

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 19 March 2013	Classification For General Release	
Report of Strategic Director Built Environment		Wards involved Marylebone High Street	
Subject of Report	74-76 Chiltern Street, London, W1U 5AA		
Proposal	Demolition of the existing building, redevelopment and construction of a new building on three basement levels, ground, and part four/part seven floors comprising 60 flats (Class C3), a health and fitness club (Class D2) , a unit for retail or financial and professional services (Class A1/A2), a restaurant or public house (Class A3/A4), storage uses (Class B8), replacement accommodation for street cleansing facilities (sui generis), car parking for the development and 23 parking spaces for local residents, associated plant.		
Agent	Rolfe Judd Planning		
On behalf of	Paddington Street GP Ltd and Paddington Street Nominee Ltd		
Registered Number	12/09397/FULL	TP / PP No	TP/1084/17916/ 21582
Date of Application		Date amended/ completed	08.10.2012
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		
Development Plan Context - London Plan July 2011 - Core Strategy January 2011 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

For Sub-Committee's consideration:

1. Does the Sub-Committee consider that the proposal is acceptable in terms of:

- a) its land use implications, including the proposed contribution of £4.105 million to the City Council's affordable housing fund; and
- b) the proposed package of S106 planning obligations, including the proposed education contribution of £291,652.

2. Subject to 1a and b above, grant conditional permission, subject to a S106 legal agreement to secure:

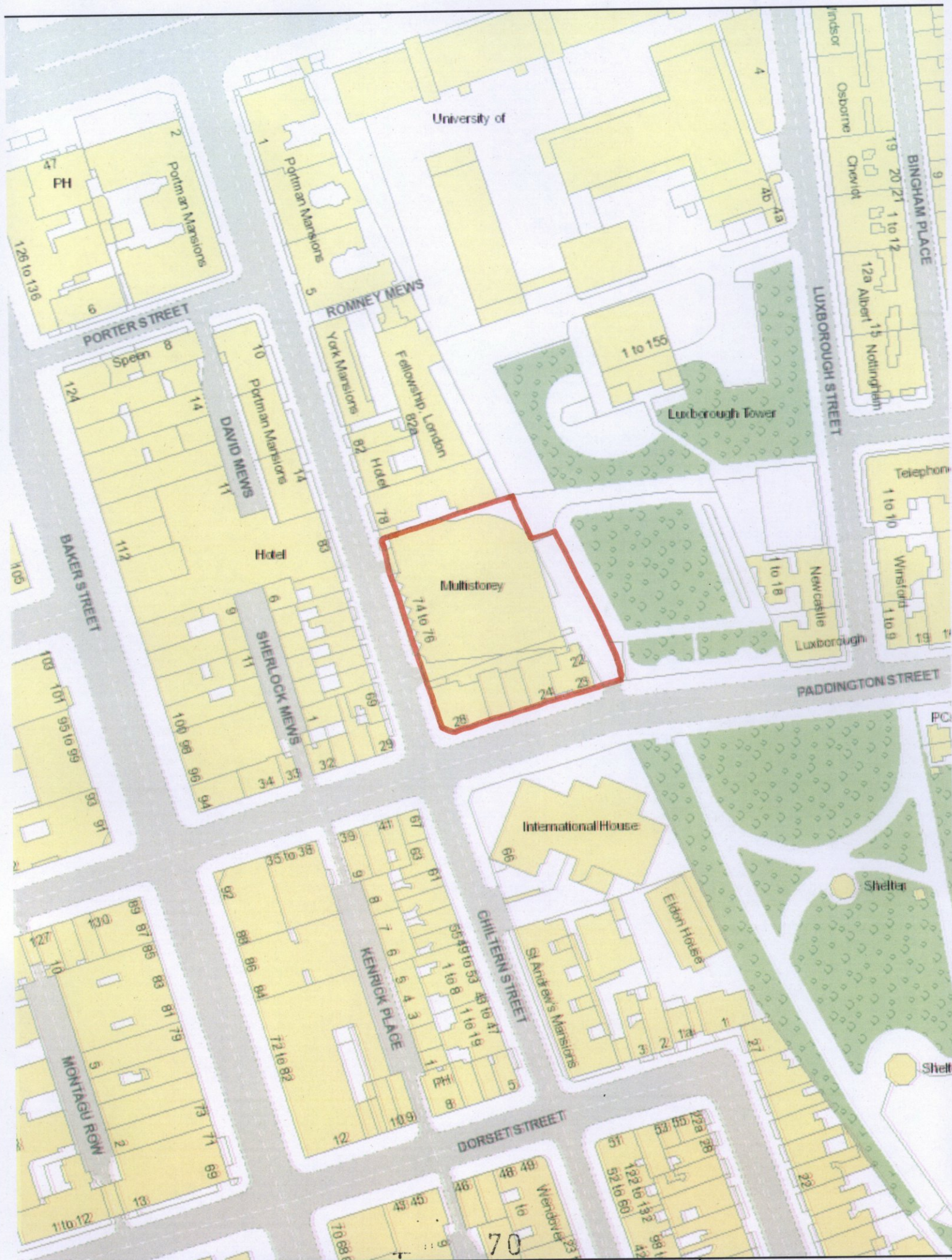
- a) the on-site provision of 16 units of affordable housing (60% of the new units being made available as social rented accommodation and the remainder as intermediate housing for shared equity or intermediate rent) and measures required by the Director of Housing to ensure that the proposed units are affordable;
- b) a financial contribution of £4.105 million towards the City Council's affordable housing fund in lieu of on-site affordable housing provision;
- c) a financial contribution of £257,500 towards public realm improvements in the vicinity of the site;
- d) a financial contribution of £20,600 towards the provision of four substantial replacement trees within Paddington Street Gardens North;
- e) the provision of access to suitable facilities within the health and fitness centre/gym for schools or other approved organisations;
- f) a financial contribution of £291,652 towards the provision of additional educational facilities in the area;
- g) the provision of (dual use) electric car charging facilities for at least 10 of the car parking spaces for use by occupants of the development;
- h) a financial contribution of £35,000 to re-provide on-street electric car charging facilities (two vehicles) to replace those within the existing car park. (This payment has already been made under the terms of the previous S106)
- i) an undertaking by the applicants to endeavour to identify locations for the re-provision of existing car club spaces from the existing building to an on-street location in the vicinity of the site and to meet the Council's reasonable costs in terms of new signage and road markings;
- j) to meet the Council's reasonable costs of the provision of a new pavement crossover on Paddington Street.
- k) a financial contribution of £12,000 to mitigate the impact of the development upon on-street parking demand in the area;
- l) an undertaking to sign up to the Council's Considerate Constructor's Scheme, and to make a maximum contribution of £25,000 p.a. to the Council's Environmental Inspectorate, under the Code of Construction Practice;
- m) the provision of a temporary replacement depot facility while the Chiltern Street site is being redeveloped; and
- n) the payment of standard monitoring costs which ensure compliance with the terms of the S106 legal agreement.

3. If within three months of the resolution to grant conditional permission the S106 planning obligation has not been completed and there is no immediate prospect of the planning obligation being completed, then

a) The Strategic Director shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Strategic Director shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Agree the reasons for granting planning permission as set out in Informative 1 of the draft decision letter.





74-76 CHILTERN STREET, W1

2. SUMMARY

The application site is located at the junction of Chiltern Street and Paddington Street, adjacent to the boundary with the Portman Estate Conservation Area. The building, which has been demolished, formerly comprised a public car park, a street sweepers' depot, several shop units along Paddington Street, (providing a range of non-A1 retail and other uses), and a residential maisonette. The corner unit was formerly occupied as a public house. Permission was granted on 2 December 2011 for the redevelopment of the site (excluding the public house which was then in separate ownership) to provide a replacement street cleansing facility, a total of 60 flats, a retail shop, a basement level fitness centre, storage facilities, parking for occupants of the development and 23 parking spaces for local residents. The approved building rose to a maximum of ground plus seven floors on the eastern part of the site (plus three basement levels) and extended closer to the eastern site boundary than the car park, resulting in the loss of two mature trees in Paddington Street Gardens North. The scheme delivered 16 affordable housing units on site. In lieu of full on-site provision, the Sub-Committee secured a financial contribution of £3.12m towards the City Council's affordable housing fund, in accordance with UDP policy. A S106 legal agreement included numerous other planning obligations including public realm and education contributions and funding for replacement planting in Paddington Street Gardens North.

The current proposals are similar to the approved scheme in terms of the height, bulk and detailed design of the new building. However, the scheme now incorporates the public house on the corner of the site, which is considered beneficial in townscape terms. The public house would be replaced by a slightly larger public house or restaurant. The scheme also reconfigures other uses on the lower floors. The relocation of part of the street sweepers' depot to basement level, which is now smaller in size, has reduced the extent of the depot frontage along Chiltern Street, also welcome in design terms. This change has facilitated the introduction of gym floorspace at ground floor level. The proposed package of planning benefits reflects that secured under the previous permission.

As previously, the scheme would provide 16 affordable housing units on the site. In lieu of full on-site provision, the applicants are proposing to make a contribution of £4.105m to the City Council's affordable housing fund; this is significantly less than the £8.725m required under the Core Strategy. However, the applicants contend that, given the cost of the development and associated planning obligations (now including the Mayor's Community Infrastructure Levy) that any increased payment would render the scheme unviable. The proposed education contribution, at £291,652, is the same as that previously secured, plus index linking, but is not commensurate with either the proposed affordable housing contribution or the full affordable housing requirement.

The key issues in this case are:

- The acceptability of the proposal in terms of the Council's affordable housing policies and in particular the level of proposed contribution to the affordable housing fund.
- The acceptability of other aspects of the scheme in land use terms
- The acceptability of the revised design and townscape terms.
- The impact of the scheme upon the amenities of neighbouring occupiers
- The acceptability of the package of other planning benefits including the proposed education contribution.

This is a high quality contemporary development which is considered acceptable in terms of its height, bulk, detailed design and impact upon the setting of the adjoining conservation area and neighbouring listed building. It is not considered that the proposals would have a material impact upon the amenities of neighbouring occupiers or upon the amenities of people using Paddington Street Gardens North. The proposal delivers significant benefits in townscape

terms, provides a large number of new flats and facilitates the upgrading of the street sweepers' depot. The scheme is generally considered acceptable in land use terms, as is the package of related S106 planning obligations. However, the proposed affordable housing contribution, and related education contribution, are less than is required under Core Strategy policies and by the SPG on Planning Obligations. Notwithstanding this, there is an extant permission which delivers an affordable housing contribution of £3.12m and a lesser education contribution. In these circumstances, the Sub-Committee's views are sought as to whether the updated offer of £4.105m, and proposed education contribution of £291,652 are acceptable.

3. CONSULTATIONS

LONDON UNDERGROUND LIMITED

No objection.

ENGLISH HERITAGE

Significant increase in height and massing detrimental to setting of the conservation area and should be reduced. Scheme should only be approved if is adequately justified in terms of public benefits

ENGLISH HERITAGE (ARCHAEOLOGY)

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

- Support library in this location as an alternative to Luxborough Street. (Library proposals withdrawn from the scheme).
- Inappropriate location for street sweepers' depot. New depot unlikely to satisfy future service demands.
- Design 'bland'. No architectural relationship to its context. Interior uses not reflected in external architecture.
- Previous scheme made more of feature of Chiltern Street residential entrance, grid 'repeats' in current scheme.
- Increased gap between buildings facing Paddington Street.
- Query whether any increase in height of new buildings.
- Question whether flat roof between blocks can accommodate the large trees shown.
- Query position for relocated car park plaques.

BUILDING CONTROL

No objection.

ARBORICULTURAL MANAGER

No objection subject to safeguarding of retained trees.

HIGHWAYS PLANNING MANAGER

No objection.

CLEANSING MANAGER

No objection.

DIRECTOR OF HOUSING

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 656; Total No. of Replies: 7.

Land Use

- Welcome library proposals as alternative to proposed library in Luxborough Street (Library proposals withdrawn from scheme).
- No demand for another fitness centre in this location.

Design

- Scale of east block represents overdevelopment of site and would create a 'canyon' in Paddington Street.
- Design unsympathetic to character of neighbouring buildings and incorporates too much glass.
- Concern that proposed building line will affect remaining trees adjacent to site boundary.

Amenity

- Noise disturbance from bar/restaurant and gym uses due to increased late night activity, increased footfall and associated traffic generation Inappropriate uses in a quiet residential location.
- Increased on-street parking demand.
- Development closer to Luxborough Tower than previously envisaged resulting in overlooking to neighbouring flats.

Other

- Concern that approved development has necessitated the removal of human remains.
- Noise nuisance and disruption during the course of construction and impact on on-street parking.

ADVERTISEMENT/SITE NOTICE: YES

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site is located on the north side of Paddington Street at its junction with Chiltern Street. The site is located immediately adjacent to the boundary with the Portman Estate Conservation Area, which excludes both the application premises and International House, an office tower on the south side of Paddington Street. Paddington Street Gardens North is located immediately to the east of the site.

The building on the site has been demolished pursuant to a planning permission dated 2 December 2011. The site was formerly occupied by an unlisted building which principally comprised a public car park (on sub-basement, basement, ground and first to fourth floors), accessed from Chiltern Street. In addition, the site housed a small ground floor street sweepers' depot, accessed via Chiltern Street and an internal service road which ran eastwards from Chiltern Street, behind ground floor shop units fronting Paddington Street and out onto a service road on the eastern site boundary. The car park exited onto this same service road.

The shop-type units on Paddington Street included a florists, (No. 26), a restaurant (No.25), a sandwich/bar cafe with private function room (sui generis) at No. 24, a ground level skin care laser clinic (Class D1) at No. 23 and a basement level dark room/photographic studio (Class B1) at No. 23a. No. 22, which was accessed via the eastern frontage, provided a residential maisonette on first and second floors with separate ground floor entrance.

Council records indicate that the unit at No. 26, which was occupied as a florists shop, had a 'nil' planning use.

The application site now also includes a former public house at the corner of the Paddington and Chiltern Streets (basement and ground floors at No. 28 Paddington Street). This public house did not form part of the development approved in 2011 but has since been acquired by the applicants.

With the exception of the application site and hotels to the north, this part of Chiltern Street has a strong residential character. Although Paddington Street is more mixed in character, there are residential properties on the upper floors of commercial buildings. There are also residential properties on the eastern side of Paddington Street Gardens North. Luxborough Tower, a residential block, is located to the north-east of the site.

The site is adjacent to a listed building at No. 78 Chiltern Street, which comprises flats at the front of the building and commercial uses at the rear. There is a cantilevered extension at second floor level, which runs between the front and rear wings of the building. This extension was previously supported by a beam which straddled the courtyard to No.78 and sat within a purpose built niche in the north wall of the car park. However, alternative arrangements have now been approved for the support of this neighbouring building.

