

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 February 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Marylebone	
<b>Subject of Report</b>	<b>47 Great Cumberland Place, London, W1H 7TQ</b>		
<b>Proposal</b>	Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Installation of 2 mechanical plant units at lower ground floor and 5 at rear third floor. Use of the building as seven residential apartments.		
<b>Agent</b>	Cluttons LLP		
<b>On behalf of</b>	Alarg Limited		
<b>Registered Number</b>	22/04335/FULL and 22/04336/LBC	<b>Date amended/ completed</b>	30 June 2022
<b>Date Applications Received</b>	30 June 2022		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		
<b>Neighbourhood Plan</b>	None		

## 1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes the use of the building as seven residential apartments. Works proposed to accommodate these flats include a partial infill extension of the existing inner lightwell at lower ground, ground, first and second floors. A rear second floor extension is also proposed, along with a terrace at rear fourth floor on an existing flat roof for use by one of the flats and a mansard roof extension to the rear mews building.

A total of 8 air-source heat pumps within acoustic screening are proposed across the sight at the rear and in lightwells.

Internal alterations are proposed throughout the existing building to allow removal of existing dated fixtures and fittings as well as the removal of a lift, various modern additions, and reinstatement of hallway. Modernisation and installation of the relevant furniture and partitions associated with flats will then be carried out.

The existing use of the site is not clear, but from a visit to the site it appears to be a mix of office and residential uses within the one single building. It is known to have been used by the Malawi High Commission from 1965 to 1976.

The key considerations in this case are:

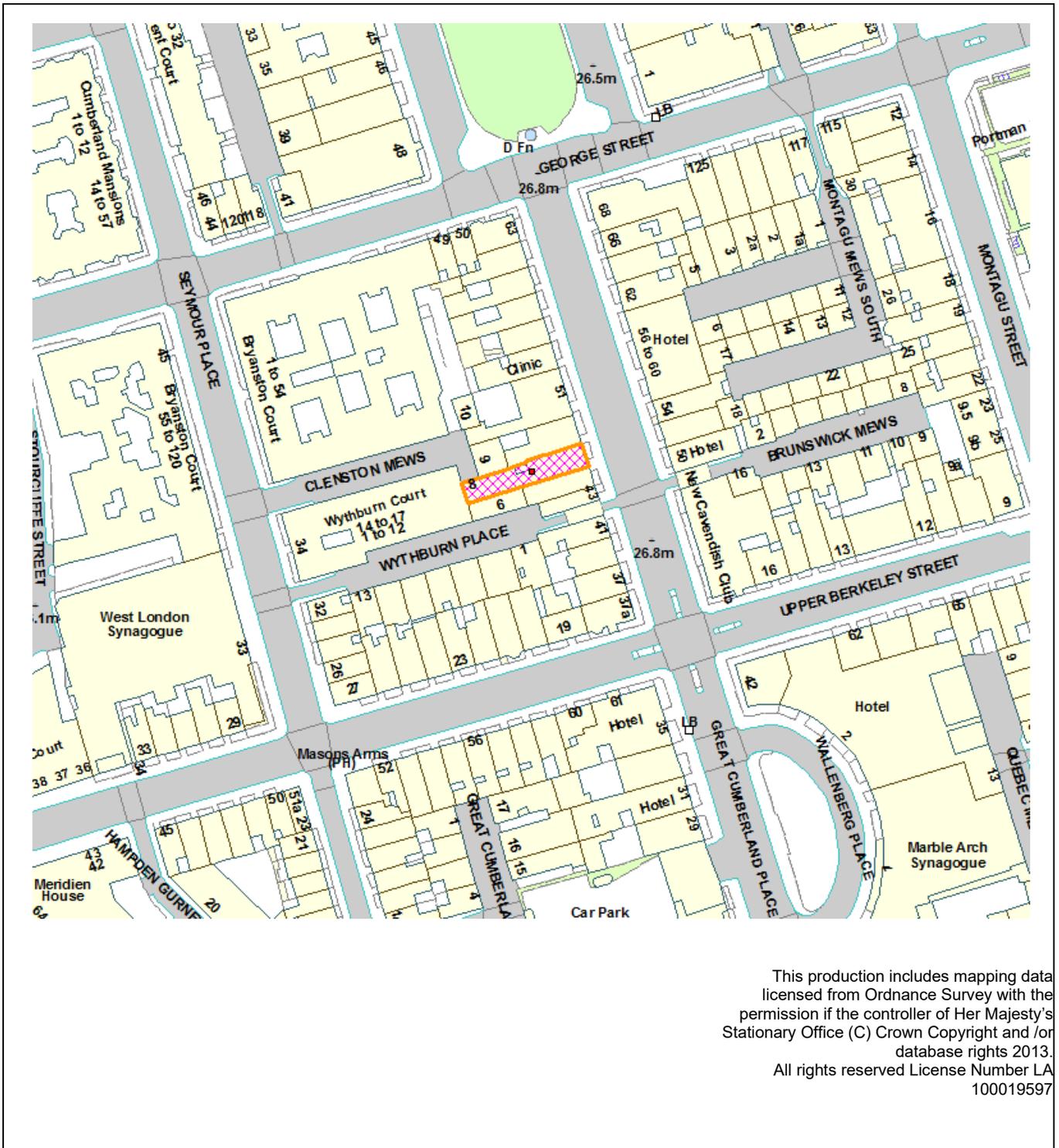
- The acceptability of the loss of the existing use at the site,
- The acceptability of the proposed residential accommodation in terms of size and mix,
- The acceptability of the proposed works in design terms,
- The impact of the proposed works on the character and appearance of the Portman Estate Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site,
- The impact of the proposed works on the Grade II listed building that forms the site, and
- The impact on the amenity of neighbouring residential properties.

The proposals will provide seven residential flats at the site which, given they comply with the necessary size standards and overall provide a good quality of accommodation, is supported by the Council. While the existing use cannot be clearly identified, it is believed there is an element office use. While the loss of this office aspect of the use is not strictly in compliance with Policy 13 of the City Plan 2019-2040 (as the area is not predominantly residential), in this instance it is considered acceptable given the provision of the residential accommodation, that the building was originally built as residential use, and it provides the opportunity to bring the building back into full use.

The applicant has demonstrated that the proposed extensions will not cause a detrimental loss of daylight and sunlight to surrounding properties. Subject to conditions securing compliance with noise and vibration criteria, a supplementary acoustic report and the installation of acoustic screening for the mechanical plant, and the installation of a privacy screen for the terrace, the proposals are acceptable in amenity terms. While objections have been received on the grounds of noise from machinery and the terrace, as well as overlooking, , the above conditions and the relationship of the site with its neighbours are considered to overcome these.

With regards to the design of the proposals, the impact of these works on the character and appearance of the Conservation Area and the impact of listed building, there are some elements of harm that have been identified but these are outweighed by the balancing benefits of the scheme. Given these benefits, and the wider benefits of the scheme that would be delivered (the provision of a mix of residential units and bringing an underutilised building back into use), the proposal is considered acceptable in terms of its impact on the designated heritage asset(s).

### 3. LOCATION PLAN



4. PHOTOGRAPHS

Great Cumberland Place Elevation



Clenston Mews Elevation



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

#### ENVIRONMENTAL SCIENCES

No objection subject to conditions.

#### HIGHWAYS PLANNING

Objection - Waste and Cycle storage facilities not shown on proposed drawings.

#### WASTE PROJECT OFFICER

Objection - details of waste and recycling storage not in accordance with guidelines.

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

No. Consulted: 46

Total No. of replies: 4

No. of objections: 4 objections (2 received against the linked LBC)

Four objections have been received raising some or all of the following points:

- Impact on daylight and sunlight for neighbouring properties,
- Daylight and sunlight report does not assess all neighbouring properties,
- Loss of privacy,
- Sense of enclosure from privacy screen,
- Increase in overlooking,
- Noise disturbance from terrace,
- Noise, heat and smell from heat pumps, mitigation needed.
- Security risk to neighbours from the proposals,
- Claim noise report inaccurate as measurements only taken at front of property and not at the rear,
- Impact on neighbours during course of construction due to noise impact,
- Structural concerns for site and neighbouring buildings,
- Concern remodelling in area of existing lift may "*reduce possibilities for adjoining properties*", and
- Errors or inconsistencies in the submitted documents (such as acoustic screening not shown on drawings, and relationship to neighbouring buildings not shown on drawings)

#### PRESS NOTICE/ SITE NOTICE:

Yes

#### HISTORIC ENGLAND (Consulted on 22/04336/LBC)

Not offering advice - authorisation to determine as seen fit.

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

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

## **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) (July 2021) 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.

### **6.2 Neighbourhood Planning**

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

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

This application is a Grade II Listed Building located within the Portman Estate Conservation Area. It is located on the western side of Great Cumberland Place and to the north of its junction with Upper Berkeley Street and south of Bryanston Square. The rear part of the site (Clenston Mews) can be accessed from Clenston Mews but is connected internally to the main building.

The main part of the building fronting onto Great Cumberland Place comprises of lower

ground, ground and four upper floors, while the Clenston Mews part of the site is a ground and first floor building.

It is understood that the property was used as the Malawi High Commission from 1965 to 1976. The lawful use or the existing use of the building since then to the present day are not clear. At the current time the building appears to be some sort of mix of office use and residential use (with some upper floors providing just office rooms, and some of the lower floors providing sleeping accommodation but mostly on a more informal arrangement, such as just with a mattress on the floor in a room also containing filing cabinets) but neither element appears to be dominant. While at application stage the applicant claimed the existing use is as an office, this was on the basis of a certificate of lawfulness application which had been submitted at the same time seeking to regularise that position. However, that application was subsequently withdrawn as neither officers nor the applicant have been able to clearly identify a clear history of the use (office or otherwise) nor what the current use is.

## 7.2 Recent Relevant History

None

## 8. THE PROPOSAL

Planning permission and listed building consent are sought to allow the use of the building as seven residential apartments. Works proposed to accommodate these flats are

- a partial infill extension of the existing inner lightwell at lower ground, ground, first and second floors,
- a rear second floor extension
- a terrace at rear fourth floor on an existing flat roof for use by one of the flats, and
- a mansard roof extension to the rear mews building is also proposed.

2 air source heat pumps (ASHPs) at lower ground floor within a rear lightwell are proposed, with 1 ASHP in the front lightwell below the lightwell stairs, as well as a total of 5 ASHPs units at rear third floor (1 single unit and 4 in a group). All of these units will be withing acoustic screening.

