based Assessment prepared by Savills, dated December 2023; Planning Compliance Report 26256.PCR.01 prepared by KP Acoustics, dated 18 December 2023; Daylight, Sunlight Report prepared by Joel Michaels Reynolds, dated 21 December 2023; Structural Methods Statement for Planning prepared by MBP, dated January 2024; Flood Risk Assessment & Surface Water Drainage Strategy Revisions P2, prepared by Meridian Civil Engineering Consultancy, dated 25 March 2024.

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

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

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

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

Reason:

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

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

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

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

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

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

Phase 4: Validation report - summarises the action you have taken during the

development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

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

**5 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)

**6 Pre Commencement Condition.** You must apply to us for approval of details of all flood resilient and resistant measures within the development. You must not start any work on the development until we, in consultation with the LLFA, have approved in writing what you have sent us. You must then install all the flood resilient and resistant measures in accordance with the details we approved and maintain them for the lifetime of the development.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with the NPPF and Policy 35 of the City Plan 2019 - 2040 (April 2021).

**7** 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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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

- 10 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the character and appearance of the St James's Conservation Area. This is in line with Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 11 (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)

- 12 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)

- 13 The glass that you put in the windows at rear second and third floor levels 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. (C21DB)

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)

- 14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/water retention roofs 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 not use the main roof, the rear first floor garage roof or any other flat roof area for sitting out or for any other purpose. You can however use these roofs to escape in an emergency and for access for essential maintenance.

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)

- 16 **Pre Commencement Condition.** Prior to commencement of any works on site including works of deconstruction and demolition, full details of a pre-demolition audit shall be submitted to us and approved by us in writing. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details.

Reason:

To ensure the development is resource efficient in accordance with the principles of sustainable design as set out in Policies 37 and 38 of the City Plan 2019 - 2040 (April

2021) and our Environmental Supplementary Planning Document (February 2022).

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:**

As requested by Thames Water because the development is in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).  
**CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).  
**BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant

fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **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.

- 4 Condition 4 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at [www.westminster.gov.uk/contaminated-land](http://www.westminster.gov.uk/contaminated-land). For further advice you can email Public Protection and Licensing at [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).
- 5 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 5. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)
- 6 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.
- 7 Details of the green roofs/water retention roofs, should include drawings showing the extent of these roofs and cross sections showing:
  - o The green roof/water retention roof in relation to the supporting roof structures
  - o The drainage layers
  - o The type and depth of planting substrate

Details should also include:

- o Species
- o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)

The biodiversity management plan should include maintenance details.

- 8 **ADVICE FROM THAMES WATER:** Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near Thames Water's pipes or other structures.

Should you wish to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) Thames Water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater)

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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.