The site is located outside the UDP Central Activities Zone and in the Core Strategy wider CAZ, but outside Core CAZ.

The eastern part of the site lies within an area of Special Archaeological Priority and was in use as a burial ground, primarily between 1777 and 1814, but as late as 1888.

The site was previously owned by the City Council but was sold to the applicants following the granting of permission for its redevelopment.

4.2 Relevant History

1963/64 - Permission granted for the erection of a building on sub-basement, basement ground and first to fourth floors comprising a multi-storey car park, a public house, a surgery, shop and conference room and residential maisonette (at No.22).

2.12.2011 Permission granted for the demolition of the existing building (excluding the public house on the basement and ground floors at 28 Paddington Street) and the construction of a new building comprising three basement levels, ground and first to fourth floors (west block) and first to up to seven floors (east block) to provide 60 residential units (including 16 affordable units) (Class C3); a health and fitness club (Class D2); retail accommodation (Class A1), storage facilities (Class B8); car parking for occupants of the development and 23 spaces for local residents (other than occupants of the development) and replacement accommodation for street cleansing facilities (sui generis).

A S106 legal agreement secured the following:

- A contribution of £3.12m towards the City Council's affordable housing fund to be paid upon the commencement of the development.
- The provision of a replacement street sweepers' facility for the duration of building works on the site.
- The on-site provision of 16 units of affordable housing (60% of the new units being made available as social rented accommodation and the remainder as Intermediate Housing for

shared equity or intermediate rent). The agreement incorporated measures to ensure that the affordable housing and interim housing units provided are affordable.

- A contribution of £250,000 towards public realm improvements in the vicinity of the site provision.
- A contribution of £20,000 for the planting four substantial replacement trees within Paddington Street Garden North to compensate for the loss of two trees within the Gardens, adjacent to the site boundary.
- The provision of suitable facilities within the health and fitness centre to schools (or other approved 'not for profit' organisations, at no cost, for a minimum of four hours in every month outside of the peak operating hours.
- A financial contribution of £283,158 towards the provision of additional educational facilities in the area.
- A contribution of £35,000 to provide electric car charging facilities (two vehicles), on-street, to replace those within the existing car park.
- An undertaking from the applicant to seek to identify locations for the re-provision of existing car club spaces from the car park, to an on-street location in the vicinity of the site, and to meet the Council's reasonable costs in terms of new signage and road markings.
- An undertaking to meet the Council's reasonable costs for the provision of a new pavement Crossover on Paddington Street.
- A parking mitigation payment of £12,000 (based on the shortfall of parking for residents of the development) towards surveys which would identify locations for the creation of new on-street parking.
- An undertaking to sign up to the Council's Considerate Constructor's Scheme, and to make a maximum contribution of £25,000 p.a. to the Council's Environmental Inspectorate, under the Code of Construction Practice.
- The payment of standard monitoring costs which ensure compliance with the terms of the S106 legal agreement.

Various applications have been made to discharge conditions attached to the 2011 permission and details approved as follows:

26.7.2012 Details pursuant to Condition 7 (part): submission of a detailed site investigations relating to potential land contamination: Phase 1: Desktop Study; Phase 2: Site Investigation Report; Phase 3; Remediation Strategy (12/04999/ADFULL)

17.08.12: Details of waste/recycling storage; Construction Management Plan; details relating to the salvage, temporary storage and re-use of the commemorative car park plaques; details of an evening emergence flight survey and of the action to be taken to protect bats in the area around the development; method statement regarding measures to protect the trees close to the site (on Chiltern Street and in Paddington Street Gardens North) pursuant to Conditions 6, 18, 19, 31 and 38 (12/05155/ADFULL).

24.08.2012: Details of temporary support of high level bay at No. 78 Chiltern Street pursuant to condition 35(5) (12/06612/ADFULL)

(17.9.2012 Separate listed building consent granted for the removal of the existing support beam, (spanning from 78 Chiltern Street across to the former car park building) and for the installation of a new cantilevered supporting structure beneath the high level bay at 78 Chiltern Street).

11.9.2012 Details of biodiversity mitigation measures including a planting scheme and the provision of nesting boxes pursuant to Condition 29 (12/06289/ADFULL).

13.09.2012 Detailed written scheme of investigation for a programme of archaeological work pursuant to Condition 3(a) (12/08894/ADFULL).

5. THE PROPOSAL

This application is for the redevelopment of the site to provide a new building on three basements, ground, ground floor mezzanine and on first to fourth floors in a block fronting Chiltern Street (west block), and on first to a maximum of seven floors in a block fronting Paddington Street Gardens North (east block).

The new building would comprise:

- 60 new flats – including 16 affordable housing units, on the first to fourth floors of the west block, and 44 market units within part of the west block and on the basement, ground to fifth and part sixth/seventh floors of the east block. Some external amenity space would be provided in the form of roofs terraces and balconies to both blocks.
- a replacement street sweepers' depot on part basement/part ground floor levels, accessed from Chiltern Street.
- a basement/ground floor public house (Class A4) or restaurant (Class A3) on the corner of Paddington Street and Chiltern Street, with access from Paddington Street.
- a basement/ground floor unit on Paddington Street for either Class A1 (retail) or Class A2 (Professional and Financial Services) use.
- a health centre/gym (Class D2) on first basement (-1), ground and mezzanine floors. The sole access to the gym/health centre would be via the lift lobby entrance on Paddington Street.
- two further basement levels (-2 and -3) providing a total of 72 parking spaces - 49 spaces for occupants of the development and 23 spaces for use by local residents (other than occupants of the development). Parking would be accessed via car lifts the Paddington Street frontage.
- commercial storage facilities (Class B8) for use by occupants or non-occupants of the development.
- associated plant at basement and roof levels
- photovoltaic panels on the roofs of the east and west blocks.
- the incorporation of public art proposals (unspecified) on the Paddington Street frontage.
- the incorporation of two commemorative plaques (from the former car park) on the Paddington Street frontage.

The application differs from the scheme approved in December 2011 as follows:

- The site now includes the former public house at the junction of Paddington Street and Chiltern Street. This would be replaced by a new public house (Class A4) or restaurant (Class A3), accessed from Paddington Street.
- The replacement street sweepers' facility, previously located on ground and mezzanine levels, would now be located on the basement (-1) and ground floors. The depot has been significantly reduced in size and its entrance has been moved further north along the Chiltern Street frontage. This reconfiguration of ground floor uses has resulted in alterations to the design of the ground floor facade.

- The gym, previously at first basement level, would now be located on part basement, part ground and ground floor mezzanine levels.
- The shop retail shop (Class A1) on Paddington Street would be replaced by a dual Class A1/A2 use.
- The size of the commercial storage facility has been increased from 250m² to 947m².
- Changes to the residential mix in the flats, primarily through the replacement of all the 1-bed market flats and the provision of more two bed market flats and a six bed apartment.
- A slight increase in height (by approximately 400mm) to the height of the fifth floor parapet and main roof to the east block, and the incorporation of balustrades to the new roof terraces at sixth and seventh floor levels.
- A slight increase in height (approximately 200mm) to the west block and the reconfiguration of the residential cores and roof level plant.
- The extension of building line towards boundary with Paddington Street Gardens North, below ground level only.
- The provision of new residential terraces on the roof of the east block (at sixth and seventh floor levels) resulting in the relocation of photovoltaic panels to the roof of the west block. There would be no reduction in the overall number of panels.
- Additional private terraces for the market flats would be created at the rear of the west block (first floor level).
- The omission of (unspecified) public art proposals from the Chiltern Street frontage due to the reconfiguration of ground floor uses.
- The reconfiguration of the residential cores in the west block.
- As listed building consent has now been granted for an alternative, (permanent) support for the cantilevered extension at 78 Chiltern Street, this issue no longer needs to be considered as part of the this scheme.

The current application has been revised as follows:

The storage facility (originally Class C3) is now shown as (Class B8).

Proposals for a communal garden serving the private flats on the flat roof between the two residential blocks have been deleted, due to overlooking concerns. Instead, some additional private terraces have been created.

Plans for an alternative/dual fitness centre (Class D2)/or library use (Class D1) have been revised to omit the library use.

Proposed affordable housing and education contributions have been increased

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing, approved and proposed land use figures are as follows:

	Existing (m2)	Approved (m2)	+/- (m2)
Public car park	12,551	0	-12,551
Depot	111	1,082	+ 971
Market housing (C3)	158	9,673	+9515
Affordable housing (C3)	0	2013	+2013
Retail (A1)	0	191	+ 191
Restaurant (A3)	143	0	-143
Sandwich bar/café	188	0	-188
Public house (A4)	401	Not part of original scheme	
Clinic (D1)	81	0	-81
Nil use	151	0	-151
Dark room/studio (B1)	172	0	-172
Fitness club (D2)	0	1,413	+ 1,413
Storage (B8)	0	250	+ 250
Private parking	0	515*	+515

*Figure includes circulation space.

All figures adjusted to apportion plant areas.

	Approved (m2)	Proposed (m2)	+/- (m2)
Depot	1082	693	-389
Market housing (C3)	9673	9735	+ 62
Affordable housing (C3)	2013	1888	-125
Storage (B8)	250	947	+ 697
Retail (A1/A2)	191 (A1 only)	197	+ 6
Restaurant (A3) or public house (A4)	Existing PH (A4)(401m2) not part of original development site	468	+67
Health centre/gym (D2)	1,413	1,550	+137
Private parking	515	515	0

6.1.1 Parking

6.1.1a Loss of the car park

Part of the site was formerly used as a 24 hour public car park (Council owned) which, in August 2009, was declared to be surplus to operational requirements. In addition to general public parking, the car park provided electric car parking facilities (two spaces), four spaces for use by Connect/Hertz and Streetcar and two spaces for use by the refuse depot managers. Overspill parking for cleansing vehicles from the street sweepers' depot and 53 parking spaces for local residents were also provided. (Under an agreement entered into by a previous car park operator, and honoured by the last operator, these parking spaces were leased to local residents at preferential rates).

Objections were received to the previous application on the grounds that the loss of the car park would have a seriously adverse impact on on-street parking demand and an adverse impact on traffic flows and public safety in the area. However, surveys undertaken by Council officers and on behalf of the applicants and objectors indicated that the car park was significantly under-utilised, although the reported rates of occupation differed within the various surveys. However, the Sub-Committee considered that there was sufficient alternative parking provision in other public car parks in the area to accommodate likely parking demand from the application site and that the loss of the car park would not materially affect on parking availability. It was also considered that the loss of the car park would not adversely affect the highway network or public safety. The scheme was therefore considered acceptable under the terms of Policy TRANS 25.

The previous s106 legal agreement required the applicants to endeavour to replace the former car club spaces and this would form part of any new agreement. Funding for the re-provision of the electric car charging points in an on-street location, has already been received by the Council although this undertaking would be included in any future legal agreement in a modified form.

6.1.1.b Parking for occupants of the development and local residents

The approved scheme was amended to address objections to the loss of "residents' parking" spaces occupied by permit holders. It ultimately provided a total of 72 parking spaces, 49 for occupants of the development and 23 for local residents. These 23 spaces were to be made available to 'bona fide residents (living) within a 500m radius of the site at an annual cost not exceeding the Council's residents' parking season charges at other Council-owned or managed car parks within central Westminster'. This use was secured by a condition which required the submission of details of the proposed arrangements. The same condition would be included on any new permission.

6.1.1.bi Residential parking

The approved scheme provided 48 residential parking on two basement levels although only 4 spaces were proposed for residents of the affordable housing units. It is now proposed to dedicate 8 of the 48 spaces for use by occupants of the affordable housing units. This amendment, which accords a condition on the previous permission, is welcomed.

Given that this is a central location with excellent transport links, less than five minutes walk from Baker Street Underground station and close to numerous bus routes and mainline stations, the overall level of residential parking is again considered acceptable and accords with the requirements of TRANS 23.

To address the shortfall in the level of on-site parking provision in connection with the new

flats (12 spaces), the applicants have again agreed to contribute £12,000 towards parking mitigation in accordance with the formula set out in the Supplementary Planning Guidance on Planning Obligations. This sum would be secured by legal agreement.

6.1.1.bii Non-residential parking

As previously, the current proposal provides 1 shared parking space for use by disabled customers of the non-residential parts of the development. Given the need to accommodate the parking requirements of all occupants of the development and to provide replacement parking for other local residents, the proposed level of parking provision for the non-residential uses is again considered acceptable in the light of policy TRANS 22

6.1.1.c Cycle parking

UDP Policy TRANS 10 sets out cycle parking standards which would require the provision of 60 cycle spaces for the flats, one space for the shop; one space per 10 staff/ one space for every 20 peak period visitors in association with the gym use and 5 spaces for the public house or 1 space per 20 covers for the restaurant.

The scheme will provide 81 cycle spaces for the market housing and 27 cycle spaces for the affordable flats, and 10 spaces for the commercial uses on the site. The level of residential and retail cycle provision is considered acceptable. Although the health club operator and club staffing/customers levels have not been identified, the total number of cycle space proposed is considered acceptable.

6.1.1.d Electric vehicle charging facilities

As previously, the scheme includes the provision of 10 dual use (20 spaces) electric vehicle charging points within the new building, for use by occupants of the development. This complies with the requirements of the Draft Replacement London Plan which would require 14 parking spaces to have access to vehicle charging facilities. Again, this would be secured by any future legal agreement.

In conclusion, subject to the revision outlined above, the proposals are identical to the approved scheme in terms of the level of parking provision. It is not considered that the modest increase in the size of the proposed gym or public/house restaurant would have a significant impact on on-street parking demand. In these circumstances, it is not considered that objections on the grounds that the proposal would have an adverse impact upon the demand for on-street parking in the area could be supported.

6.1.2 Retail and other commercial uses

The UDP defines Nos. 24-34 Paddington Street (consecutive) as a Local Shopping Centre (Non Core frontage). This grouping is also defined as Secondary Shopping frontage within the Core Strategy. However, this frontage previously comprised a Class D1 use, a 'nil' planning use, a restaurant (Class A3), a sandwich bar/cafe (sui generis) and a public house (Class A4), (which was not included as part of the approved scheme). The remainder of this frontage provided the access to the upper floors and basement.

The current proposal would provide a single basement/ground floor retail unit (Class A1/A2), a fitness centre (Class D2) on basement (-1), ground and mezzanine floors and a basement/ground floor bar (Class A4) or restaurant (Class A3). The remainder of the frontage would provide the principal entrance to the market housing and parking access.

6.1.2.a Retail (Class A1/A2).

The approved scheme included a new Class A1 retail unit (191m²) on Paddington Street, with a shopfront display area extending in front of the proposed car lifts. The current proposal would provide a slightly larger unit (197m²) for either Class A1 or Class A2 use.