Internal alterations are proposed throughout the existing building so as to allow removal of existing dated fixtures and fittings as well as the removal of a lift, various modern additions, and reinstatement of hallway. Modernisation and installation of the relevant furniture and partitions associated with flats will then be carried out.

The floor space figures for the proposals are set out in the table below.

### Existing and proposed land uses table:

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Existing Use	522	0	-522
Residential Use (Class C3)	0	585	+585
Total	522	585	+63

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Loss of Existing Use

As set out above, it is not clear what the existing use of the building is. While it is understood that the property was used as the Malawi High Commission from 1965 to 1976, it has not been possible at this time to clearly identify a lawful use, or the existing use, of the building since then to the present day. There is no planning history for the site and no record of the property in Council Tax and Business Rates records.

The current use of the building appears to be some sort of mix of office use and residential use. Following an officer site visit, it was evident that the property includes a small number of rooms which appear to be used as bedrooms, some more 'formally' than others (i.e. informal sleeping arrangements seen in some of the rooms include a mattress on the floor in an unfurnished principal first floor room which also contained filling cabinets, as opposed to a bed, wardrobe and other furniture that would be typical in a bedroom and was seen in at least two rooms on the site). Despite a range of kitchens/kitchenettes and bathrooms in the property, most of these seemed to be unused/unusable, with only one kitchen area appearing to be in use.

There were also a large number of rooms in use for, what appeared to be, solely office use, with large desks and various other office-related furniture. These were mainly focused on the upper floors. Equally, there were other 'non-domestic' features in the property such as, but not limited to, a reception desk and waiting seating area in the entrance room at ground floor; various fire extinguishers throughout the property (displayed in ways so as to meet commercial fire safety requirements); bathrooms labelled 'male' and 'female', a large commercial tower printer/copier, filling cabinets, etc. Other rooms in the property appear to just be used as storage and had no identifiable use.

Neither the office or residential element appears to be dominant and while a certificate of lawfulness application was submitted at the same time as this application seeking to regularise the building as office use, that application was subsequently withdrawn as neither officers nor the applicant was able to clearly identify a clear history of the use (office or otherwise) nor what the current use is.

Based on this it is considered best to assess both aspects that were evident on site and treat the existing use as a form of mixed use.

The proposals would not result in the loss of the residential aspect that is currently evident on site But would result in the loss of the office aspect.

City Plan 2019-2040 (April 2021) Policy 13 part D states that, within the CAZ, the net loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use.

The City Plan 2019-2040 (April 2021) Glossary does not describe how to identify an area which would be considered as predominantly residential in character, however it does identify that predominantly commercial neighbourhoods are:

*"Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity."*

This part of Great Cumberland Place (between Upper Berkeley Street and George Street) comprises a mix of commercial uses and residential uses at ground floor. There are a number of hotels on the east side and some properties with offices at ground floor, as well entirely residential buildings at the north end. On the west side of the street (the same side of the application site), there are only three properties which have commercial at ground floor, with all other buildings being residential throughout. The area is therefore considered to be mixed with neither commercial or residential being predominant at ground floor. The proposed change of use would not therefore be strictly in accordance with this part of the policy which is clear in identifying the loss will only be acceptable in predominantly residential areas.

Regarding the second part of the policy, the proposed change of use to residential flats will reinstate an original residential use, given the building was originally constructed as a residential dwelling.

### Proposed Residential Use

The proposals will provide seven residential flats. The mix of these will comprise of 1x studio, 1x 1 bed, 4x 2 bed and 1x 3 bed. The 3 bed unit is a family sized unit. The floorspace for these flats is shown in the table below. Policy 12 of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally. The floorspace figures for the proposed new units are shown in the table below.

Floor	Flat type	Beds/People	Size (sqm GIA)	Min. Space. (sqm GIA)	+/- Req'd.
Lower Ground	2 Bed (Flat 1)	2B/3P	68.22	61	+7.22
Ground	2 Bed (Flat 2)	2B/4P	78.89	70	+8.99
	Studio (Flat 6)	1B/1P	37.20	37	+0.20
First	2 Bed (Flat 3)	2B/4P	87.17	70	+17.17
First/Second Duplex	2 Bed (Flat 7)	2B/4P	83.24	79	+4.24
Second	1 Bed (Flat 4)	1B/2P	55.42	50	+5.42
Third/Fourth Duplex (with terrace)	3 Bed (Flat 5)	3B/4P	96.07	84	+12.07

All units proposed in the development comply with the minimum space standards set out in London Plan and The Minimum Space Standards for the type of unit. City Plan Policy 8B restricts flat size to below 200sqm GIA. The floorspace figures provided indicate that no flats would exceed this threshold. The mix of units proposed is considered suitable given the existing constraints of the site and that a family sized unit is included.

Part D of Policy 12 requires that all new homes provide at least five sqm of private external amenity space for each dwelling. Where dwellings accommodate 3 or more

people, an additional 1sqm of amenity space is required for each additional person. The policy notes that where this is not practicable or appropriate, community space may be provided, or additional and/or higher quality public open space may be provided.

Part E of the policy states that where it is sufficiently demonstrated that the requirements of Part D cannot be met, additional living space equivalent to the external requirements set out in that section is required.

Flat 5 (the third/fourth floor duplex family size dwelling) includes a terrace at the rear fourth floor. The size of this terrace is not provided however, given that the unit size also exceeds the minimum space standards with the necessary additional space for absent amenity space, the terrace is considered a welcome addition for the family sized unit.

Flat 2 at ground floor level (the 2 bed accessed from the Great Cumberland Place entrance) also has access to a lightwell at the rear. It is not clear if this is intended as amenity space as it has not been discussed as such in the submission. Again, no measurements for this area are provided in the application but the additional space provided above the Minimum Space Standards is sufficient to comply with policy.

The applicant has stated in their submission that "*Due to the historic nature of the building and its lack of external space, it is not possible to provide all units with external amenity space and therefore the units proposed are slightly larger to compensate for this in accordance with Policy 12.*" However, they have not provided a breakdown of this additional floorspace provided for the units to compensate. The table above shows that of the flats which would need additional floorspace (flats 1, 2, 3, 4, 6 and 7), only flats 1, 2, 3 and 4 provide enough additional space above the minimum space standards. Flat 6 (the studio flat) and 7 do not provide at least 5 sqm additional floorspace as required. While these flats are not compliant with Policy 12 Parts D and E, given the constraints of the existing site and building, the shortcomings in this respect are considered acceptable in this instance. Overall, the quality of the proposed flats is considered acceptable.

### **Affordable Housing**

The proposed development will not create ten or more residential units and will not create over 1,000 sqm of residential floorspace. Affordable housing will therefore not be required under Policy 9 of the City Plan.

### **Land Use Balance**

The area is not predominantly residential as required under Policy 13 to allow the loss of the possible office use. The area has been found to be an even mix of commercial and residential so the loss of the possible office aspect at the site is not strictly in accordance with policy. However, the provision of the range and number of flats proposed is welcomed and encouraged and the scheme would bring a building that is little used and undermaintained back into full and optimal use. On this basis and on balance, it is considered that the loss of the probable office aspect of the use at the site is acceptable in this instance.

## 9.2 Environment & Sustainability

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

Proposals for improved environmental performance must take into account the impact on the special interest of the listed building. Nonetheless there are a number of opportunities for improvements in performance which are compatible with the historic and architectural interest building of the site, particularly given the limited significance of the interiors.

Heating will be provided to the apartments by means of air source heat pumps. Ventilation to each apartment will be facilitated by the installation of a supply and extract heat recovery ventilation (MVHR), a "whole-house ventilation system", providing fresh air to all occupied spaces within each apartment.

Where non-original windows are being replaced, the new windows will have double glazed units for improved performance. Secondary glazing is proposed throughout the building where original windows are being retained.

The applicant's sustainability statement sets out that the proposals will reduce the CO<sub>2</sub> emission through passive design and energy efficiency measures, including improved building fabric standards and energy efficient mechanical and electrical plant. The opportunities for improved performance are:

- The new mansard roof and second floor bedroom extension will have improved thermal performance;
- New loft insulation to the main roof;
- New insulation incorporated in the renewal of flat roof waterproofings;
- Thermally insulated linings to external walls and framings;
- New windows on the rear and lightwell elevations will be double glazed;
- Retained windows on the front elevation will be fitted with secondary glazing; and
- New MHRV systems comprising air source heat pumps serving internal wall mounted fan coil units.

As a result of the above the scheme follows the Be Lean, Be Clean and Be Green energy hierarchy in line with Policies 36 and 38 of the City Plan and the Environmental SPD.

## 9.3 Biodiversity & Greening

Policies 34 B the developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Policy 34 G requires that developments achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

No biodiversity improvements are provided by the scheme. Given the constrained nature of the site, the limitations of introducing greening to historic fabric, and the modest amount of new construction, there is not considered scope for any substantive provision.

#### 9.4 Townscape, Design & Heritage Impact

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 only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

##### Site and Works

47 Great Cumberland Place is a Grade II listed late Georgian town house of c 1800-1820 with an associated mews building (8 Clenston Mews) to the rear. The property is five storeys with accommodation in the roof and a lower ground floor. A two-storey mews building is directly connected at both levels to the main house with two small lightwells in between. The buildings are in the Portman Estate Conservation Area.

Both 47 Great Cumberland Place and 8 Clenston Mews are much altered internally, including comprehensive alterations to the main body of the house and a lateral conversion linking the house to the mews building at ground and first floor. As a result there are very limited surviving historic features internally.

The house was used as the Malawian High Commission between c.1965-c.1976, and since then appears to have been used as offices with residential in a mix which is unclear. As a result of the various uses across its history, the interior of the house is largely modern twentieth century. The main stair has been lost, and replaced with a very dramatic, though entirely inappropriate, marble stair. Decorative internal details have all

been lost. The historic plan form has also been particularly changed at ground and basement floors, probably while it was a diplomatic premises.

The key issues are therefore the impact of the internal works on the plan form of the building and of external works on the special interest of the building and on the character and appearance of the Portman Estate Conservation Area.

### Central Lightwell

At the rear, the lift in the central lightwell is proposed to be removed and the lightwell partially infilled up to second floor level to create an internal circulation space. This element of the proposals would not be visible from the public realm (Clenston Mews), and only a limited number of private views from adjacent buildings would overlook this part of the building.

The removal of the lift would be a modest heritage benefit. The infilling of part of the lightwell would represent a change to the historic plan form of the building, and a loss of part of an original rear area. It is considered that limited harm of the infill in this location would be balanced by the benefit of the removal of the lift. There is no objection to this part of the work in townscape terms.

### Mansard Extension

On the mews building, the roof is to be rebuilt with a mansard to allow additional accommodation in the new mews maisonette. There is no in-principle objection to the loss of the existing hipped roof to the mews building, on the basis that the existing roof is modern.

The new mansard roof here would be visible in views from the public realm (Clenston Mews and Wythburn Place) and would be prominent in private views from surrounding buildings. The extended mews building would be the only three storey building in this area of otherwise two storey traditional mews buildings.

Given the largely land-locked nature of this part of the site however, the additional height and bulk is likely to be acceptable in this instance. The new roof retains the existing gap between the mews building and existing house. The gap is used to site four air source heat pumps, a suitable location for the accommodation of plant as it will be screened from the majority of views. However, screening will still need to be provided to reduce the impact of the units on private views,

### Rear Extension

A rear extension at second floor level is proposed on an area of flat roof. There is already a later projecting rear wing on the southern side of the rear elevation. Along with the existing closet wing extension the works would result in a full width extension at ground at second floor level. A full width extension at this level would ordinarily be considered to be contentious as it would subsume the existing lightwell and obscure the original rear elevation of the building. However, in this instance the second floor extension would be largely concealed by the mansard roof on the mews building. Like

the roof of the mews building, it is proposed in contrasting materials (metal cladding) to the host building, and so will read an extension.

A similar extension at the adjoining building was approved in 2008 (08/00597/FULL).

Subject to the identification of heritage benefits elsewhere in the scheme, this element is considered to be acceptable.

#### Roof terrace.

Providing that the detail of the proposed balustrade is acceptable, there is no in-principle objection to the creation of a terrace on an existing area of flat roof. The privacy screen to no. 45 has been the subject of negotiation and review over the course of the application and has been reduced to the smallest dimension possible. It will not be overly prominent in views from the public realm.

The window which will be lost is a later twentieth century casement of no special heritage significance.

Subject to a condition requiring details of the new door to the terrace and the design of the wrought iron balustrade this aspect of the scheme is considered acceptable.

#### Internal Works

Internally, the proposals are to divide the existing accommodation into 7 flats and maisonettes. There is a limited amount of surviving historic fabric, particularly in terms of decorative detail. The existing doors are all replacements. The historic plan form largely survives at first floor and above, and represents the main interest of the interiors.

In the basement, the existing stairs are proposed to be removed entirely and a separate self-contained external access created at the front. There will be some alterations to internal partitions to allow the space to become a two bedroom flat. The existing staircase appears to be modern. The removal of the stairs between basement and ground floor level would be harmful to the historic plan form (though not to the fabric) of the listed building.

The other changes to plan form in the basement are modest and affect fabric of lesser significance.

On the ground floor a new front hallway and more historically appropriate stairs would be created, resulting in an improvement to the plan form and appearance of this part of the house. These works, providing the details are appropriate for a listed building of the mid nineteenth century, would constitute a benefit. The details of the stair should be reserved by condition and should be based on exemplars from similar buildings in the local area.

At the rear, the ground floor would be slightly reconfigured to provide a separate studio flat accessed from Clenston Mews and also access to the stairs to the upper maisonette in 8 Clenston Mews.

On the first floor, the 1970s stair and associated lobbies will also be removed, and a more traditional circulation created.

Throughout the house, the opportunity exists to reinstate traditionally detailed decorative plasterwork, traditional doors and appropriate fireplaces and surrounds which, subject to achieving the correct details, would represent a modest heritage benefit. The reinstatement of stairs, balustrades, fireplaces doors etc should be scholarly reconstructions in order to constitute a true benefit. Off-the-shelf designs are unlikely to deliver the benefit necessary to balance the harms identified in the scheme and will be secured by condition.

The exiting windows are to be upgraded with secondary glazing throughout the house, which would be acceptable in listed building terms. Detailed drawings of the secondary glazing should be conditioned to ensure that they are sit comfortably in relation to the historic sashed.

### Balancing Benefits and Harm

Three elements have been identified where harm is cause to the special interest of the listed building;

- the loss of part of the central lightwell is a modest harm to the historic plan form,
- the second floor extension obscures the original built form of the building, and
- the loss of the (modern) stair between ground and basement floors.

The balancing benefits have been identified as:

- The reinstatement of a historically appropriate stair between ground and first floors,
- The reinstatement of the plan form of the hallway,
- Improvements to the front elevation,
- Removal of the lift in the central lightwell,
- Sustainability improvements through secondary glazing,
- The reinstatement of historically appropriate plasterwork, doors, and four replacement fireplace surrounds, and
- Creation of seven flats

It is considered that the relatively modest harms are outweighed by the public benefits of the scheme.

## **9.5 Residential Amenity**

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

## Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). It should be noted that new BRE Guidelines have been adopted since the applicant's report was made however, the new guidance remains consistent with the old in respect of impact to neighbouring properties. The data submitted in the report is still considered suitable for assessment in this application.

The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 49 and 45 Great Cumberland Place, 1 and 3 Wythburn Place, Wythburn Court, and Block 1, Bryanston Court.

Objection has been received raising concern about the impact on daylight and sunlight as a result of the proposals.

An objector has also stated that they consider the daylight and sunlight report initially submitted did not assess at all neighbouring properties, particularly those of objector's properties. The applicant has provided additional data on daylight and sunlight to address this aspect of the objection. This data is included in the discussion below. As a result of this information being provided, this part of the objection can no longer be upheld.

### Daylight

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable

The report shows that there would be no breach in BRE guidelines related to VSC for the 86 windows tested, so all comply with the guidelines, including the objector's property. Most of the windows tested experience no loss of VSC. The small number of losses identified do not exceed 8% for the most part, with a single window experiencing 12% loss (this is one of two windows serving a bedroom in Wythburn Court, which has a lower requirement for light).

### Daylight Distribution No skyline (NSL)

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all of the 68 rooms assessed comply with BRE guidelines for NSL, including the objector's property, with only 5 experiencing any losses (which range from 1%-16%).

It is considered that the results of the study show that the development would have a minimal impact of the daylight levels for surrounding properties, including at the objectors building.

### Sunlight

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. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment has identified that 57 rooms require assessment. Of the rooms tested across the properties assessed, none of these experience any loss to light levels, including at the objector's property.

The study shows that there will be no impact on surrounding properties assessed in terms of sunlight.

The submitted daylight and sunlight report and the addendum provided for the objector's property has satisfactorily demonstrated the proposal is acceptable in terms of any likely impact on daylight and sunlight. It is not considered that the objections received concerning impacts of the proposal on surrounding daylight and sunlight can be upheld on the basis of the information provided.

It is noted that an objector raised concern that the proposed privacy screen for the terrace at fourth floor would block light. However, the design of this privacy screen is not completely solid (with 6mm gaps between slats) and is not of a substantial enough size to be considered significant to cause an issue. The location of the proposed screen is closest to a good sized terrace at the objector's property. Any windows and the wall of the neighbours building at that level is some distance back from where the screen will be. Additionally, the location of this screen is to the north of the objector's property, and as a result no direct sunlight would be lost from this given the orientation. Accordingly, this aspect of this objection cannot be upheld.

### **Sense of Enclosure**

The majority of the increased bulk and mass of the proposed works are located at the

rear part of the building in the form of the proposed mansard extension. Given the mansard design, sloping back away from the building edge and also being set back behind the existing parapet, it is not considered that this would lead to any noticeable increased sense of enclosure.

The additional works to the building are located in an area of the site that would only impact any sense of enclosure for the site itself, due to the existing closet wing extensions of the site and the neighbouring site to the north. As such it is not considered that the other extensions would result in any increased sense of enclosure.

An objector has raised concern about the proposed fourth floor terrace privacy screen being an overbearing structure. As noted above, the screen will have slats with small gaps between and therefore not be a solid structure. It is also not of a substantial size at 1.8m high from the terrace level. The level of the terrace at the site is higher than the floor level of the terrace at the objector's property. The boundary wall of the site projects beyond the windows and rear elevation of the objector's property to a higher level than the screen would be. While the privacy screen will project out beyond the main part of the sites boundary wall, it is not considered that it would be of a substantial enough construction to lead to an increased sense of enclosure. It is located some distance away from the objector's windows and the objector's property and terrace will still have a significant amount of openness on the other aspects to the south and west. As a result, this aspect of the objection cannot be upheld.

### **Privacy**

The proposals include a terrace at rear fourth floor for use by one of the flats. This will be located on an existing flat roof. A privacy screen is proposed along the southern side of this terrace (measuring 1.8m high from the terrace level) so as to prevent overlooking to the property to the south, which has a large terrace next to this part of the site. The installation and retention of this privacy screen shall be secured by condition.

Objection has been received to the terrace and the privacy screen on the basis that they will allow overlooking to the adjoining terrace and result in a loss of privacy. The proposed privacy screen is considered suitably designed to prevent overlooking to this neighbouring terrace and has been purposely positioned and negotiated to prevent this. As such, it is not considered that the objection can be upheld.

While the existing flat roof to be used as a terrace projects beyond the rear of the neighbouring building to the north, the angle of any views to the rear elevation of the property and its windows is considered too tight to be granted any view into the windows. The property and the proposed terrace area also have a good distance separating them which, when considered with the angle, would mean there is likely to be little to no risk of overlooking to that property from the terrace.

The location of the terrace and distance to other nearby buildings is not considered to result in any risks of overlooking to other windows.

Objection has been received about overlooking from the proposed dormer windows and the resulting loss of privacy to neighbouring buildings. The dormer windows are set back from the existing building line so will not result in any significant increase in overlooking

or loss of privacy in general, or anything that would be beyond the existing situation or typical for the mews areas to the rear. Concern has been raised that there will be views into the rooflight on the rear roof slope of a property on Wythburn Mews. The applicant has provided information to confirm that the setback nature of both the dormer and the mansard windows, along with the position of the existing rooflight (low on the roof slope and close to the existing blank boundary wall with the site which rises higher than the rooflight), would not allow any views down into this rooflight. As a result, the objection cannot be upheld.