The introduction of a new shop unit along this frontage is welcome under policies SS7 and CS20. Given that there are no lawful retail uses along this part of the frontage, the potential use of this unit for Class A2 purposes, which would also provide a serve to visiting members of the public, is also considered acceptable in land use terms.

6.1.2.b Other commercial and social and community uses

6.1.2.b.i Class A uses

The approved scheme resulted in the loss of 143m² of restaurant and 188m² café/sandwich bar accommodation (total 331m²), and of an additional unit (151m²) with 'nil' planning use, on the Paddington Street frontage. In addition to this, the current scheme would replace the existing public house (401m²) with a slightly larger public house or restaurant (468m²). The scheme would result in an overall loss of 264m² of entertainment-type floorspace on the site.

Policy CS 20 seeks to prevent the change of use of existing non-A1 retail uses, and uses occupying shop-type premises, within designated shopping centres, to uses that do not serve visiting members of the public and that do not have active shopfronts. However, it was previously accepted that, given the need to accommodate other uses on the site, the loss of this accommodation was acceptable in land use terms.

Given the size of the proposed public house/ restaurant UDP policy TACE 9 applies. Permission will only be granted for new entertainment uses where the development would have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and no adverse effect on the character and function of the area. Policy CS 23 of the Core Strategy includes similar tests.

The proposals result in the loss of the existing public house (Class A4) and its replacement with either a new public house or a restaurant (Class A3), involving a modest increase in entertainment floorspace (67m²) on this part of the site. However, as outlined above, this should be seen in the context of an overall reduction in entertainment-type floorspace. The existing public house could convert to a restaurant without the need for planning permission.

One objection has been received on the grounds that the proposed public house/restaurant use would adversely affect residents' amenities due to late night noise disturbance. The existing public house is not the subject of any planning restrictions and its redevelopment gives the City Council the opportunity to impose controls over the capacity and operating hours to safeguard the amenities of neighbouring residents and future occupants of the upper floors. The scheme has the added advantage of relocating the splayed corner entrance onto the busier Paddington Street.

Given that there is no tenant for the proposed A3/A4 use, the applicants have requested that operational details be considered as a reserved matter as these will be dependent upon the type of use proposed. This approach has been accepted for other sites e.g. No. 48 Leicester Square and, given that the use would replace an existing public house of a similar size, this is considered acceptable. It is therefore recommended that any permission be subject to a condition requiring the submission of operational details including hours of operation, capacity, hours of servicing, hours of plant operation and premises layouts. Subject to appropriate

controls, it is not considered that the modest increase in floorspace on this part of the site would have an adverse impact on residents' amenities or local environmental quality and this aspect of the scheme is therefore considered acceptable in land use and amenity terms.

6.1.2.b.ii Class D uses

6.1.2.b.ii. a. Loss of Class D1 floorspace

As previously, the scheme would result in a loss of Class D1 floorspace on the site, in the form of a skincare clinic (81m²) at 23 Paddington Street. However, as this use provided no shopfront display and did not generate street level activity, it was not considered that the loss of this Class D1 floorspace would have a significant material impact upon the level of healthcare provision in the area or the vitality of this frontage.

6.1.2.b.ii.b Proposed gym

The approved scheme included a new fitness centre on first basement level (-1) with a modest ground floor entrance on Paddington Street providing access to basement lifts (1413m²). The current scheme includes proposals for a slightly larger gym (1550m²). However, as the depot has been relocated, the gym would now be provided on basement, ground and mezzanine floors, again accessed from Paddington Street. Although commercial in nature, such a use falls within the definition of a social and community use under UDP and Core Strategy policies.

UDP Policy SOC 1 and CS 33 seek the provision of community facilities on appropriate sites, close to the residential communities which they serve. Such uses should not have an adverse impact upon local amenities and should be easily accessible via public transport. Public access to private facilities will also be sought.

Under Policy SS7, non-Class A1 uses (including health and fitness clubs), will be permitted at basement and first floor level within the shopping frontage, where these would not harm the vitality or viability, or character or function of the parade, or adversely affect the environment or residential amenity. Such uses must be appropriate in terms of scale and intensity of land uses and character and function of the area (CS18).

The introduction of a fitness centre (Class D2) is again considered acceptable in principle in land use terms. Although it would now have a presence at ground floor level on the Chiltern Street frontage, the Paddington Street entrance, providing access to a lobby serving basement lifts, would be slightly smaller than under the approved scheme. It is not proposed to provide any direct access onto Chiltern Street other than in the case of emergency. Notwithstanding the slight increase in floorspace, the proposed gym is considered to be appropriate in scale and would serve the needs of local residents as well as the working population. Subject to a condition restricting gym opening hours, and in the context of the former 24 hour public car park and former restaurant uses on the Paddington Street frontage, it is not considered that the level of activity associated with the gym use would have a significant impact on neighbours' amenities. Consequently, an objection to the gym use on the grounds of increased late night noise disturbance could not be supported. However, in order to safeguard residents' amenities, it is recommended that a condition be imposed to restrict the use of this space to a health centre/gym only. This condition was omitted from the previous decision notice in error.

As previously, an objection has been received on the grounds that there is unlikely to be any demand for a gym on this site given that there are similar facilities in the area. However, this is not a reason to withhold permission.

The original s106 legal agreement secured access to space within this facility for designated schools or specified local groups. These arrangements form part of the current scheme.

It is noted that a number of respondents were supportive of the original proposals to provide a library on the site as part of an alternative fitness centre/library use. However, the potential library use has been withdrawn from the scheme

In conclusion, the proposed Paddington Street frontage would provide the principal residential access, and the access to basement parking/car lifts. Given the need to accommodate these elements at ground floor level, there is limited scope to provide additional shop-type uses along Paddington Street. The remaining space would accommodate the, relatively modest, gym entrance, the new retail shop and the replacement public house/restaurant. As previously, although the loss of the former shop type units is regrettable, this is considered acceptable given the need to accommodate the competing uses on the site, including the replacement depot.

There have been recent discussions concerning the introduction of more active uses along Chiltern Street in place of the proposed gym. The applicants have previously considered additional restaurant, retail and office uses. However, the introduction of these uses in this location would be contrary to adopted land use policies and a restaurant use would also raise amenity concerns. Notwithstanding the fact that the site was previously occupied by a public car park, residents have expressed concern about the introduction of commercial uses on Chiltern Street, which is otherwise largely residential in character.

In these circumstances, and given the fact that amendments to the scheme to introduce additional uses would require further public consultations, the applicants have elected to include only those uses previously approved. However, they have indicated their intention to consider a range of alternative uses for the site which, subject to marketing, may form the basis of future planning applications.

6.1.2.b.iii Class B1 use

The proposals would also result in the loss of a basement level darkroom/photographic studio (Class B1). There is no objection to the loss of this accommodation in land use terms.

6.1.3 Street cleansing depot

The former depot, at only 111m², was too small to accommodate service demands. Depot vehicles were previously parked in the car park, off-site and within the cross-site service road. There were very limited staff facilities. The depot use has ceased following the demolition of the building and has, temporarily, relocated to Cramer Street car park.

The approved scheme provided 1082m² of new accommodation with vehicles and handcarts stored on the ground floor and staff accommodation at mezzanine level. Prior to the submission of the previous application, the Service Director had advised that the relocation of the depot to basement level would be impractical (as it would require the allocation of sufficient space within the floorplate to accommodate a shallow ramp - for use by vehicles and hand cart operatives - and the provision of adequate vehicle clearance height). For these reasons, the approved scheme located the bulk of the depot floorspace at ground level, taking up the greater part of the Chiltern Street frontage.

The proposed depot would now be located on basement (-1) and ground floors. At 693m², it would be significantly smaller than the approved facility. The basement would house staff accommodation, (mess room, showers etc), storage for 40 handcarts, two pedestrian-operated street sweepers, and ancillary office accommodation. The ground floor would provide two staff car parking spaces, depot vehicle storage and a vehicle wash down area.

The floors would be linked by two internal lifts of sufficient size to accommodate handcarts and other equipment. All vehicles and handcarts will be stored/parked on site. The revised layout would have the benefit of providing a more attractive frontage along Chiltern Street, which addresses objectors concerns about the previous scheme.

The St Marylebone Society has objected to the current proposals on the grounds that this is an inappropriate location for street sweepers' depot. However, policy CS 43 of the Core Strategy directs proposals for new waste management facilities to sites that are in industrial use or provide waste management facilities.

The St Marylebone Society also considers that the replacement facility is unlikely to satisfy future advancements in design of depot vehicles, which will require different depot facilities. However, the Service Manger has confirmed that the revised plans are acceptable in operational terms. The reduced floorspace and vehicle storage capacity result from the fact that a new depot has recently opened in Westway. As vehicles will travel into the centre from that site, the on-site vehicle storage space at Chiltern Street can be reduced.

As a result of the applicants discussions with local residents the previous scheme was modified, prior to its submission, to re-locate the proposed depot entrance from its position at the northern end of the site, to a location just to the north of the original service road access/depot entrance. Under the current proposal, the entrance has again moved northwards. However, as this new entrance is in the same location as the entrance to the former 24 hour car park, it is not considered that there would be a significant impact on residents' amenities as a result of this amendment, particularly given that it is now proposed to reduce the number of depot vehicles stored on the site.

The operation of the previous depot was not subject to any planning controls. However, as previously, in order to safeguard the amenities of existing and future residents, the applicant, in conjunction with the Service Manger, has agreed to the imposition of the same operational conditions as attached to the previous permission. All depot activity should also be considered in the context of the loss of a 24-hour public car park (capacity for nearly 400 vehicles).

In these circumstances, it is considered that the re-provision of a street sweepers' depot on the site is acceptable in principle and that the objections to this aspect of the scheme could not be supported.

6.1.4 Residential

The scheme would provide 16 affordable housing units and 7 market flats within the west block and 37 market units within the east block, overlooking Paddington Gardens North. The provision of new residential floorspace is welcomed under policies H3 and CS14. The entrance for all the market housing would be in Paddington Street, with a separate entrance on Chiltern Street for the affordable housing.

As previously, the scheme would replace the existing flat and provide an increase of 59 flats to create a total of 60 residential units. There would be a significant increase in residential floorspace on the site (+11,465m²), but a slight reduction (- 63m²) when compared with the approved scheme.

The approved scheme provided 9673m² of market housing and 2013m² of affordable housing. The current proposal increases the floorspace for the market housing to 9735m² (+ 62m²) whilst reducing the area for the affordable housing to 1888m² (-125m²) – all figures GEA. However, there will be an increase in the gross internal floorspace for the affordable housing, with one additional bedroom being created. The reduction in gross external area arises only from the reduction in the stair core, not the habitable accommodation.

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6.1.4.1 Unit size (market flats)/ number of units

Policy CS 14 seeks to optimise the number of residential units delivered on site.

The approved market flats ranged in size from 72-251m². The average size of the 1 bed units (72-93m²) was 89m². The average size of the 2 bed units (110-155m²) was 135m² and the average size of the three bed flats (160-251m²) was 204m² – all figures gross internal area.

Under the current scheme, the average size of the 2 bed units (101-156m²) is 126m² and the average size of the 3 bed units (151-256m²) is 208m². The sole 6 bed unit measures 453m² – all figures gross internal area.

It is clear that a greater number of residential units could be provided on the site in accordance with policy CS14. However, there is no overall reduction in unit numbers when compared with the approved scheme and, given the overall benefits of the development, it is again considered that the proposal would be difficult to resist the scheme on the basis of policy CS14.

6.1.4.2 Residential mix

UDP policy H5 requires new housing developments to provide a range of unit sizes with 33% of all new units to be family sized, with three or more bedrooms.

As previously, the scheme would provide 60 flats (59 new units), with 44 market units and 16 affordable units.

The approved scheme proposed 7 x 1 bed, 22 x 2 bed and 15 x 3 bed units (34% family sized) for the market housing and 5 x 1 bed, 5 x 2 bed and 6 x 3 bed (37% family sized) for the affordable housing.

The current scheme proposes 30 x 2 bed, 13 x 3 bed and 1 x 6 bed unit (46% family sized) for the market housing and 5 x 1 bed, 4 x 2 bed and 7 x 3 bed (43% family sized) for the affordable housing.

The market housing no longer provides any one bed units. This is considered regrettable in the context of policy H5. However, given the other benefits of the scheme it is not considered that the application could justifiably be recommended for refusal on these grounds.

6.1.4.3 Standard of accommodation

The new flats would generally provide a good standard of accommodation in terms of unit size, layout and natural lighting and ventilation. All windows would be capable of being opened although the scheme includes a mechanical ventilation should residents choose to keep their windows closed.

All flats are provided with some form of outside amenity space and Paddington Street Gardens, including the playground in the southern gardens, is easily accessible.

Screening will be provided to protect the privacy of future occupants, including screening on the walkways to the affordable housing units to prevent overlooking to windows at the rear of the east block. Additional roof gardens are now proposed at sixth and seventh floor levels on the east block, set back from the roof edges.

All flats will be designed to meet, or are readily capable of adaptation to Lifetime Homes standards and will be designed to meet current Building Standards re accessibility, insulation and energy performance etc.

6.1.4.4 iv Affordable housing tenure and unit sizes

The UDP refers to the definition of affordable housing within the London Plan, which includes social housing (subsidised housing provided as secure or assured tenancies, with access on the basis of housing need) and intermediate housing (subsidised sub-market housing, provided as shared equity schemes - which are actively encouraged under Policy H4 (D) - discounted home ownership, or secure or assured tenancies. The London Plan also says that intermediate housing can also include some low-cost market housing, although there is little prospect of this type of housing making a contribution to priority housing needs in Westminster.

The scheme again includes the provision of 10 social (63%) and six intermediate (37%) affordable housing units. This 60:40 is accords with the recommendations of the London Plan 2011.

Para 3.47 of the UDP states that the affordable housing element should provide suitable accommodation for its likely occupants. It acknowledges that this housing is likely to comprise mainly two and three bedroom units and that the average gross internal floorspace of affordable housing units will be about 75m². As previously, eleven of the sixteen affordable housing units proposed have two or three bedrooms.

The average size of the affordable housing units (gross internal area) is 50m² for the 1 bed flats, 80m² for the 2 bed units and 113m² for the 3 bed units (Previously 49m², 91m² and 107m² respectively). Again, at 46m², the smallest of the 1 bed units, measures slightly below the minimum floorspace standards (50m²) in the London Plan. However, the majority of the affordable homes proposed have floor areas (GIA) which exceed typical floor areas for homes of comparable person occupancy levels under the Mayor's London Housing Design Guide (LHDG). Although the Mayor's standards (above) are minimum standards, any significant increase in the unit size would reduce the number of affordable housing units provided. As previously, the new units will comply with the bulk of these standards.