### **Noise (Terrace)**

An objection has been received on the grounds that the new terrace at rear fourth floor level would cause noise disturbance. While these concerns are noted, given that the terrace is for use in association with a residential flat, it would not be considered reasonable for the Council to impose restrictions on its use in the same way that would be done for a commercial terrace (e.g. restricting hours of use etc.). Additionally, the proposed terrace is a relatively small size so it is unlikely that large groups would be able to congregate on it so as to cause noise disturbance. The objection on these grounds cannot be upheld.

### **Noise & Vibration (Mechanical Plant & Equipment)**

The proposals include the installation of a total of 8 air source heat pumps across the site. Three of these units will be located at lower ground floor within a rear lightwell and one in the front lightwell under the lightwell stairs. Five condenser units will be located at the rear third floor, with 1 single unit closer to the main building and 4 in a group located between the main building and the proposed new mansard. All of these units will be within acoustic screening.

An objector has claimed that the submitted acoustic report is not accurate as noise measurements were only taken at front of property and not at the rear which is quieter. This is not the case as the acoustic report took noise measurements in two locations, one being on the Great Cumberland Place frontage, and one at the rear of the site. The objector also pointed out that, at submission, the proposed drawings did not include the necessary acoustic screening around all of the proposed units. This screening has now been included on the proposed drawings.

Environmental Sciences have assessed the submitted acoustic report and advised the proposed equipment is likely to comply with Council noise and vibration criteria however, as the make/model of the units has not yet been finalised, they recommend a supplementary acoustic report is secured by condition to demonstrate compliance. The report sets out that regardless of make/model, all units will require an acoustic screen. The installation and retention of these screens shall be secured by condition. Subject to these conditions, they have no objection on amenity grounds to the proposed mechanical plant and equipment.

Objectors have raised concern about noise, heat and smell from the heat pumps and stated that mitigation is needed for these aspects. As set out above, noise has been assessed and found likely to be acceptable subject to conditions. This aspect of the objection therefore cannot be upheld. With regards to the issue of heat, as the units will

be located outside, any heat which may be generated will ventilate to atmosphere. Regarding the issue raised about smell from the proposed unit, it is not considered that the units would generate smell. These aspects of the objections therefore cannot be upheld.

## **9.6 Transportation, Accessibility & Servicing**

The Highways Planning Manager and Waste Project Officer have assessed the application and raised the following points.

### **Waste & Recycling Storage**

The Highways Planning Manager and Waste Project Officer have both objected to the application on the grounds that the submitted drawings do not indicate the necessary waste storage details. Bin capacity for recycling, food waste and general waste for the development has not been provided.

While the applicants planning statement says that a dedicated bin store is provided, it is not evident on the submitted plans. Details of the necessary waste storage for the units will be secured by condition to overcome this objection.

### **Cycling & Cycle Storage**

City Plan Policy 25 requires developments to promote sustainable transport by prioritising walking and cycling. The provision of long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weather proof.

Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1.5 space per 1-bedroom unit. The proposal would therefore require a minimum of 12 cycle parking spaces in total, spread appropriately across the site for the relevant units.

While the applicants planning statement says that a dedicated cycle store is provided, it is not evident on the submitted plans. The Highways Planning Manager has therefore objected to the absence of this information. Details of the necessary cycle storage for the units will be secured by condition to overcome this objection.

### **Parking**

Policy 27 supports residential development without car parking provision. However, it is noted that increased residential units in the area will likely increase demand for on-street spaces. The Highways Planning Manager has suggested that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and encourage reduced car ownership of future occupiers.

The site is located in a highly accessible location (PTAL rating 6b, the highest possible), with numerous bus routes and underground stations in close proximity, providing numerous transport options. Given this, and that most car club membership schemes now offer a free membership level, the Highways Planning Manager has agreed that

securing car club membership via the developer is not necessary.

## 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. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

## 9.8 Other Considerations

### Impact on Amenity During Course of Construction

There are objections about the impact on neighbours during course of construction due to the impact of noise from the works. They have requested that an outline construction noise mitigation needs to be provided. Such a document for a scheme of this size is not a planning requirement and, while these concerns are noted, it is not considered reasonable for the Council to withhold permission on the basis of noise disruption during construction. The standard hours of working condition shall be applied to the permission so ensure that any noisy working is limited to standard construction working hours.

### Structural Concerns

An objector has raised concerns regarding structural stability of the site and the neighbouring building during the proposed works. The relatively small scale of the proposals do not require for structural concerns to be taken into consideration under planning legislation. As a result, it would not be reasonable to request substantial information on this topic nor for the Council to withhold permission on the grounds of these concerns. The proposals will still be subject to Building Control regulations. This objection therefore cannot be upheld.

### Security Risk

An objector has claimed that the proposed mansard roof to the rear of the property would cause a security risk to adjoining properties as the roofs would be accessible from the new windows. They have requested measures to prevent access from these windows. While these concerns are noted, it must also be noted that access to the roofs of concern and to the area where the mansard is proposed is already possible from the property via the windows on the main rear elevation. Given that the proposed windows will serve residential flats, it is not considered that there would be an increased security risk. In light of this, it is not considered reasonable to withhold permission on the grounds of this point of objection.

### Development Prejudicing Neighbouring Sites Development Opportunities

An objection has been received stating that they have concern that the remodelling in the area of the site where the existing lift shaft is may "*reduce possibilities for adjoining properties*". The lift shaft is located in an internal lightwell in the site and the only part of the neighbouring site here is a blank boundary wall elevation. The proposals in this part

of the site do not rise above the boundary. It is therefore not considered that the proposals would prejudice the development opportunities of the site and this aspect of the objections cannot be upheld.

### **Document Errors and Inconsistencies**

An objector has raised a series of errors or inconsistencies in the submitted documents, such as required acoustic screening not being shown on the originally submitted drawings, and relationship to neighbouring buildings not shown on drawings. During the course of the application these issues have been amended by the applicant and re-consultations carried out. As such it would not be reasonable for the Council to withhold permission on these grounds.

### **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.

## **10. Conclusion**

The proposals will provide seven residential flats at the site which is supported by the Council. The existing use cannot be clearly identified, but it is believed there is an element office use within the existing mix of the use. While the loss of this office aspect of the use is not strictly in compliance with Policy 13 of the City Plan 2019-2040 (as the area is not predominantly residential), in this instance it is considered acceptable given the provision of the residential accommodation and the opportunity to bring the building back into full use.

Subject to conditions securing compliance with noise and vibration criteria and the installation of acoustic screening for the mechanical plant, and the installation of a privacy screen for the terrace, the proposals are acceptable in amenity terms.

Whilst being mindful of policies 38 and 39 of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise the provision of a mix of residential units and bringing an underutilised building back into use, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional planning permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

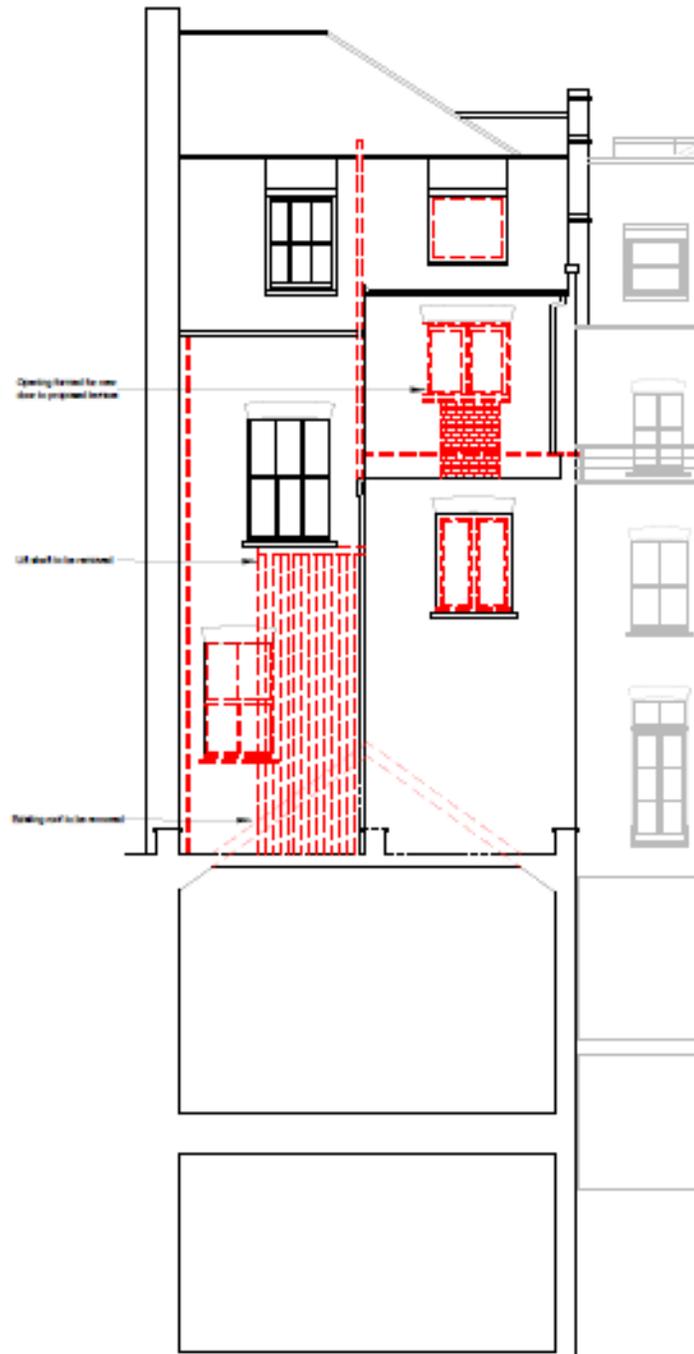
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