As previously, any S106 agreement would control rental levels for the affordable housing units and require at least half of the intermediate homes to be made affordable to households on the City's Intermediate register that have lower quartile to median households income levels. Should intermediate housing provided on a shared ownership basis not be able to meet this affordability target, then some of the intermediate homes should be provided at sub-market rents rather than as shared ownership, with rents set at levels affordable to households with lower quartile to median household incomes.

Again, the size of many of the affordable housing units is significantly larger than the minimum standard set down in the LHDG. However, it is understood that any rentals secured would be based on quality and location of the property and the number of bedrooms provided, rather than on overall floorspace. The affordable housing units proposed are considered to be of an acceptable standard and the propose mix of tenure types accords with the latest requirements of the London Plan.

Continued concerns about potential 'ghettoisation' caused by the separation of the market and affordable units are considered unsupportable. In practice, when market and social housing is provided on the same site, the different flats are grouped together, with separate entrances, as RSLs require accommodation to be provided in 'manageable' blocks. It is likely that issues around building maintenance etc would be much more difficult to resolve if market and social housing was provided in the same block and the proposed physical separation of market and affordable housing is therefore considered acceptable.

The height, bulk and detailed design of the current scheme are similar to those previously approved. However, objections have been received, including from English Heritage, on the grounds that the height and massing of the proposed building is excessive and out of

character with the scale of neighbouring buildings, which are located within a conservation area. Other objections relate to the extent of glazing within the new building and its detailed design. Objectors consider the design to be 'bland', to relate poorly to its context and to uses within the building, resulting in 'facadism'. Another objection has been received on the grounds that the omission of the recessed bay on the Chiltern Street frontage, and the resulting 'grid repetition', is detrimental to the scheme. Comments have also been received concerning the impact of the increased width of the residential entrance and the increased gap between the blocks when viewed from Paddington Street.

The most significant change is the demolition of the pub, and integration of the space into the development. This welcomed as this significantly improves the appearance of the new building.

The changes to the Chiltern Street facade, including the omission of the two circulation cores, allows a more uniform architectural treatment, which is appropriate in this context. The St Marylebone Society have commented on this change but it is not considered that this has reduced the architectural quality of the building and it remains acceptable.

There is a very small increase in height to both the western and eastern blocks but this is negligible in townscape terms.

The fixed, vertical, coloured acrylic panels to the window bays, which were in primary colours under the approved scheme, would now be provided in more muted tones. The extent of glazing is as previously approved.

A comparison of the approved and current drawings shows no increase in the width of the gap of the between the residential blocks when viewed from Paddington Street. There is a slight increase in the width of the residential entrance as a result in the reduction in the width of the gym entrance and the omission of a fire escape exit. This is not considered significant in design terms.

The proposed changes improve the approved design and are acceptable in urban design terms. The scheme is in accordance with Core Strategy policies CS24 and 27 and Unitary Development Plan policies, including DES 1 and DES 4.

6.2.2 Public Art and re-use of commemorative plaques

UDP Policy DES 7 encourages new public art to be provided within new developments. The approved scheme included unspecified proposals for a scheme of public art on the stone facade to Paddington Street. This is again proposed as part of the new scheme, and details would be reserved by condition. Given the reconfiguration of accommodation on Chiltern Street it is acknowledged that opportunities to incorporate public art on this frontage have been removed.

The submitted drawings indicate that the two commemorative plaques, which were sited within the former car park, will be relocated to the ground floor Paddington Street frontage. This location has previously been approved under a condition relating to the original permission. This re-siting of the plaques in this approved location would be secured by condition.

In conclusion, is considered that this is a high quality development which relates well to the surrounding context and respects the settings of the Paddington Street Gardens, the Portman Estate Conservation Area and the listed building at 78 Chiltern Street. The proposals comply with urban design and conservation policies, especially DES 1, DES 4, DES 9, DES 10 and DES12 in the UDP and relevant Core Strategy policies.

6.2.8 Trees and Landscaping

The 2011 permission permitted the removal of a mature London plane tree and a multi-stemmed sycamore, both Council owned, in Paddington Street Gardens North. These have already been removed. As part of the s106 legal agreement their loss was to be mitigated by a contribution of £20,000 to finance the planting of four replacement trees elsewhere in the Gardens. This contribution has been increased to an, index-linked, £20,600 under the current scheme.

The submitted plans show that that the proposed building would come slightly closer to the site boundary than under the permitted scheme, below ground level only. Objectors are concerned that this might affect the roots of the retained trees. However, the site has recently been inspected by the Council's Arboricultural Officer. As works have progressed on site, including excavations to remove human remains, it is now possible to assess the root spread of trees adjacent to the site boundary. It is not considered that the modifications to the scheme, below ground level, would have any adverse impact on trees in Paddington Street Gardens North. In these circumstances, and subject to conditions designed to safeguard retained trees during the course of construction, objections on this ground could not be supported.

The St Marylebone Society has queried whether the scale of planting shown on the flat roof between the two residential blocks is sustainable. However, these are indicative proposals only and details of the proposed planting scheme would be reserved by condition. Any landscaping scheme would ultimately be governed by available soil depths.

6.2.9 Public Realm

Given the nature of the scheme, the proposals would trigger a contribution towards public realm improvements in the vicinity of the site under the SPG on Planning Obligations. The SPG does not provide a formula to calculate the level of contribution for residential development. The applicants previously agreed to make a financial contribution of £250,000. This sum has been increased to an, index linked, £257,500 under the current scheme. The proposed public realm contribution is considered to be appropriate given the scale of the development and would be secured by legal agreement.

The applicants have again submitted indicative proposals for works to the adjacent gardens including the relocation of the entrance to provide a visual link between Paddington Street Gardens North and South, and potentially a physical link providing common surface treatments leading from each park entrance and across the public highway. However, these are indicative proposals which do not form part of the current application). If it is considered that any public realm contribution secured as a result of the redevelopment of the car park would be most appropriately carried out in within the Gardens, interested parties would have a chance to comment on proposals at a later date.

6.2.10 Archaeology

The area of land beneath the existing service road adjacent to Paddington Gardens North, lies within an area of Special Architectural Priority and is part of a formal burial ground, which was in use between 1777-1814 and as late as 1888. Somehow, through encroachment, this land has become part of the car park site.

The former car park included two basement areas. The approved and current schemes involve excavating a third basement level and excavating closer to the site boundary than the line of the former car park (on all three basement levels) and slightly closer to the site boundary than under the approved scheme on the three basement levels. (A submitted Paddington Street elevation suggests that the building line is closer to the site boundary on all

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floor levels. However, this 'line' relates to the stone facade on Paddington Street, rather than to the bulk of the building set behind it, and is a correction to the approved elevation where the line of the façade did not correspond with the building line on the approved plans. The proposed building line above ground is the same as that under the approved scheme no nearer to the park and is

An objection has been received to the current application on the grounds that it necessitates the removal of human remains. However, this has always been the case and has the approval of the church authorities.

The previous scheme was supported by an archaeological desk top assessment which concluded that apart from the eastern area adjacent to the eastern boundary, which would be subject to the proposed additional excavation, that the site is of little archaeological interest. The report recommended further archaeological evaluation and monitoring of the site during demolition and construction in accordance with standard practice. The submitted report was assessed by an Archaeology Advisor at English Heritage who raised no objection to the proposals prior to the implementation of a programme of archaeological work.

Some details pursuant to archaeological conditions attached to the original permission have previously been discharged and the approved report covered the additional areas of excavation adjacent to the eastern site boundary. Subject to the imposition of appropriate conditions, the scheme is considered acceptable in terms of Policy DES 11 which relates to archaeological investigations.

6.2.11 Demolition and excavation

The buildings on the site have been demolished pursuant to the 2011 permission. The excavation of additional basements and the construction of the new building is likely to be less complicated as the new scheme does not involve the retention of the public house on part of the site, which was have to have been built over/around.

The issue of the stability of adjoining buildings as a result of development proposals has arisen largely in the context of basement excavations on residential properties. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

The original scheme was supported by a construction methodology report, which was assessed by the Head of Building Control. This report was not approved by the previous permission and no conditions were imposed requiring that the works should be carried out in accordance with the report. Its purpose was to show, with the integral professional duty of care, that there was no reasonable foreseeable reason that the scheme would not satisfy the building regulations in due course. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal. 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. To go further would be to act beyond the bounds of planning control.

The current scheme involves some additional excavation under the site of the public house and on the eastern site boundary, at the point furthest away from adjoining properties. The Head of Building Control has raised no objection to the current proposals.

6.3 Amenity

6.3.1 Amenity (Daylight/Sunlight/Overshadowing/Overlooking)

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. The Council will normally aim to ensure that there is a predominantly daylight appearance for habitable rooms to residential buildings and minimum daylight values are therefore normally unacceptable. Where residential rooms fall well below the recommendations within the BRE guidelines, the Council may find any loss of light unacceptable.

The previous application was supported by a Daylight/Sunlight Report based on the Building Research Establishment (BRE) guidelines. Under these guidelines, only those windows which have a reasonable expectation of daylight or sunlight will need to be assessed and windows to residential properties which serve non-habitable rooms e.g. bathrooms, hallways and smaller kitchens, generally those which do not include dining facilities, do not require assessments. It was considered that the previous proposals would not have a material impact upon the level of daylight and sunlight received to neighbouring properties.

The submitted drawings show a slight increase in the height of the parapet to the east block by approximately 400mm. A slight increase in the parapet height to the west block (by approximately 400mm at the northern and southern end of the Chiltern street frontage) and an increase in the height of the roof to the west block by approximately 200mm. In addition, the reconfiguration of the residential cores has resulted in the repositioning of plant enclosures/lift overruns.

Since the previous scheme was considered, the BRE has revised its guidelines, which has resulted in some variation to the method of calculation. To enable a direct comparison of the approved and current schemes, both proposals have been assessed using the new guidelines.

6.3.1.i Daylight

Under BRE guidelines if the Vertical Sky Component (VSC), or skylight, is greater than 27%, enough light should still be reaching the window of the existing building. Where, as a result of the development, this figure is below 27% and less than 0.8 (or 20%) of its former value, and then the reduction in light to that room will be noticeable.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The BRE guideline states that where a significant proportion of the working plan (which can receive direct skylight) lies beyond the NSL the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable.

The submitted report assesses the impact of the proposals upon the buildings immediately adjacent to and opposite the site and also flats in Luxborough Tower, Newcastle House and Luxborough House.

Under the approved scheme, the majority of windows to flats at 69 Chiltern Street, satisfied the BRE criteria, with the exception of one ground floor window (22%). Under the current proposals, all windows, with the exception of one second floor window would see losses exceeding the 20% benchmark (from 28% on the lower floors to 21% on the upper floors).

Similarly, at No. 71 Chiltern Street previously saw losses of 23% and 24% to one basement and one ground floor window. With the exception of a large dormer window at third floor level, windows would see losses between 29% at basement level to 22% on the second floor.

At No.73 Chiltern Street, windows on basement to second floor previously saw reduction of 22 and 24%. Now all windows tested would experience losses ranging between 23 and 30%. The pattern of comparative losses is similar in the case of 75 Chiltern Street. However the main living accommodation is at the rear of Nos. 71-75 and is unaffected.

No.77 Chiltern Street previously saw losses of 22% to one basement and one second floor window, with all other windows satisfying the 20% test. Now, with the exception of one second floor window, all windows would experience reductions of between 21 and 27%.

All windows at 79 and 81 Chiltern Street previously satisfied the BRE test. At No. 79 windows on basement to first floor levels would now see reductions of between 21 and 24% while one ground floor window at No 81 would see a loss of 23%.

The adjacent building at 78 Chiltern Street comprises front and rear blocks at either end of a half-width link. The front block is occupied as flats and there are two rear windows at ground to fourth floor levels. The single aspect living room to the basement flat is lit by the two ground floor windows, via a an internal lightwell. The ground floor flat receives all of its light from the front of the building. Additional rear windows serve single aspect living rooms on the first and second floors, a dual aspect living room on the third floor and a bedroom at fourth floor level.

The analysis of the approved scheme now shows an average loss (VSC) of 25% to the ground floor windows and 23% to the third floor windows with all other levels seeing an average loss of 20% or less. Under the current scheme these windows would experience an average loss of 30% at ground level, 21% at fourth floor level and 25% on the floors in between.

The approved scheme was also accompanied by an NSL assessment. Rooms at first and second floor levels experienced a reduction of 26% and 32% respectively but over 50% of these rooms continued to receive sky visibility. Third floor rooms will saw a negligible reduction (2%) and continued to receive good levels of daylight distribution (96%). Rooms at basement and fourth floor levels experienced no reduction.

(The applicants also secured access to 78 Chiltern Street and undertook an assessment of Average Daylight factor (ADF). This takes into account the size and shape of a room and windows, reflective qualities room surfaces, and the amount of visible sky. ADF values of 1% should be achieved for bedrooms, 1.5% for living rooms and 2% for kitchens.

Under the approved scheme, rooms at basement, first and second floor levels, which did not currently achieve the recommended ADF levels, experienced reductions of between 11% and 18%. The third floor living room which achieved the recommended level (at 1.7%), experienced a 15% reduction (to below the target, at 1.45%). Although the fourth floor bedroom saw a reduction of 15%, it continued to receive an ADF exceeding the recommended level (1.73%).

The submitted report confirms that, given the modest increase in height of the east block, the impact on NSL and ADF to windows serving flats at No. 78 Chiltern Street (front block) would be negligible.

The centre and rear part of the building are occupied as a wholesale showroom on ground and first floors and as a beauty school on the second floor. The main areas of this accommodation are served by three or four large windows directly overlooking the adjacent

The report also includes an assessment of the impact on the building at No. 41 Paddington Street/67 Chiltern Street at the junction of Paddington Street and Chiltern Street (south side). As previously, all windows would continue to receive a VSC exceeding 27%.

No. 29 Paddington Street has windows in the flank elevation, fronting Chiltern Street, which serve a ground floor shop, and flats above. As with the approved scheme, any losses to these windows would be below 20%.

The report includes an assessment of first to tenth floor windows in Luxborough Towers. With the exception of the podium level flat, where the living room is dual aspect. The principal living room windows and balconies are in the southern building elevation and directly overlook the gardens. Bedroom windows are in the flank (west elevation). The daylight analysis shows that, under the approved scheme, the living room windows would experience losses of between 1 and 7%. These reductions would be the same under the current proposals.

The assessment for Luxborough House, on the opposite side of the Gardens at the junction of Paddington Street and Luxborough Street showed that, of those windows tested, all reductions would be well within VSC tolerances (between 5% and 9%) and that these windows would continue to receive a VSC exceeding reductions of less than 1%. Windows at the rear of Newcastle House, immediately to the north of Luxborough House, would see similar reductions and all windows would continue to receive a VSC of 28% or more.

There are some reductions in the level of light received to neighbouring windows/rooms when compared with the approved scheme, most significantly in the case of properties at Nos. 69-77 Chiltern Street. However, most rooms will continue to receive reasonable levels of natural light. In these circumstances, it is not considered that the impact of the current proposals, when compared with the approved scheme, upon the amenities of adjoining occupiers would be so significant as to justify a recommendation for refusal.

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south as rooms. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are less than 0.8 (20%) of their former value, either over the whole year or just during the winter months, and greater than 4% for the total APSH, then the loss of sunlight will be noticeable.

Due to their orientation, the properties on the west side of Chiltern Street, residential windows at No. 78 Chiltern Street, windows on the upper floors of the corner properties at Nos. 69 Chiltern Street/29 Paddington Street and windows at Nos.67 Chiltern Street/41 Paddington Street, do not require testing due to their orientation.

Under the approved scheme, windows on the lower floors of Luxborough Tower would not experience any significant changes in the level of sunlight received when compared with the

approved scheme and would continue to receive a minimum of 44% APSH and 19% winter sun.

There would be no significant change to the level of sunlight received to rear windows at Luxborough House, when compared with the approved scheme. All windows would continue to receive good annual sunlight levels exceeding 38% annual sunlight and 11% winter sun. Similarly, rear windows to Newcastle House would continue to receive a minimum APSH of 38% and winter sun of at least 9%.

Most adjoining properties will be unaffected by the proposals as most reductions would not be significant and/or windows would continue to receive good levels of sunlight.

Since the previous scheme was approved, permission has been granted for the conversion of International House, No. 66 Chiltern Street to flats. The applicant's report concludes that, given the relationship between the two sites, any impact on the approved flats at International House would be negligible. Officers concur with this view and agree that it is not necessary for the updated daylight/sunlight report to consider the impact on this neighbouring building.

6.3.1.iii Overshadowing

Under Policy ENV 13, developments should not result in a significant increase in overshadowing, particularly on gardens or on adjoining buildings whether in private or public use. Policy CS 28 also states that permission will be refused for developments that would result in a material loss of residential amenity.

The BRE suggest that, in order to appear adequately sunlit through the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of the development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.8 (20%) its former value, then the loss of sunlight is likely to be noticeable.

The submitted overshadowing assessment shows that over 50% of the total area of the neighbouring gardens will receive sunlight between 9.00 and 12.00, exceeding the criteria set down in the BRE guidelines.

6.3.1.iv Overlooking

Policy ENV13 states that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings whether in residential or public use.

6.3.1.iv.a Impact on adjoining properties

Proposed balconies and terraces serving flats on the Chiltern Street block are in the same position as those shown on the approved drawings and, as previously, subject to conditions to prevent other parts of the building from being used for sitting out, it is not considered that its use, or the use of the smaller balconies, would result in significant overlooking to properties in Chiltern Street/Paddington Street or proposed flats in International House, on the opposite side of Paddington Street.

An objection has been received on the grounds that the new building is closer to the site boundary than previously envisaged and would result in overlooking to flats in Luxborough Tower. The submitted plans show that the proposed building has the same relationship with the site boundary, above ground level, as the approved scheme. In these circumstances, given the relative distances between and/or orientation of the two buildings, it is not considered

that there would be any opportunity for direct overlooking into of flats to the north or opposite side of the gardens.

As previously, to ameliorate the potential for overlooking to No. 78 Chiltern Street from the rear of flats in the east block, obscure glazed side panels will be installed within the windows bays to restrict angled sightlines.

Subject to the installation of this obscured glazing, it is not considered that the proposals would result in any direct overlooking to neighbouring residential properties.

6.3.1iv.b Overlooking between new flats

As previously, the access ways to the new affordable housing units will incorporate privacy screens to prevent overlooking into bedroom windows to the rear of the east block. Subject to the provision of these screens, and to adequate screening to the fourth floor terrace to the southernmost flat in the west block to prevent overlooking to flats in the rear of the east block, the proposal is considered to provide an acceptable standard of privacy to occupants of the proposed development.

Given the relative difference in height between the buildings, and as terraces would be set back from the roof edge, it is not considered that the introduction of terraces on the sixth and seventh floor roofs of the east block would afford any direct views into windows at the rear of the west block.

Subject to conditions to ensure the installation of adequate screening and obscure glazing, as indicated, the proposal is considered to offer an acceptable standard of privacy for neighbouring and future occupants.

6.3.2 Noise

UDP Policy ENV6 and ENV7 deal with the subject to noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy CS 31 requires disturbance from noise and vibration to be contained.

Under Policy ENV6 new developments are expected to incorporate design features and operational measures to minimise and contain noise levels in order to protect noise sensitive properties. Where developments adjoin other buildings, the applicants are required to demonstrate that, as far as reasonably practicable, schemes will be designed and operated to prevent the transmission of audible noise or vibration through the fabric of the building.

No construction/soundproofing details have been submitted at this stage. However, as this is a new development there is no reason why the required level of sound attenuation could not be achieved. Given the need to ensure that this issue can be properly addressed it is considered that these details should be submitted prior to the commencement of the relevant part of the development. It is considered that it would also be reasonable to require the applicants to submit an assessment to demonstrate that the new flats would achieve acceptable internal noise standards.

As the nearest noise sensitive windows are likely to be those within the new flats, it is in the applicants interests to ensure that the plant is designed to satisfy noise standards. The scheme is accompanied by a detailed noise report. The Environmental Health Officer has raised no objection to the proposals, subject to conditions relating to noise and vibration and the submission of supplementary noise reports. Given that the design is at an early stage, it is reasonable for details of new plant and ventilations systems, and mechanical operations

including details of the car lift operation, to be submitted to ensure that these installations would comply with Council requirements relating to noise and vibration.

The proposal is considered acceptable in terms of Policies ENV 6, ENV 7 and CS31.

6.3.3 Smell nuisance

Policy ENV 5 requires new developments to be designed to safeguard air quality and to minimise the potential for smell nuisance. Policy CS 28 seeks to resist proposals which have an adverse effect on the residential environment.

The replacement public house/restaurant would be served by a kitchen extract duct routed through a new internal riser which would discharge at roof level. This would be accessible from an adjacent lift/stair core discharge away from residential windows. The Environmental Health officer has raised no objection to this aspect of the scheme in principle, subject to the imposition of conditions and the proposal therefore accords with the requirements of Policy ENV 5 and CS28.

6.4 Highways/Servicing Issues

6.4.1 Servicing

There was formerly a service road running east/west across the site which provided access to the rear of the existing shop units. However, it is clear that prior to the demolition of the building the cross-site service road had been obstructed by a number of street sweepers' carts parked outside the depot entrance, which suggests that it wasn't readily accessible.

In most cases the City Council will require the servicing needs of all developments to be adequately accommodated on site and off-street, preferably behind or under new or converted buildings. Where this is not possible, servicing demands will need to be met in such a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity.

As previously, the proposed development does not replace the former service road and with the exception of the depot, which is large enough to accommodate its servicing requirements off-street, does not provide any off-street parking space for servicing/delivery. However, it was accepted that there were limited opportunities for the provision of a replacement off-street servicing facility and that the site could be serviced from the street without detriment to residents' amenities, existing and neighbouring commercial occupiers or highway obstruction. It was not previously considered necessary to seek to control the hours of servicing for the new shop and gym use, which were likely to have limited serving requirements.

In these circumstances, the proposed servicing arrangements are considered acceptable.

6.4.2 Parking access/waste collection

As previously, the entrance to the basement car park, served by two car lifts, would be located adjacent to the eastern site boundary. The car lifts are set back from the street frontage to create an off-street waiting area in an attempt to minimise the potential for vehicles queuing on the highway or obstructing the pavement.

Due to concerns about the potential conflict between residents' vehicles and contractors employed to empty the bins, the approved scheme proposed arrangements to lock down the lifts while the bins are being emptied, which would prevent residents from entering and leaving the lifts during this time. If prevented from accessing the site, residents would be forced to wait on the highway. However, it was previously accepted that these potential conflicts are only

likely to occur twice a week, for a very limited period of time, whilst refuse is being collected, and that occupants of the development are likely to become familiar with refuse collection times. It is again not considered that an objection could be sustained on highway safety/servicing grounds.

6.5 Other UDP/Westminster Policy Considerations

6.5.1 Refuse

The development will provide separate ground floor facilities for the new flats which will accommodate facilities for refuse and recycling storage. The public house/restaurant would have a dedicated refuse store on Chiltern Street which is considered satisfactory. A condition is recommended requiring the submission of further details of the commercial refuse storage facilities for the A1/A2 and gym.

The Cleansing Officer has raised no objection to the scheme, subject to the introduction of satisfactory arrangements to prevent potential conflicts between operatives collecting refuse from the market housing and vehicles access the car lifts. Subject to the conditions, the proposed refuse storage arrangements are considered satisfactory.

6.5.2 Equalities and Diversities (including Disabled Access)

Policies DES 1 and TRANS 27 require new developments to be designed to be accessible as possible. Policy H8 requires all new housing to meet Lifetime Homes Standards.

All new housing will be designed to comply with Lifetimes Homes standards or will be readily capable of adaptation to comply (e.g. space provided for the installation of stair lifts within duplex apartments). Ten percent of the units will be designed to wheelchair standards.

Accessible staircases and lifts will be provided throughout the building and level access is provided to all main entrances. Step free access will be provided to all parts of the development and all ground surfaces will be selected to be appropriate for wheelchair users.

Policy TRANS 21 requires 20% of all parking in new developments to be designed for use by disabled users. The applicants have confirmed that 13 parking spaces (18%) will be designed to disabled standard. As previously, given that the site is located in close proximity to Baker Street Underground Station, which provides excellent accessibility for mobility impaired users, and to the local bus network, which provide, 100% disabled access, the level of disabled parking provision is considered acceptable.

6.6 London Plan

The London Plan Crossrail Alterations 2010 and the associated Supplementary Planning Guidance: Use of planning obligations in the funding of Crossrail July 2010, seek financial contributions from certain categories of development towards the funding of Crossrail. The Crossrail London Plan Alterations afford Crossrail contributions the same level of priority as affordable housing in negotiating Section 106 agreements. This scheme does not trigger the requirement for any Crossrail contributions.

The development would trigger a contribution to the Mayor's Community Infrastructure Levy of £800,000.

6.7 Economic Considerations

The economic benefits of the scheme are welcomed.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Under the terms of the NPPF, the City Council can continue to give full weight to relevant policies in the Core Strategy and London Plan until 27 March 2013 even if there is a limited degree of conflict with the framework. The City Council has recently published the NPPF Revision to the Core Strategy, which was submitted to the Secretary of State on 25 January 2013. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.9 Planning Obligations

Policy CS32 details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc are detailed in the Council's Supplementary Planning Guidance on Planning Obligations.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Under the SPG on Planning Obligations, the current proposals, which due to the number of new residential units being provided, would require trigger the requirement for contributions towards public realm improvements in the vicinity of the site and education. Given the proximity of the adjacent gardens, the 'kick about' area in Luxborough Street and the playground in Paddington Street Gardens South, the site is not in a location considered deficient in the provision of open space/play space and a contribution towards the provision of such facilities would not be required.

The applicants have provided details of proposed Heads of Terms of Planning Obligations which would be secured under any future s106 legal agreement should the current proposals be considered acceptable. These include:

- The on-site provision of 16 units of affordable housing (60% of the new units being made available as social rented accommodation and the remainder as Intermediate Housing for shared equity or intermediate rent) and a contribution of £4.105m towards the City Council's affordable housing fund to be paid upon the commencement of the development (This sum has been increased from an original offer of £3.44m). Members' views are sought as the acceptability of the proposed affordable housing contribution.
- A contribution of £257,500 towards public realm improvements in the vicinity of the site provision. (There is no adopted formula for public realm contributions associated with residential development and the sum offered is considered appropriate in relation to the scale of the development).
- A contribution of £20,600 to finance the planting of four substantial replacement trees within Paddington Street Gardens North to mitigate the loss of the two mature trees

adjacent to the site boundary. (This sum has already been received in relation to the original scheme).

- An undertaking to provide access to suitable facilities within the health and fitness centre/gym to schools (or other approved 'not for profit' organisations), at no cost, for a minimum of four hours in every month outside of the peak operating hours. This offer is welcomed.
- A financial contribution of £291,652 towards the provision of additional educational facilities in the area.

This offer reflects the education contribution secured under the previous scheme, plus index linking. The secured sum was based upon the level of on-site provision residential provision and the theoretical number/mix of units that could be provided with the applicants proposed contribution to the affordable housing as presented to the Sub-Committee (£2m). Although the Sub-Committee required a policy compliant contribution of £3.12m, to the affordable housing fund, there was no discussion concerning an increase in the education contribution to reflect the increased affordable housing payment.

The full affordable housing contribution of £8.725m under the Core Strategy would generate an education contribution of £596,039. Based upon the applicant's current offer of an affordable housing contribution of £4.105M, a total education contribution of £360,854 would now be required.

The applicants contend that as an education contribution of £283,158 was previously accepted by the Sub-Committee, and as the same number of residential units (market and affordable) would be provided on the site, it would be unreasonable seek any increased contribution, other than through index linking. Given the circumstances of the case Member's views are sought on whether the proposed contribution of £291,652 is acceptable.

- The provision of (dual use) electric car charging facilities for at least 10 of the car parking spaces for use by occupants of the development. This is again considered acceptable.
- A contribution of £35,000 to re-provide electric car charging facilities (two vehicles), on-street, to replace those within the existing car park.

(This payment has already been received pursuant to the previous permission).

- An undertaking by the applicant to seek to identify locations for the re-provision of existing car club spaces from the existing building to an on-street location in the vicinity of the site and to meet the Council's reasonable costs in terms of new signage and road markings. (This is considered acceptable).
- To meet the Council's reasonable costs of the provision of a new pavement Crossover on Paddington Street. These works were previously costed at £32,000, which is the current offer. The Highways Engineer has requested that any future legal agreement be drafted to include the potential for increased cost/index linking
- A contribution of £12,000 (based on the shortfall of parking for residents of the development) to mitigate the impact of the development. This payment would contribute towards the carrying out of surveys which would identify locations for the creation of new on-street parking. This complies with the formula set out in the SPG on Planning Obligations and is considered acceptable).
- An undertaking to sign up to the Council's Considerate Constructor's Scheme, and to make a maximum contribution of £25,000 p.a. to the Council's Environmental Inspectorate, under the Code of Construction Practice, which would cover the costs of site monitoring, residents' liaison meetings etc. This would be a capped sum and the actual contribution payable would be based upon a detail assessment of officers' time/costs).