11. KEY DRAWINGS

Existing (left) and Proposed (right) Front Elevation

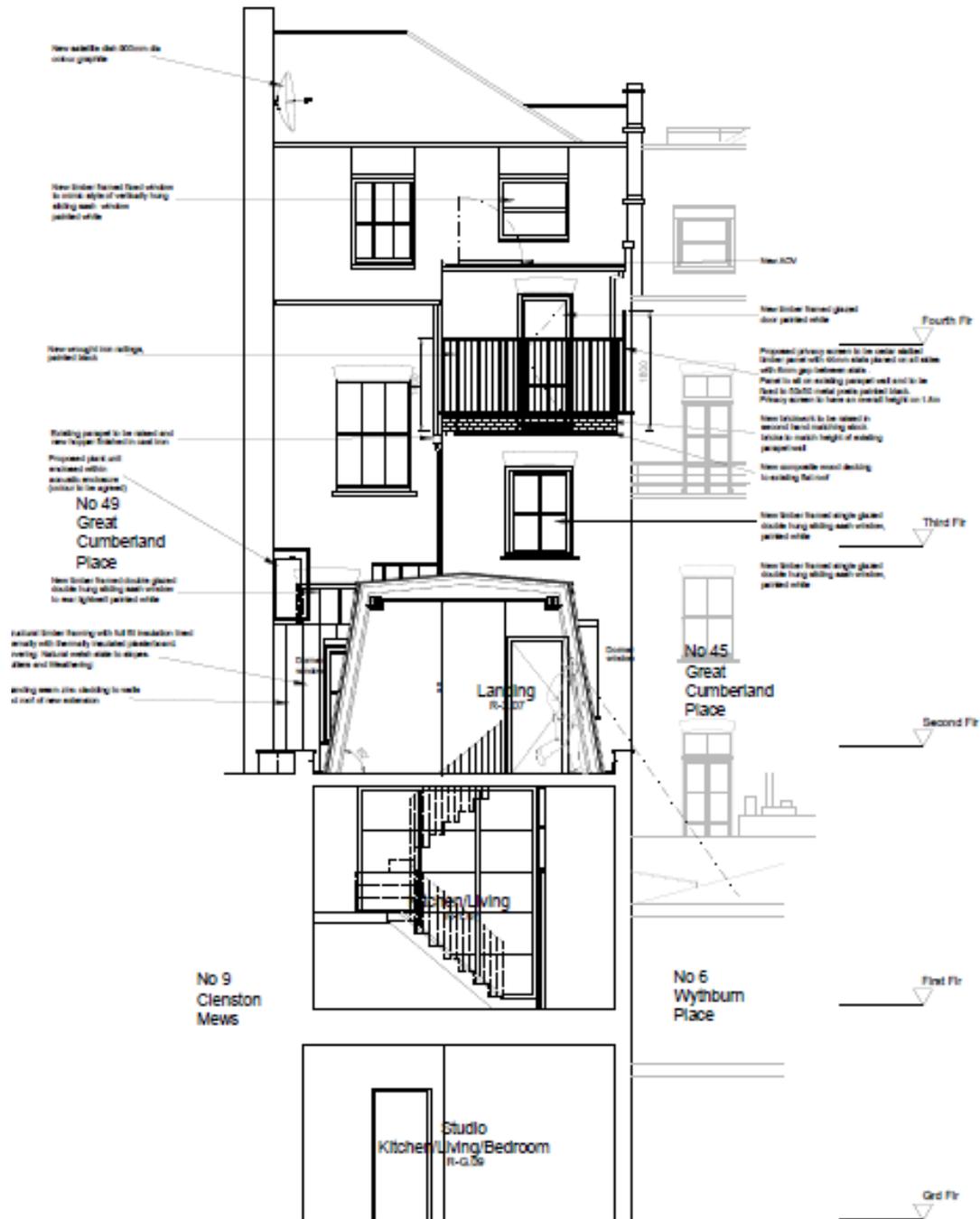


Existing Rear Elevation



Rear Sectional Elevation A - A

### Proposed Rear Elevation

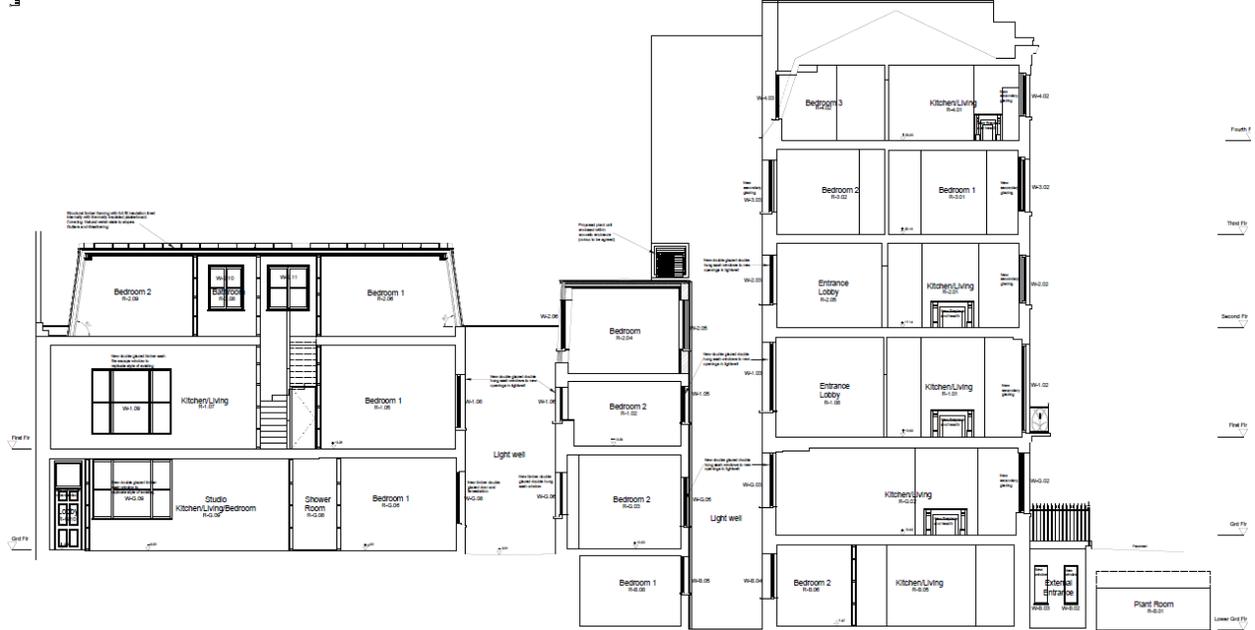


Rear Sectional Elevation A - A

### Existing Section B-B



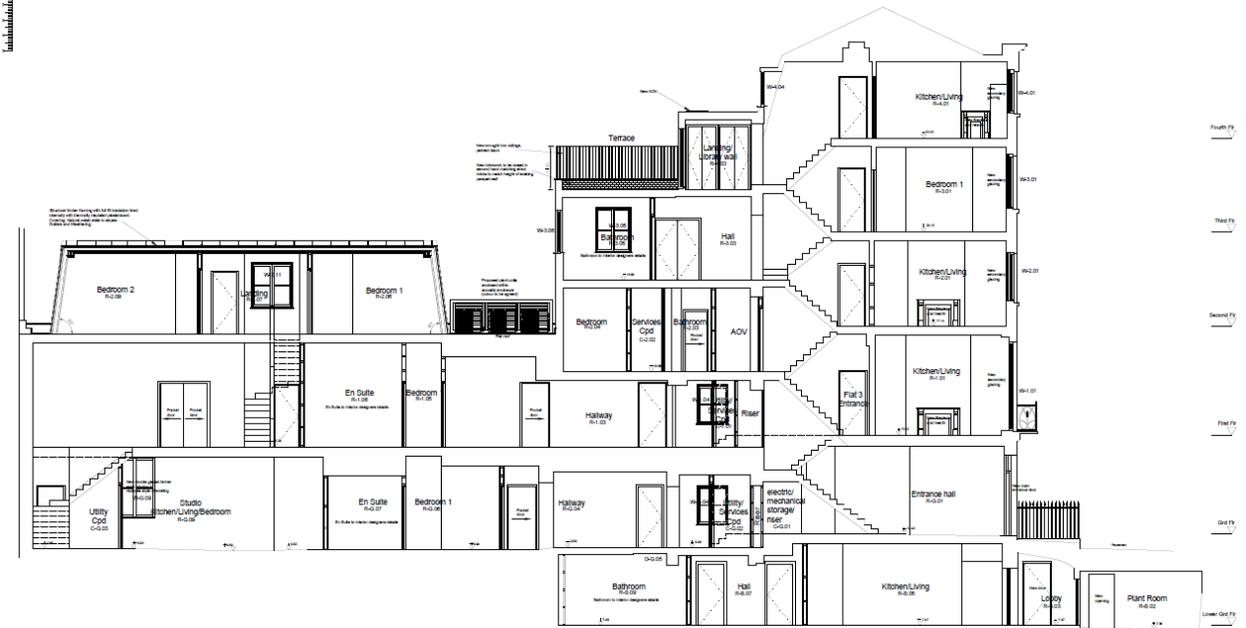
### Proposed Section B-B



### Existing Section C-C



### Proposed Section C-C

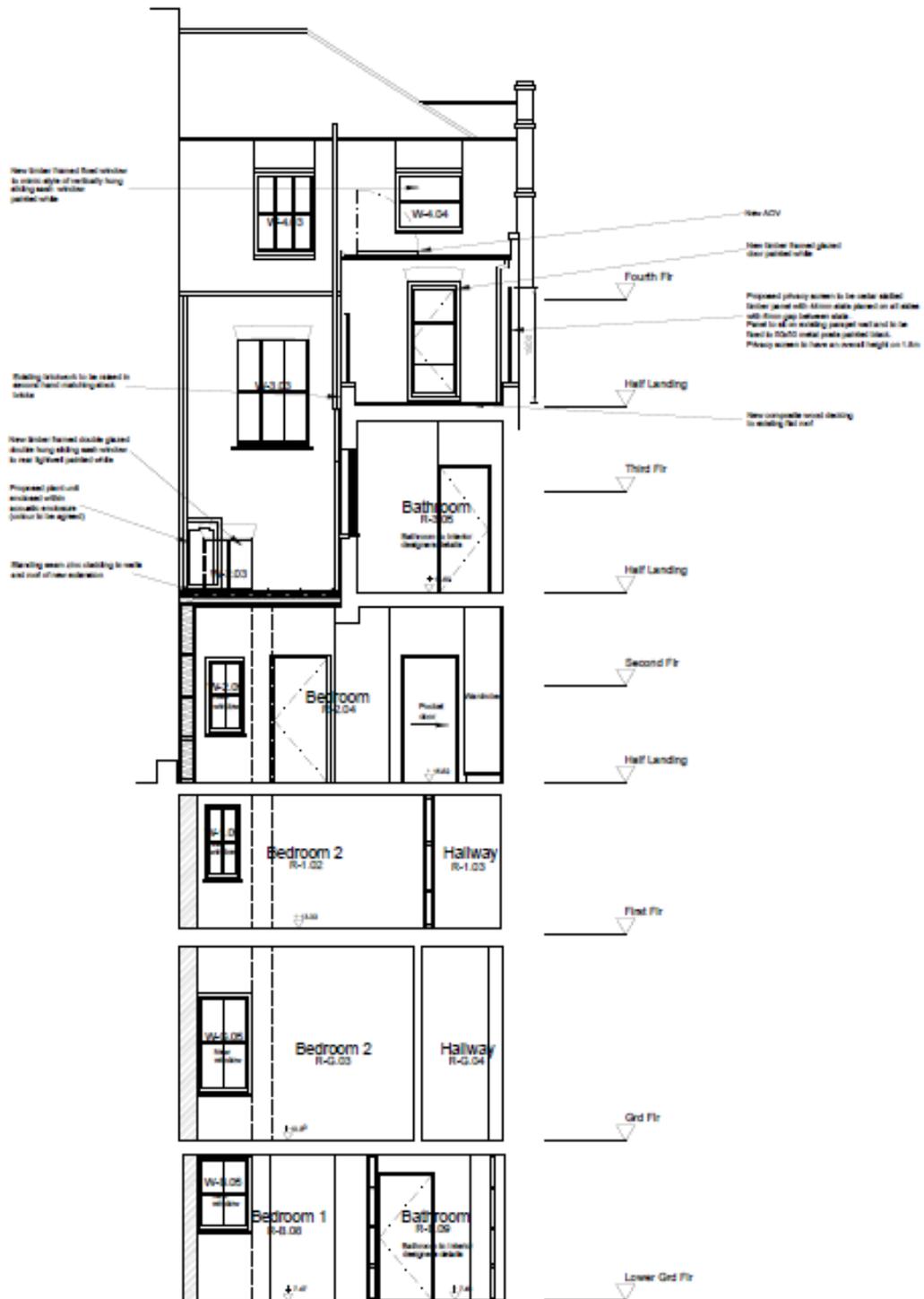




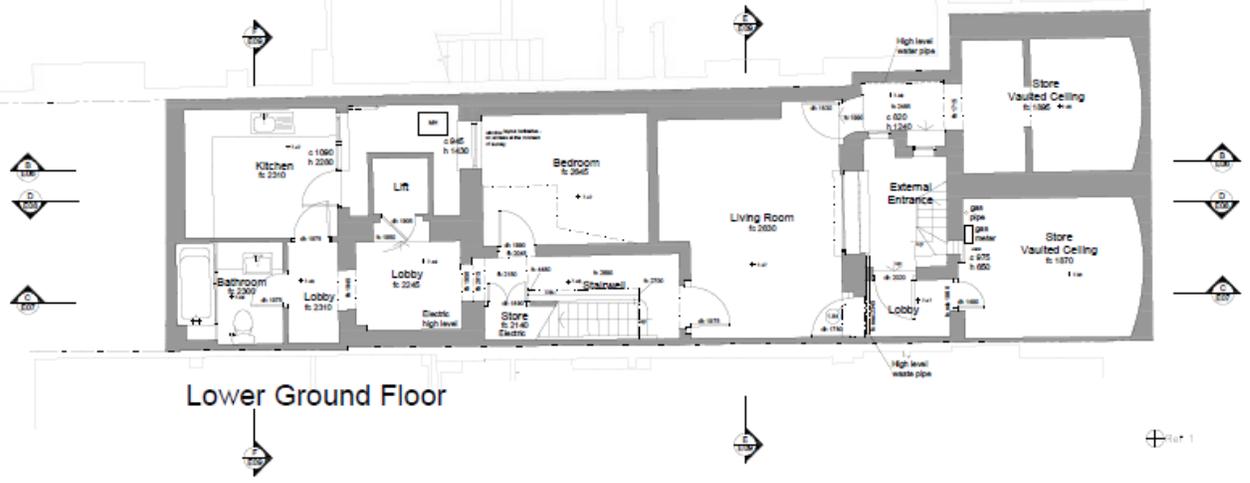