- An undertaking to provide a temporary replacement depot facility whilst the Chiltern Street site is being redeveloped. The replacement temporary depot at Cramer Street car park is already operational.
- Measures required by the Director of Housing to ensure that the affordable housing and interim housing units provided are affordable.
- The payment of standard monitoring costs which ensure compliance with the terms of the s106 legal agreement.

Except where indicated above, the Planning Obligations proposed are considered acceptable.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

6.10.1 Sustainability

The application is supported by a Sustainability Statement. Policy CS27 requires all new buildings to be designed to incorporate exemplary standards of sustainable design and architecture to reduce energy use and emissions and ensure the recycling of resources and materials. Policy CS39 requires all major development to achieve at least a 20% reduction in carbon dioxide emissions.

The development has been designed to achieve Code for Sustainable Homes Development Level 4 and a BREEAM 'Very Good' for the non-residential elements. The reduction in carbon dioxide emissions would exceed Building Regulations standards by over 25%.

The new building will incorporate photovoltaic panels on the main roofs to produce electricity. An on-site CHP plant and air –sourced heat pumps will provide hot water and heating. Water consumption throughout the development will be reduced by the use of efficient devices e.g. spray taps.

Materials will be selected to exceed the requirements of part L of the Building Regulations and high performance glazing with integral shading features including overhangs and solar control fins will also be incorporated.

All building materials will be responsibly sourced with the emphasis placed on recycled and reused materials, sourced within proximity of the site and from certified sources e.g. FSC certified timber products.

Contractors will be required to meet BREEAM standards for construction site practices including monitoring of energy use, water and waste levels.

These measures are welcomed and would be secured by condition.

6.10.2 Biodiversity

The previous application was accompanied by a Habitat Survey which concluded that there is potential for the proposed development to have a positive ecological effect through the creation of green areas and other measures. The report makes various planting recommendations and encourages the creation of living roofs and the provision of nesting boxes, particularly on the east elevation, adjacent to the gardens.

As previously, the internal amenity space between the residential blocks (which is not accessible) will be landscaped to provide some biodiversity. A sedum roof is also proposed to the third floor roof on the west block. The main roofs of the building will be covered by photovoltaic panels and could not therefore accommodate any form of greening although there is likely to be some planting, in the form of tubs, etc on the roofs of the new terraces to the east block.

It is again recommended that details of various measures including a planting scheme and the provision of nesting boxes be reserved by condition.

Given the need to accommodate a large number of uses and associated sustainability measures, it is accepted that opportunities are limited. In these circumstances, and in view of the proximity of Paddington Street Gardens the level of greening is considered acceptable and would accord with the requirements of Policies ENV 17 and CS37.

One local resident previously expressed concern that the existing car park might house a bat roost, though there was no evidence support this view. There was also concern that the London plane tree within Paddington Gardens, which has since been felled following the previous planning permission, might possibly contain a bat roost. However, the applicants previously undertook an evening emergence flight survey. The results of the survey were assessed by Natural England who confirmed there was little evidence of bats roosting in the tree and raised no objection to the proposals.

6.11 Other Issues

One objection has been received on the grounds of noise disturbance and impact on on-street parking availability during the course of construction. It is accepted that the proposed development will result in a considerable amount of noise and disturbance; however this is not a reason to withhold permission.

Any approval would be the subject of conditions to restrict the hours of noisy building works. The applicants have submitted a Construction Management Plan (CMP) which details measures designed to minimise the impact of the construction process upon neighbours' amenities as far as possible. Any permission would be subject to a condition requiring the applicants to adhere to the terms of the CMP. (A similar document has previously been approved under the approved scheme). The applicants would also join the national Considerate Constructors Scheme and the site would also be monitored under the Code of Construction practice as part of the s106 legal agreement.

6.12 Conclusion

The car park building was commonly perceived as 'an eyesore' which adversely affected the character and appearance of this part of Marylebone. As previously its replacement with a residential-led scheme, within a high quality, contemporary building, which now incorporates the public house, is welcomed. It is not considered that the modifications to the scheme would have a significant impact on neighbours amenities and the proposals are largely acceptable in land use terms subject to considerations of the acceptability of the proposed affordable housing contribution and package of related planning benefits.

BACKGROUND PAPERS

1. Application form
2. Letters and e-mails from Rolfe Judd Planning dated 27.11.12, 17.01 and 18.2.13
3. Letter from London Underground Ltd dated 11.10.12
4. Letter from English Heritage dated 16.10.12
5. Letter from the St Marylebone Society dated 12.11.12
6. Memorandum from Cleansing Manager dated 23.10.12
7. Memorandum from Building Control dated 25.10.12
8. Memoranda from Environmental Health dated 28.01.13 and 1.02.13
9. Memorandum from Highways Planning Manager dated 21.02.13.

10. Memoranda from the Arboricultural Manager dated 23.1.13 and 25.2.13.
11. E-mail from the occupier Flat 6, 78C Chiltern Street dated 20.10.12
12. E-mail from the occupier 14F Portman Mansions, Chiltern Street dated 18.10.12
13. E-mail from the occupiers 4 Newcastle House, Luxborough Street dated 23.11.12
14. E-mail from the occupier 8 Newcastle House, Luxborough Street dated 25.10.12
15. E-mail from the occupier 9 Newcastle House, Luxborough Street dated 25.10.12
16. E-mail from the owner 12 Newcastle House, Luxborough Street dated 29.10.12
17. Letter from the occupier 16 Newcastle House, Luxborough Street dated 26.10.12
18. Letter from the Newcastle House Residents' Association dated 26.10.12
19. Letter from the occupier Flat 10, Luxborough Tower dated 27.10.12

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL – pquayle@westminster.gov.uk

DRAFT DECISION LETTER

Address: 74-76 Chiltern Street, London, W1U 5AA

Proposal: Demolition of the existing building, redevelopment and construction of a new building on three basement levels, ground, and part four/part seven floors comprising 60 flats (Class C3), a health & fitness club (Class D2)), a unit for retail or financial and professional services (Class A1/A2), a restaurant or public house (Class A3/A4), storage uses (Class B8), replacement accommodation for street cleansing facilities (sui generis), car parking for the development and 23 parking spaces for local residents, associated plant.

Plan Nos: P_RF_C645_002A, P_B1_C645_001F, P_B2_C645_001E, P_B3_C645_001E, P_MG_C645_001B, P_00_C645_001C, P_01_C645_001B, P_02_C645_001B, P_03_C645_001B, P_04_C645_001B, P_05_C645_001A, P_06_C645_001A, P_07_C645_001A, P_RF_C645_001A, E_01_C645_001B, E_02_C645_001B, E_S_C645_001B, E_S_C645_002B, E_E_C645_001A, E_E_C645_002A, E_W_C645_001A, E_W_C645_002A, E_E_F200_001A, E_W_F200_001A, D_E_C645_001A, D_W_C645_001A, S_AA_C645_001D
 A4 sketch unnumbered- car park ventilation shaft (received 24.1.2013)
 Planning, Design and Access Statement dated September 2012 (excluding drawings)(as amended)
 Acoustic report dated 12 September 2012 (Sharps Redmore Partnership: 1011136)
 Daylight, Sunlight and Overshadowing Reports dated 17 September 2012 and 12 December 2012 (Drivers Jonas Deloitte)
 Sustainability Statement dated 18 September 2012 (Mendick Waring Ltd)
 Construction Management Plan Rev 1 dated 19 September 2012 (C J O'Shea & Co Ltd)
 Report on Phase 1 Preliminary Risk Assessment (12/19143-1) dated April 2012 and Report on Ground Investigation 12/19143 dated May 2012 (Site Analytical Services Ltd); Letter from Clark Smith Partnership: GAL/35 dated 28 June 2012; Letter from OSEL Architects dated 29 June 2012 (SB/E12-010/F1-001).
 Transport Assessment dated 21 September 2012 and Appendices A-J (JMP)
 Method Statement for the salvage, temporary storage and re-use of the existing commemorative plaques (OSEL Architecture 17/9/2012) and drawing dated 7.02 2012 (09055 SK09)
 Arboricultural Reports dated 14 May 2012, 26 July 2012 and 10 January 2013 (Connick Tree Consultants)
 Written scheme of investigation for an archaeological investigation, post excavation and publication exercise (CGMS Consultants: June 2012).
 Bat Emergence Survey Report dated 2 November 2011 (Jones & Sons Environmental Sciences Ltd).

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (a) You must carry out the archaeological work and development according to the written scheme of investigation for a programme of archaeological work as detailed in the report dated 14 June 2012 by CGMS Consulting (ref DH/KB/12319) hereby approved. You must assess, analyse and publish 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, to English Heritage, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

Important archaeological remains exist on this site. Accordingly, an archaeological mitigation strategy for the remains must be provided prior to development in accordance with policy CS24 of our Core Strategy that we adopted in January 2011, DES 11 of our Unitary Development Plan that we adopted in January 2007 and PPS5.

- 4 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 5 You must provide the waste stores for the flats shown on drawing XXXXX before anyone moves into the flats hereby approved. You must clearly mark them and make them available at all times to everyone using the flats. You must store waste inside the property and in the ground floor holding area shown on XXXXX. You must not use the waste stores and holding area for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in CS43 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 12 of our Unitary Development Plan

that we adopted in January 2007. (R14BD)

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for the retail (Class A1/A2) and health club uses hereby approved. You must not start work until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the shop and health club (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in CS43 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

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 STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 8 (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 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 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 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013), 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.

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the depot, retail, health club and public house restaurant hereby permitted, when operating at their 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the depot, retail, health club and public house/restaurant uses hereby permitted, when operating at their 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 by the City

Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013), 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.

- 10 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 11 You must apply to us for approval of details which demonstrate that the design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 12 You must apply to us for approval of details which demonstrate that the design and structure of the development shall be of such a standard that it will protect future residents of the building or existing residents in adjoining buildings from noise and vibration from the development, and future residents of the building from noise and vibration from the public house on the basement and ground floors of 28 Paddington Street, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 You must apply to us for approval of details of all plant with a supplementary acoustic reports (to include manufacturer's specifications, an analysis of noise levels for the proposed plant and calculations for the predicted noise level 1 metre from the window of the nearest residential property) demonstrating that each piece of plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013), by contributing to reducing excessive ambient noise levels.

- 14 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in CS40 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 You must apply to us for approval of plans showing the location and designation of:

i commercial (1 space) and residential (48 spaces) car parking spaces for occupants of the development, with a minimum of 8 spaces for use by occupants of the affordable housing units

You must provide and permanently maintain each car parking space shown on the approved drawings, which shall only be used for the parking of vehicles in accordance with those designations shown on the approved drawings. Car parking spaces for residents of the development and residents (other than occupants of the development) shall be clearly identified within the building.

Reason:

To provide parking spaces for people using the development as set out in STRA 25, TRANS 22 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and to

provide parking for local residents (other than occupants of the development) in accordance with the submitted application.

- 16 You must apply to us for the approval of plans showing the location of cycle parking spaces for the development prior to the occupation of the building. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must apply to us for approval of details of a Lift Management Plan including details i) to minimise waiting times for vehicles entering the car lifts and ii) to address potential conflicts between vehicles entering/exiting the car lifts at ground floor levels and refuse collection operatives.

These measures shall be provided, in accordance with the approved details, prior to the occupation of the development and thereafter permanently maintained.

Reason:

In the interests of public safety and to avoid blocking the road as set out in CS40 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 18 All development, including any works of demolition, shall be carried out in accordance with the Construction Management Plan dated 19 September 2012 (C J O'Shea & Co Ltd) hereby approved. The Plan shall be adhered to throughout the construction period.

Reason:

To protect the environment of people in neighbouring properties, by minimising the impact of the development construction as set out in CS28 of our Core Strategy that we adopted in January 2011 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 19 The salvage, temporary storage and re-use of the commemorative plaques (previously located inside the vehicular entrance and exit to the former car park) shall be carried out in accordance with the details hereby approved.

Reason:

To retain part of the building of particular historic interest.

- 20 The glass shown as obscured glass on the drawings hereby approved must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on these parts of the development until we have approved the sample. You must then fit 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 and within the development. This is as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 21 You must apply to us for approval of detailed drawings and full particulars of the following parts of the development :

- i) all privacy/walkway screens and balustrades to roof terraces on the east block.
- ii) screen to eastern boundary to the fourth floor balcony (west block/southern end) overlooking windows in the rear of the east block
- iii) treatment of the boundary wall between the new building and 78 Chiltern Street.

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 approved details

Reason:

To protect the privacy and environment of people in neighbouring properties and within the development. This is as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 No storage of refuse or depot vehicles shall take place outside the curtilage of the depot

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and DES 1 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 23 The primary use of the street sweepers' depot shall be for the storage of street sweeping vehicles

Reason:

To protect the environment of people in neighbouring properties, as set out in CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 24 Before the street sweeping depot hereby approved becomes operational, a management statement (to include details of opening hours, working practices and measures to minimise disruption and disturbance to surrounding residential occupiers, including a telephone contact number for complaints - manned at all times when the depot is operational - and the method of publicising this contact number), shall be submitted to and approved by the City Council as local planning authority. The depot shall only operate in accordance with the details thus approved.

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 25 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in CS41 of our Core Strategy that we adopted in January

2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 The following activities shall only take place at the depot within the hours specified below in each case:-

- a) collection of waste and recyclable material from the depot - 08.00 to 22.00 daily
- b) maintenance or repair of vehicles or plant, except in an emergency, - 06.00 to 23.00 daily and
- c) pressure-wash cleaning of vehicles - 06.00 to 23.00 daily

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 No compacting of waste by machine shall take place at the depot site

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 28 You must provide the environmental sustainability features (environmentally friendly features) detailed in the Sustainability Statement (Mendick Waring Limited - 18 September 2012) and paragraph XXXX of the Design and Access Statement (Squire and Partners - September 2012) before you start to use any part of the development.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013). (R44AC)

- 29 You must apply to us for approval of details of how you will reduce the development's effect on the biodiversity of the environment including a planting scheme and the provision of nesting boxes.

You must not start any work 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 before you start to use the building. (C43AA)

Reason:

To increase the biodiversity of the environment, as set out in CS37 of our Core Strategy that we adopted in January 2011 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the creation of living 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.

Reason:

To increase the biodiversity of the environment, as set out in CS37 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 31 Measures to protect bats in the area around the development shall be carried out in accordance with the details in the Bat Flight Emergence report hereby approved.

You must carry out these measures before you start to use the building.

Reason:

To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, as set out in CS37 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43EB)

- 32 Customers shall not be permitted within the fitness club premises before 06.30 or after 22.30 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in CS23, CS28, CS31 and CS 33 of our Core Strategy that we adopted in January 2011 and ENV 6, ENV 7, SOC 1 and SS7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 33 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in CS15 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 34 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated September 2012 (Squire and Partners) before you use the building. You must not change the approved access without our permission. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 35 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:

1. Typical bays - all facades at all levels above ground floor level, including roof storeys
2. Ground floor frontages, including shopfronts, entrances, canopies and louvres
3. Public art
4. North boundary wall treatment - adjacent to 78 Chiltern Street
5. East boundary wall treatment

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 36 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 37 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:

Because these would harm the appearance of the building, and would not meet CS24 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 38 Measures to protect the retained trees close to the site (on Chiltern Street and in Paddington Street Gardens North) must be carried out in accordance with the details in the arboricultural reports hereby approved.

Reason:

To protect the trees and the character and appearance of the area, including part of the Portman Estate Conservation Area. This is as set out in CS24, CS27 and CS37 of our Core Strategy that we adopted in January 2011 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 39 You must apply to us for approval of plans showing the location of the 23 car parking spaces which are only to be used by local residents, other than residents of the development, for the parking of cars and/or motorcycles and for no other purpose. You must not occupy the

development until we have approved what you have sent us. You must then provide the parking spaces, which must be clearly marked, and permanently maintain them for this use in accordance with the approved management plan.

Reason:

To provide parking spaces for local residents, other than residents of the development, in accordance with the terms of the application and as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 40 You must apply to us for approval of a management plan detailing arrangements for the use of the 23 car parking spaces within the development which are for use by local residents, other than occupants of the development. You must not occupy the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use.

Reason:

To provide parking spaces for local residents, other than residents of the development, in accordance with the terms of the application and as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 41 You must provide the waste stores shown on drawing XXXX before anyone moves into the Class A3/A4 unit hereby approved. You must clearly mark them and make them available at all times to everyone using the Class A3/A4 unit. You must not use the waste stores. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in CS43 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 42 You must apply to us for approval of full details of the Class A3/A4 unit hereby approved, including plans showing the internal layout of the unit, showing the areas to be used for public drinking/dining and 'back of house' areas, and details of the opening hours (hours during which customers will be on the premises), maximum customer capacity, hours of plant operation and serving hours before the use of this unit commences. Thereafter the unit shall only be occupied in accordance with these approved details.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 43 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 44 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the living conditions of people who may use the property in future as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

- 45 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats.

Reason:

To protect the living conditions of people who may use the property in future as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

- 46 You must only use the part of the property we have approved for fitness centre/gym for that purpose. You must not use it for any other purposes, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet ENV13 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 47 (1) Noise emitted from the emergency plant and generators installed shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) Any emergency plant and generators installed may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 48 The door to the Class D2 unit on the Children Street frontage, shown on drawing P_00_C645_001C hereby approved, shall only be used in the case of emergency and for no

other purpose.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION - In reaching the decision to grant planning permission the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the scheme was acceptable in land use, design and amenity terms.

In reaching this decision the following policies of the City of Westminster Core Strategy and the Unitary Development Plan were of particular relevance:

CS 23, CS 24, CS27, CS28, CS31, CS33, CS37, CS39, CS40, CS41 CS43
ENV 6, ENV7, ENV8, ENV12, ENV13, ENV16, ENV17, STRA 25, STRA 34, TRANS 2,
TRANS 3, TRANS 10, TRANS 20, TRANS 21, TRANS 22, TRANS 23, SOC1, SS7, H8,
DES1, DES5.:

CS 23, CS 24, CS27, CS28, CS31, CS33, CS37, CS39, CS40, CS41 CS43
ENV 6, ENV7, ENV8, ENV12, ENV13, ENV16, ENV17, STRA 25, STRA 34, TRANS 2,
TRANS 3, TRANS 10, TRANS 20, TRANS 21, TRANS 22, TRANS 23, SOC1, SS7, H8,
DES1, DES 5.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the on-site provision of affordable housing, a financial contribution towards the City Council's affordable housing fund, a financial contribution towards public realm improvements in the vicinity of the site, a financial contribution towards replacement tree planting in Paddington Street Gardens North, a financial contribution towards the provision of educational facilities in the area, access to facilities within the health and fitness centre for schools and other approved organisations, the provision of electric car charging facilities within the development, a financial contribution towards the provision of on-street electric car charging facilities, the provision of replacement car club spaces, the provision of a new pavement crossover on Paddington Street, arrangements to mitigate the impact of the development on on-street parking demand, a financial contribution under the Code of Construction Practice, the provision of a temporary street sweepers' depot on an alternative site for the duration of building works and monitoring costs
- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our

website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
 Environmental Health Service
 Westminster City Hall
 64 Victoria Street
 London
 SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 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 or visit www.ccscheme.org.uk.
- 7 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, perhaps by issuing regular bulletins about site progress.
- 8 If a proportion of the flats within the premises are to be rented following development, under the HMO Licensing Scheme, the building requires an increased level of fire precaution and is subject to the City of Westminster Standards for Multiple Occupation. The applicant should contact the Residential Proactive Environmental Health Team for information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004.

Residential Environmental Health Team
 4th Floor East, Westminster City Hall
 64 Victoria Street
 London SW1E 6QP
www.westminster.gov.uk
 Email: res@westminster.gov.uk
 Tel: 020 7641 3003 Fax: 020 7641 8504.

- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning

permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 10 You may need separate licensing approval for the public house/restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 11 Condition 7 refers to site investigations and mitigation measures relating to contaminated land. It is noted that Phase 1 and Phase 2 reports detailed in the condition have previously been approved by the City council pursuant to the permission dated 2 December 2012 (10/10305/FULL). Consequently the submission of Phase 1 and Phase 2 reports is not required to discharge condition 7 of this permission. However, you will be required to submit Phase 3 and Phase 4 reports in order to fully discharge Condition 7 of this permission.

A publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 12 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 13 Under the Construction (Design and Management) Regulations 1994, clients, planning supervisors, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following controls. Risks must:
- 1 be avoided (the preferred approach); or
 - 2 be reduced to a safe level.
- If the above are not possible, you must protect workers who are exposed to any risks that remain.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. (I80BA)

- 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a

result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 15 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 16 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms.

There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)

- 17 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 18 In premises that are to be used for entertainment purposes, where there may be a risk to employees from their exposure to high noise levels, the design and layout must seek to minimise such exposure so far as is reasonably practicable. For further information and guidance, please see: www.hse.gov.uk/noise/musicsound.htm.
- 19 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 20 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 Core Strategy/ Unitary Development Plan, Supplementary Planning documents, 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.

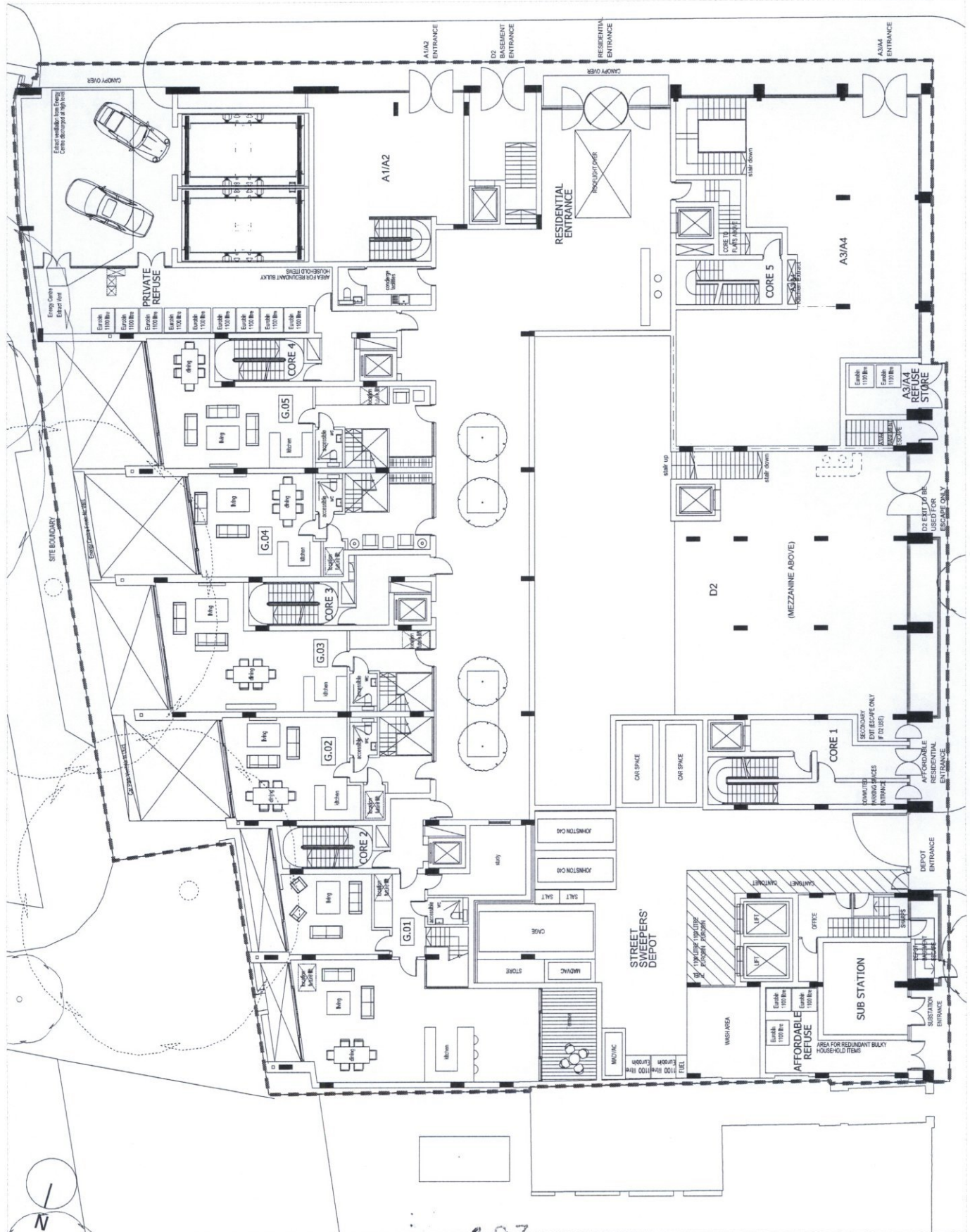
- 21 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 22 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 23 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 24 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 25 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the public house (Class A4) and Class A3 (restaurant) uses can change between the Class A3 and Class A42 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 26 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the Retail (Class A1) and Class A2 (Professional and Financial Services) uses can change between the Class A1 and Class A2 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 27 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 3. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)
- 28 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
- If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 29 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 30 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement

vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 31 This permission includes conditions to 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)

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***** APPLICATION SITE BOUNDARY



D1 ENTRANCE USE REMOVED
D1 USE REMOVED
ISSUED FOR PLANNING
24/09/12 MLE A

Squire and Partners
77 Wicklow Street London WC1X 9YF
T: 020 7278 8585 F: 020 7239 0495
info@squireandpartners.com
www.squireandpartners.com

DATE: 24/09/12
CHECKED: MLE
REV: A

PROJECT:
Chiltern Street
London W1

Working:
General Arrangement Floor Plan
Ground Floor Level 0

Drawn: LP
Date: 09.07.2012
Job Number: 09055
Revision: P_00_C645_001
Scale: 1:1000
Sheet: C

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APPLICATION SITE BOUNDARY

APPROVED

KITCHEN EXTRACT RELOCATED
CHIMNEY VENTILATION UPDATED
DEPOSIT LAYOUT UPDATED
ISSUED FOR PLANNING SUBMISSION
24.10.18 RW A

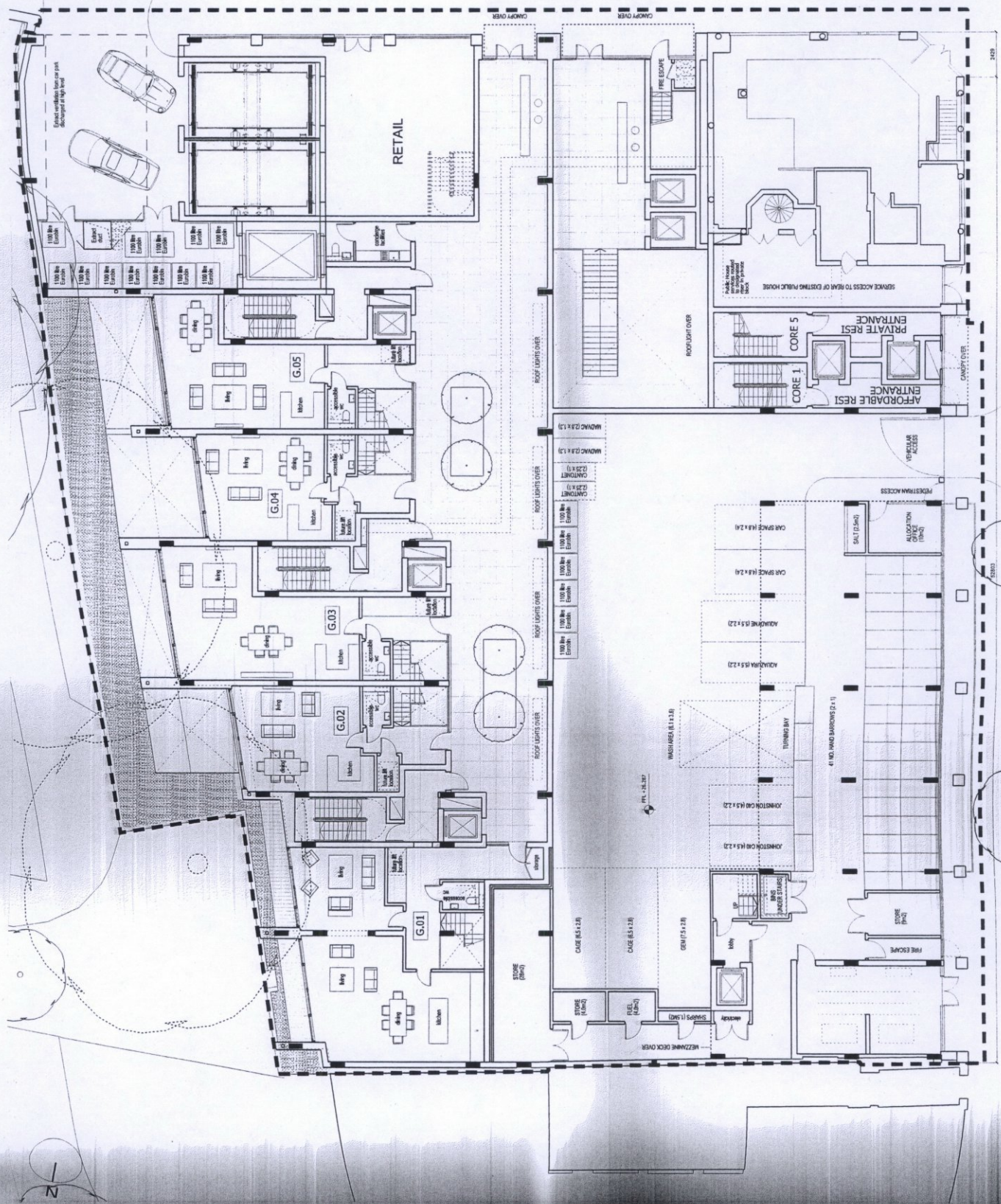
Squire and Partners

77 Wickham Street London WC1X 8YJ
T: 020 7278 8555 F: 020 7278 6155
info@squireandpartners.com
www.squireandpartners.com

Project
Chiltern Street
London W1

General Arrangement Floor Plan
Ground Floor Level 0

Drawn: RW
Date: 13.06.2010
Job number: 09055
Drawing number: P_00_G200_001
Revision: D