Existing Section F-F



Proposed Section F-F

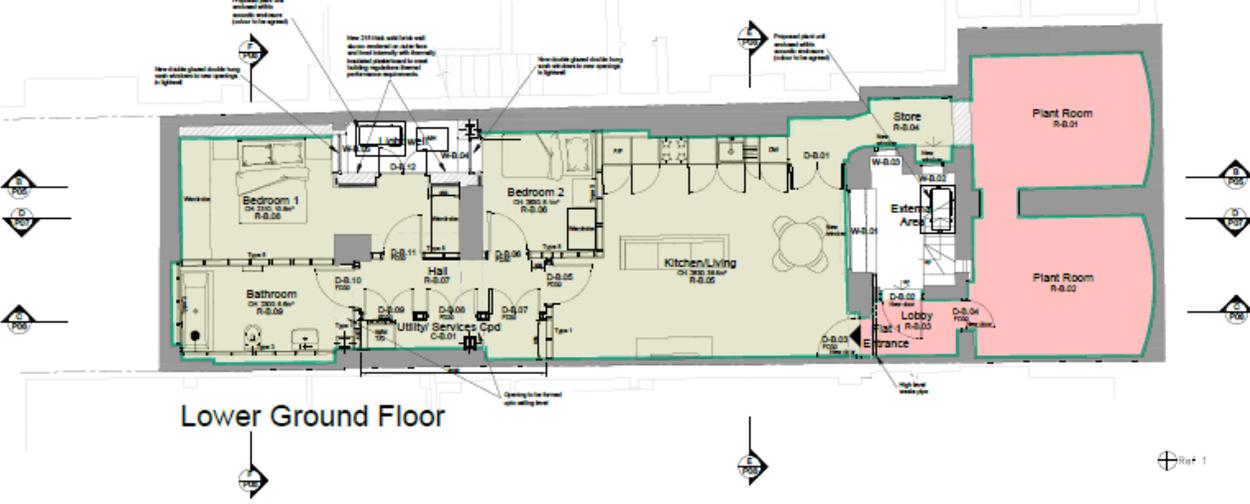


### Existing Lower Ground Floor



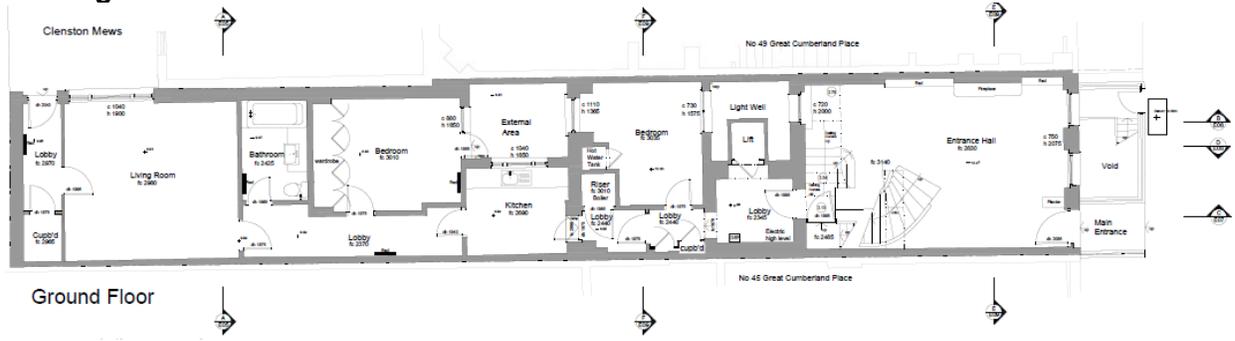
Lower Ground Floor

### Proposed Lower Ground Floor

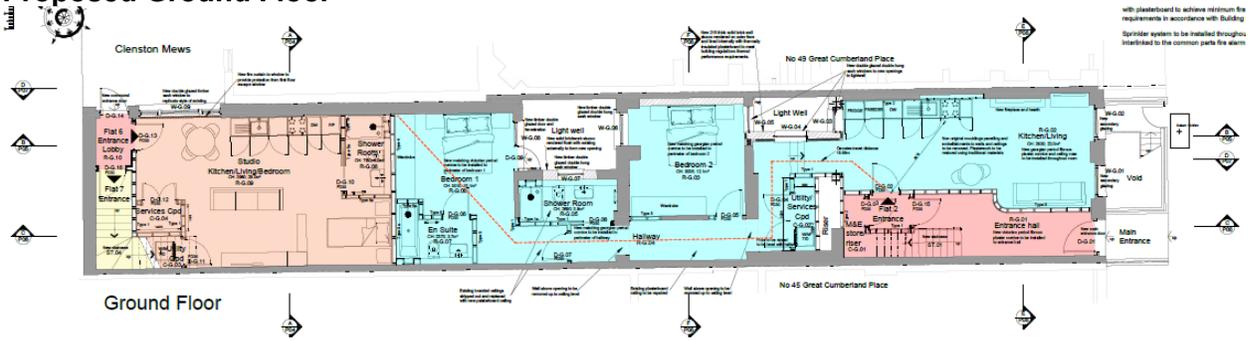


Lower Ground Floor

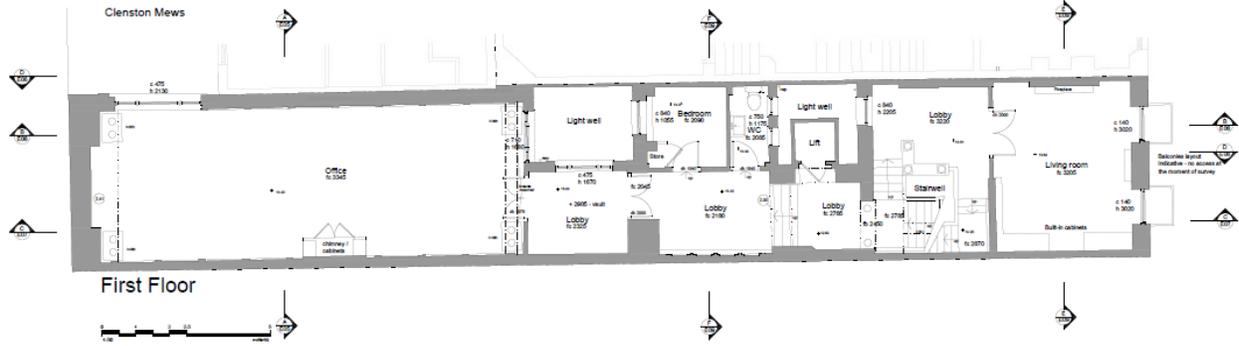
### Existing Ground Floor



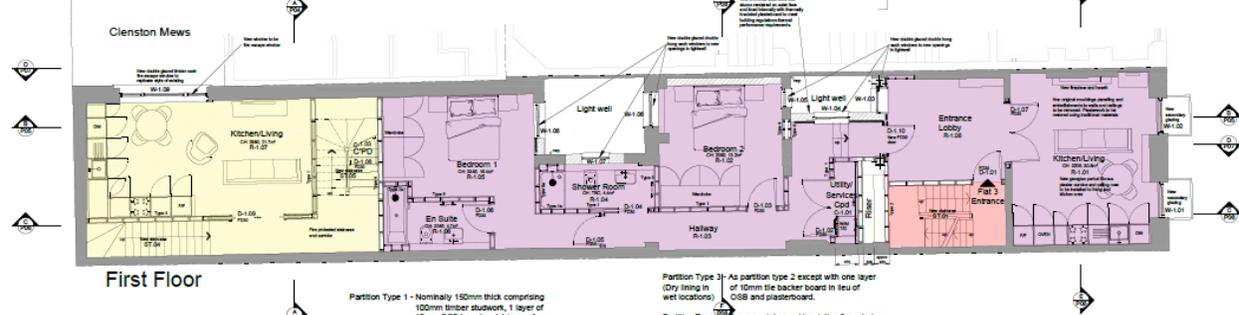
### Proposed Ground Floor



### Existing First Floor



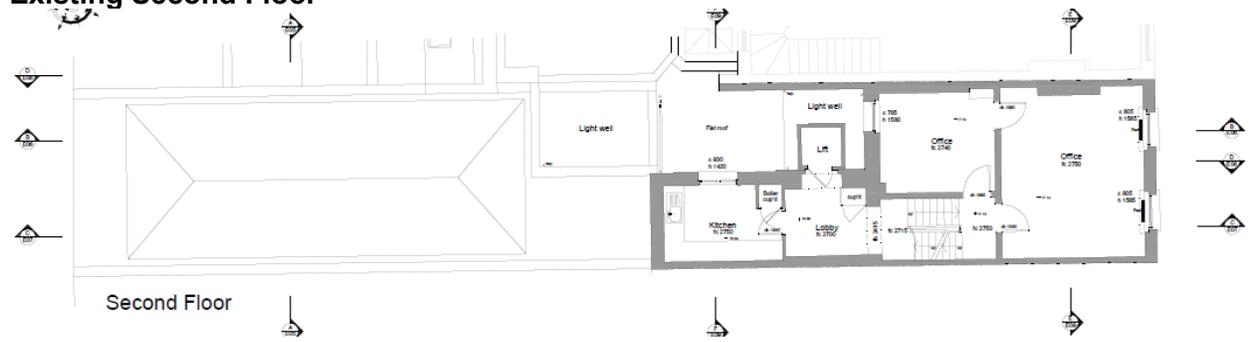
### Proposed First Floor



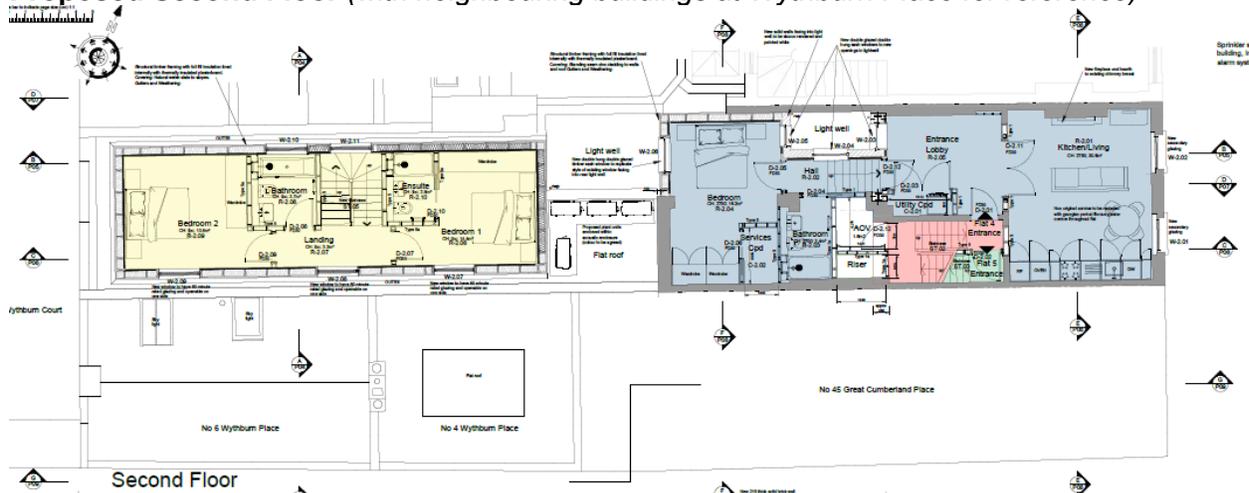
Partition Type 1 - Nominally 150mm thick comprising 100mm timber studwork, 1 layer of OSB and plasterboard.

Partition Type 3 - As partition type 2 except with one layer of 10mm tile backer board in lieu of OSB and plasterboard.

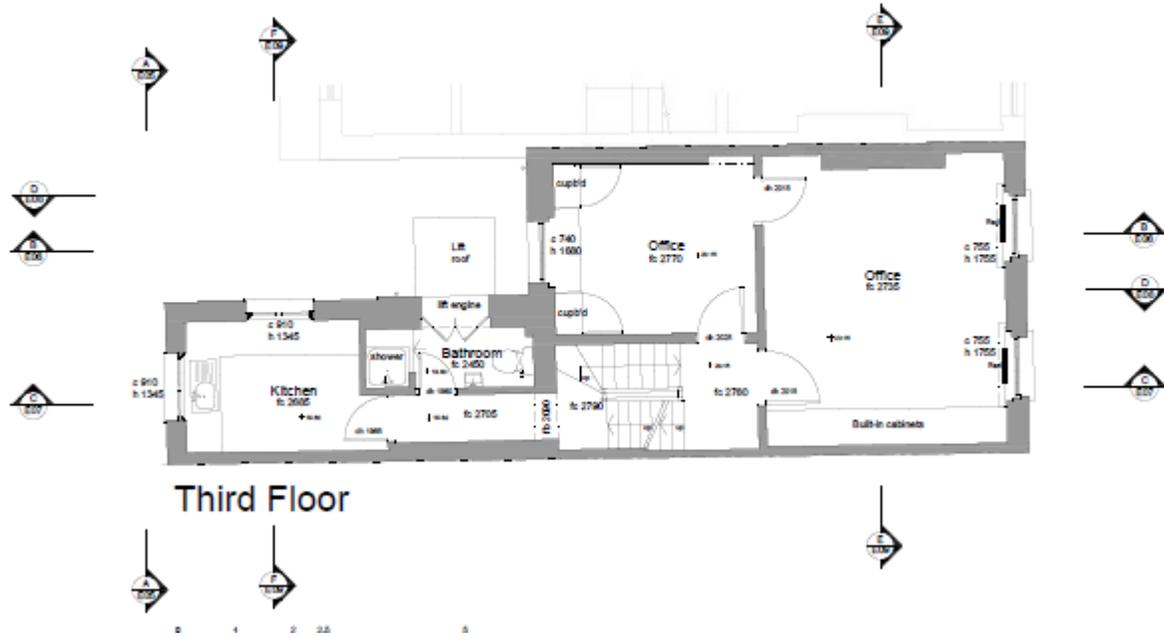
### Existing Second Floor



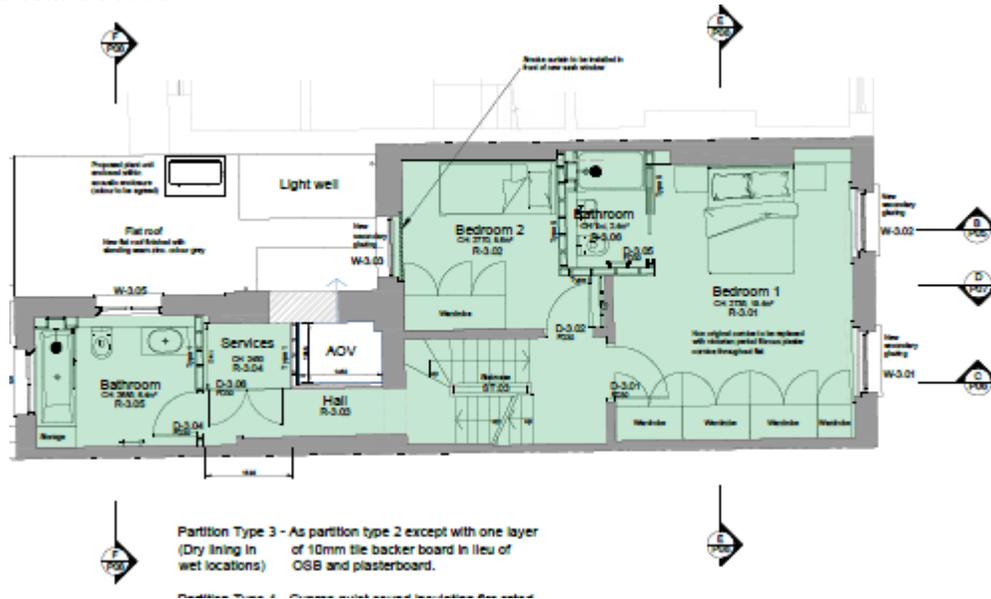
### Proposed Second Floor (with neighbouring buildings at Wythburn Place for reference)



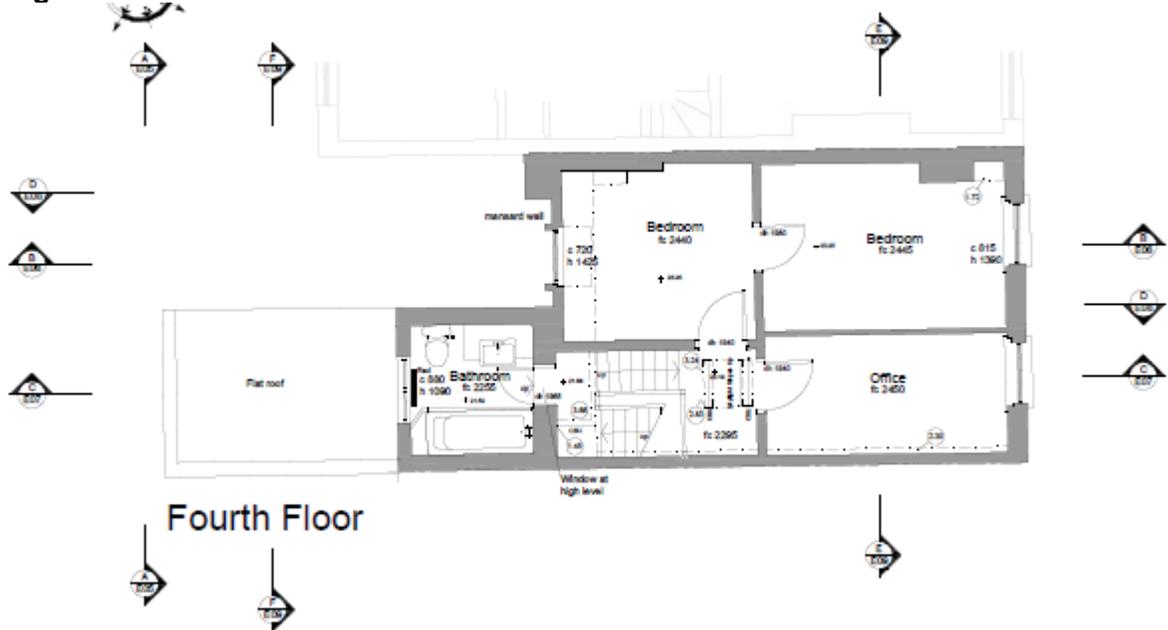
Existing Third Floor



Proposed Third Floor

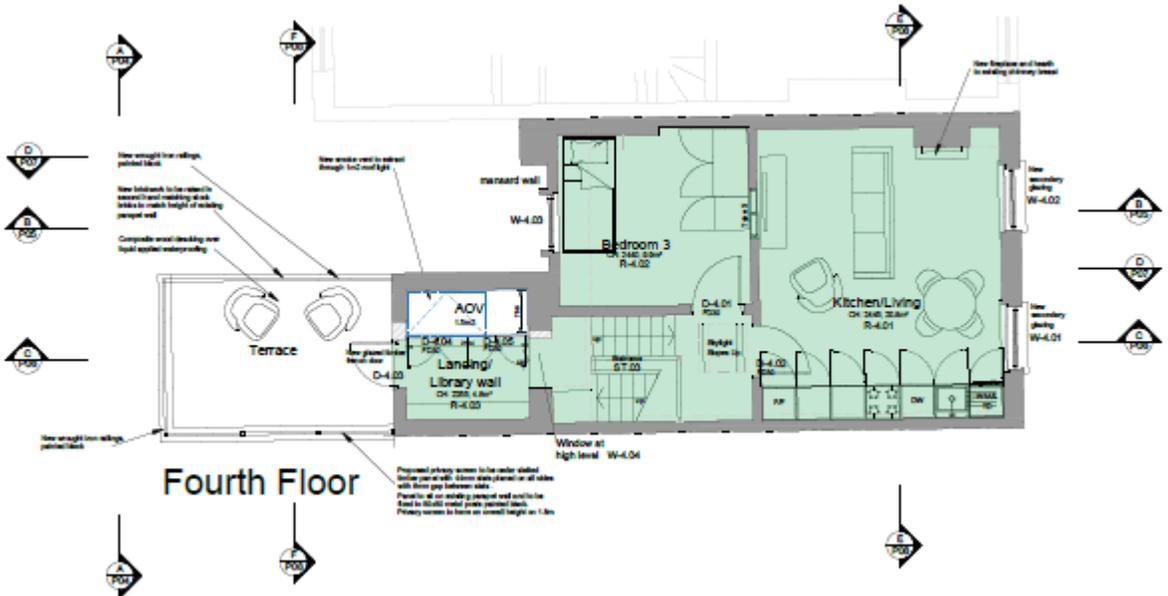


### Existing Fourth Floor



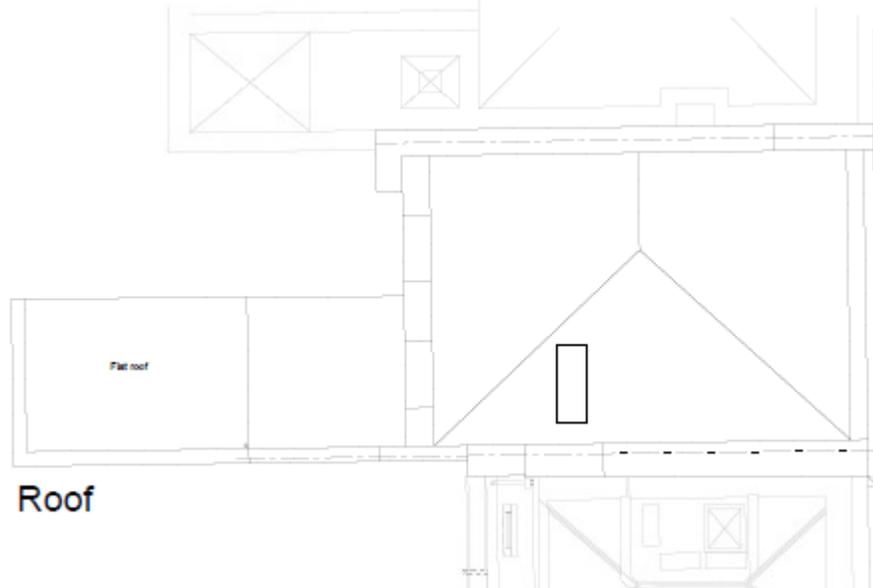
Fourth Floor

### Proposed Fourth Floor

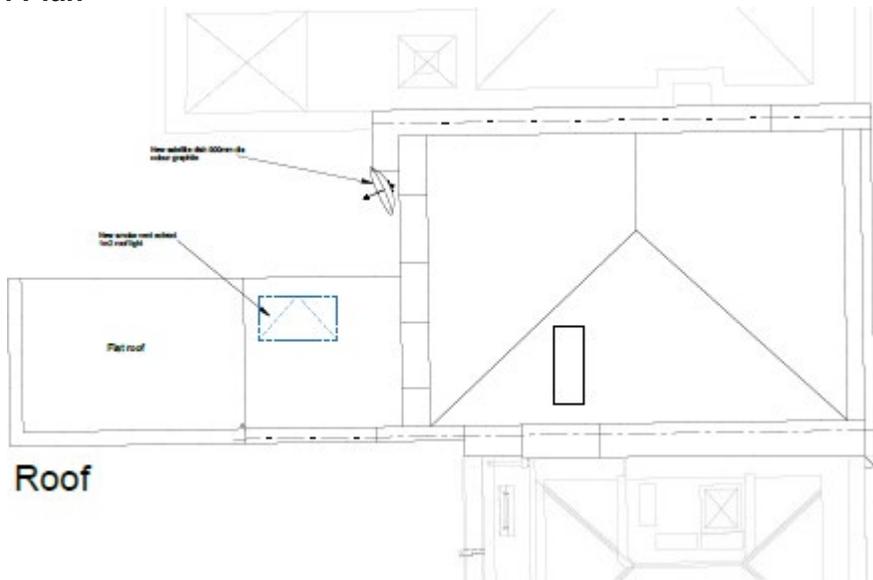


Fourth Floor

Existing Roof Plan



Proposed Roof Plan



**DRAFT DECISION LETTER FOR 22/04335/FULL**

**Address:** 47 Great Cumberland Place, London, W1H 7TQ

**Proposal:** Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Installation of 2 condenser units at lower ground floor and 5 at rear third floor. Use of the building as seven residential apartments.

**Reference:** 22/04335/FULL

**Plan Nos:** 27099/P/01 Rev. P4 ; 27099/P/02 Rev. P2 ; 27099/P/03 Rev. P4 ; 27099/P/04 Rev. P4 ; 27099/P/05 Rev. P3 ; 27099/P/06 Rev. P4 ; 27099/P/07 Rev. P4 ; 27099/P/08 Rev. P4 ; 27099/P/09 Rev. P2 ; Noise Impact Assessment (First Issue), dated 20th June 2022, by Parker Jones Acoustics Limited, for 47 Great Cumberland Place, London, W1H 7TQ

**Case Officer:** Adam Jones

**Direct Tel. No.** 07779431391

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

- 4 (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)

- 5 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)

- 6 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) 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)

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

- 8 You must install the privacy screen at the fourth floor terrace as shown on the approved drawings before anyone uses the terrace. You must then maintain the privacy screen in the form shown for as long as the terrace remains in place.

Reason:

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

- 9 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the residential flats (Class C3) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the residential flats (Class C3). You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

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

- 10 You must apply to us for approval of details of secure cycle storage for the residential (Class C3) use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential flats (Class C3). You must not use the cycle storage for any other purpose. (C22HA)

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)

- 11 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
- a) wrought iron balustrade,
  - b) all new external windows and doors,
  - c) plant screens.

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 15 You must apply to us for approval of drawings showing the following alteration to the scheme:

-The use of lead, rather than zinc, for the mansard roof and second floor extension.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

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

- 16 All of the hereby approved mechanical plant equipment shown on the approved drawings must be Air Source Heat Pumps.

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

**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 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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.
- 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@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.

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

**DRAFT DECISION LETTER FOR 22/04336/LBC**

- Address:** 47 Great Cumberland Place, London, W1H 7TQ
- Proposal:** Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Use of the building as seven residential apartments.
- Reference:** 22/04336/LBC
- Plan Nos:** Proposed Plans: 27099/P/01 Rev. P4 ; 27099/P/02 Rev. P2 ; 27099/P/03 Rev. P4 ; 27099/P/04 Rev. P4 ; 27099/P/05 Rev. P3 ; 27099/P/06 Rev. P4 ; 27099/P/07 Rev. P4 ; 27099/P/08 Rev. P4 ; 27099/P/09 Rev. P2.  
Proposed Reflected Ceiling Plans: 27099/C/01 ; GD 586-GA 131 Rev. P2 ; GD 586-GA 132 Rev. P2 ; GD 586-GA 133 Rev. P2.  
Proposed Lighting Plans: 586 GA 141 Rev. P2 ; 586 GA 142 Rev. P2 ; 586 GA 143 Rev. P2

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641  
07779431391

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
- a) wrought iron balustrade,
  - b) all new windows and doors,
  - c) plant screens,
  - d) new staircase,
  - e) all new fireplace surrounds and fireplace ironmongery,
  - f) new cornices, dados skirtings and other decorative plasterwork,
  - g) secondary glazing.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 6 You must apply to us for approval of drawings showing the following alteration to the scheme: , , -The use of lead, rather than zinc, for the mansard roof and second floor extension, , You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black.  
(C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF. In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.