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..... Consented Scheme Outline

D1 USE REMOVED &
BASEMENT OUTLINE AMENDED
A3/A4 WALL MOVED
VENTS MOVED
STREET SWEEPERS' DEPOT
NOTES AMENDED
ISSUED FOR PLANNING
24/09/12 MLE A

30/01/13 LP F
09/07/13 MLE E
18/02/13 MLE D
18/02/13 MLE C
18/02/13 MLE B
19/01/13 MLE B
24/09/12 MLE A

DATE CHECK REV

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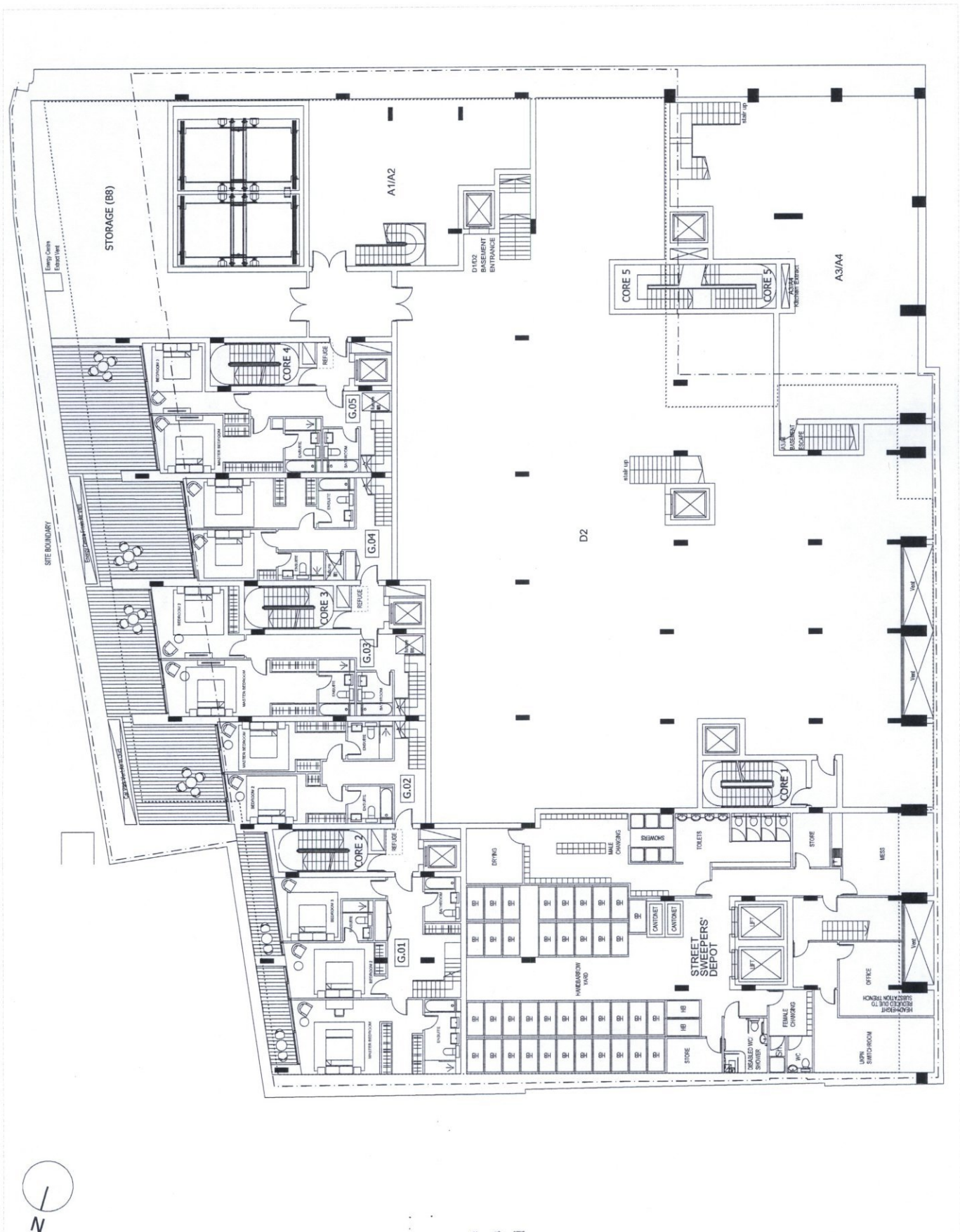
77 Wickham Street London W1C3 8JY
T: 020 7278 5535 F: 020 7239 0475

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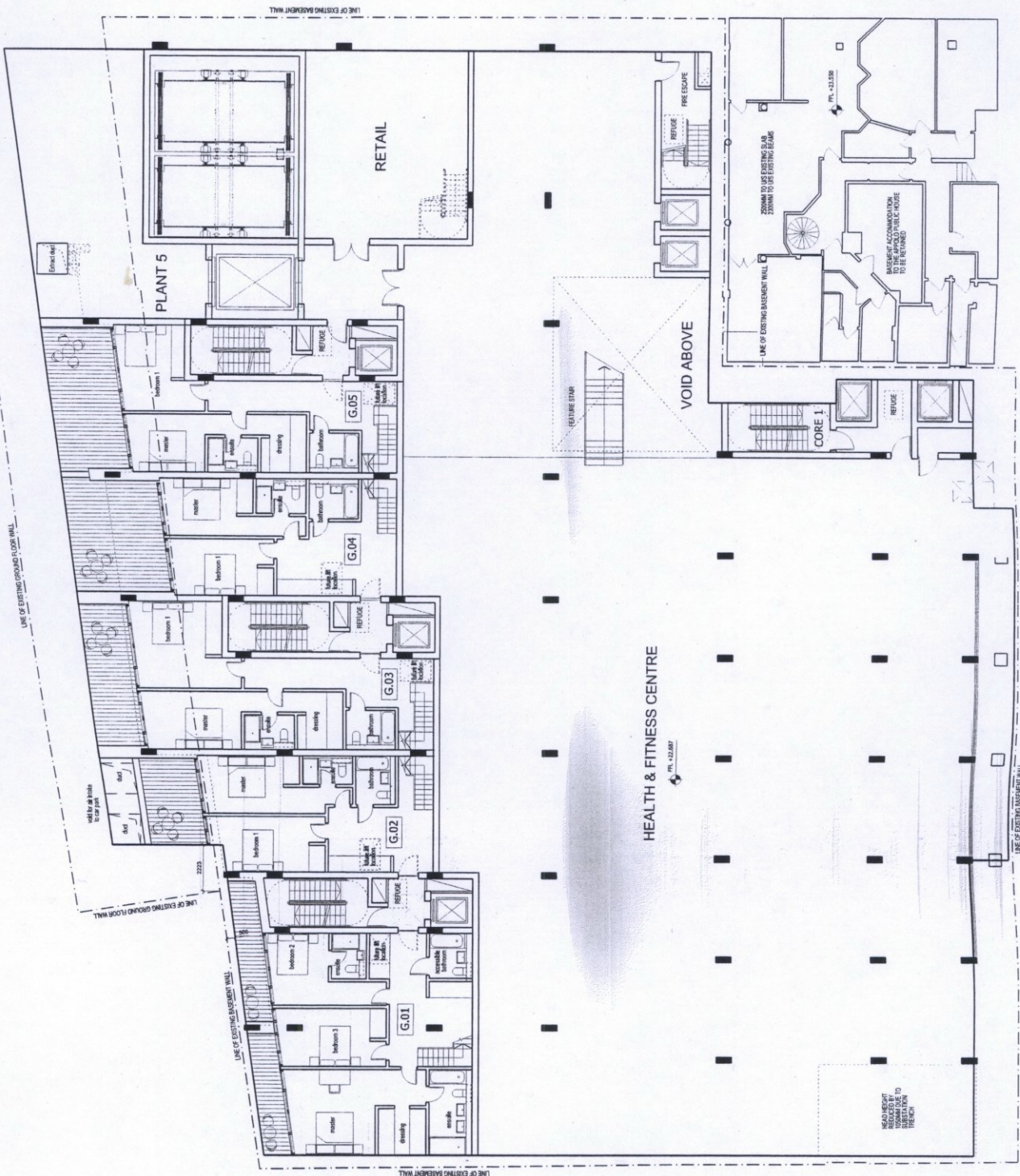
Project:
Chiltern Street
London W1

Working:
General Arrangement Floor Plan
Basement Level -1

Scale:
1:1000
LP 09.07.12
09055 P_B1_C645_001 F



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APPROVED

CARFAX VENTILATION UPDATED 29.03.11 MLE B
ISSUED FOR PLANNING SUBMISSION 24.10.10 RW A
Revision Description Date Check By

Squire and Partners

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info@squireandpartners.com
www.squireandpartners.com

Project:
Chiltern Street
London W1

Drawing:
General Arrangement Floor Plan
Basement Level -1

Drawn	Scale	Revised
RW	13.08.10	13.08.10
09055	P_B1_G200_001	B

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***** Consented Scheme Outline

BASEPRINT OUTLINE APPROVED
VENTS ADDED
NOTES FOR PLANNING
ISSUED FOR PLANNING
24/04/12 HLE A

30/01/13 LP E
18/12/12 HLE D
10/12/12 HLE C
10/12/12 HLE B
24/04/12 HLE A

Date Check Rev

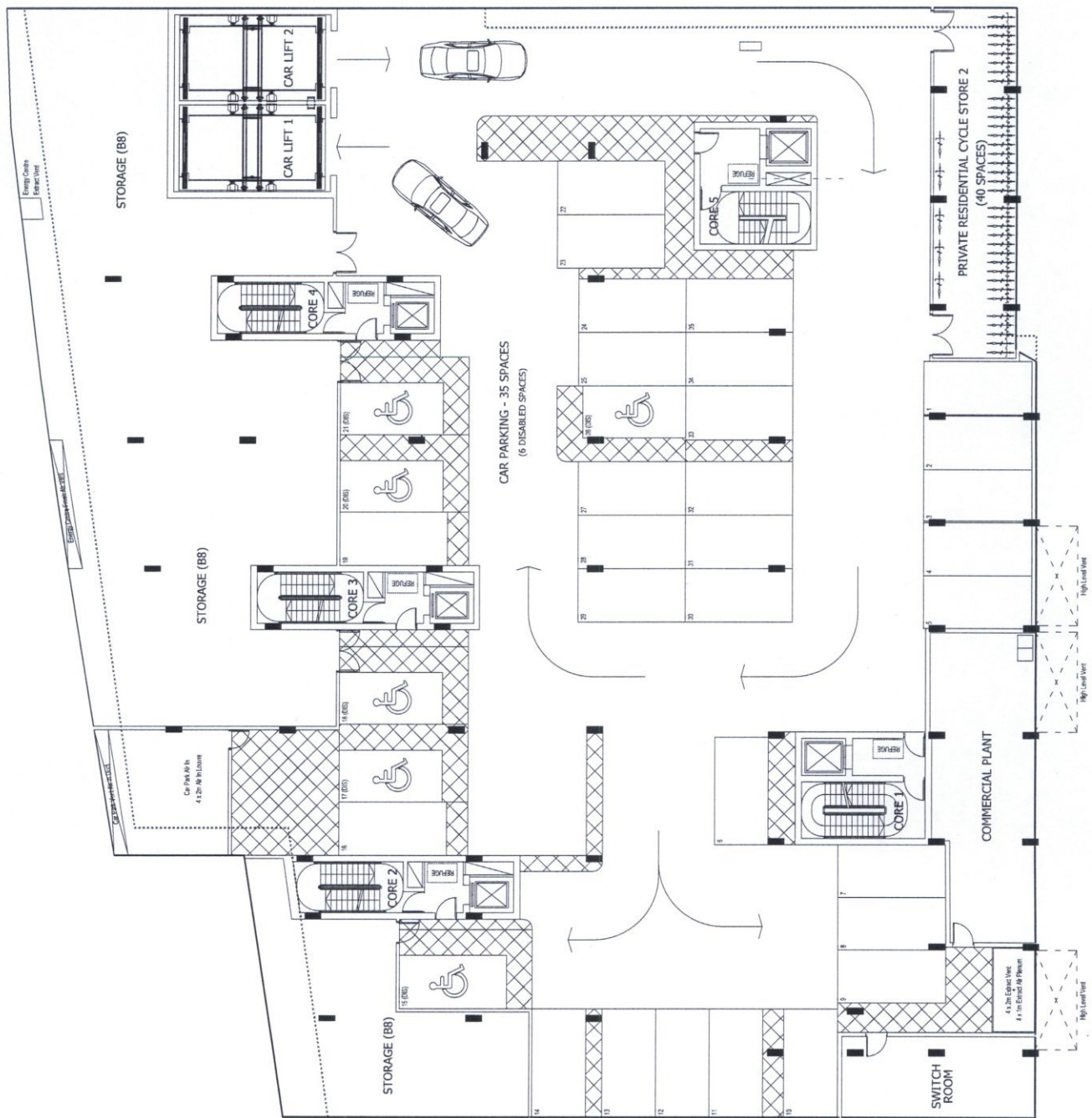
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71 High Street London W1C 8JY
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info@squireandpartners.com
www.squireandpartners.com

Project
Chiltern Street
London W1

Drawing
General Arrangement Floor Plan
Basement Level -2

Drawn	Date	Scale
LP	09.07.2012	1:1000
Job number	Drawing number	Rev
09055	P_B2_C645_001	E



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REVISIONS
DATE
CHECKED
BY

NO.	DATE	DESCRIPTION	BY	CHKD	REV.
1	20/01/13	BASEMENT OUTLINE AMENDED	LP		E
2	03/02/13	BASEMENT OUTLINE AMENDED	LP		D
3	10/12/13	BASEMENT OUTLINE AMENDED	LP		C
4	19/11/12	NOTES AMENDED	ME		B
5	24/09/12	ISSUED FOR PLANNING	ME		A

Squire and Partners

77 Midland Street London WC1X 3JY
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info@squireandpartners.com
www.squireandpartners.com

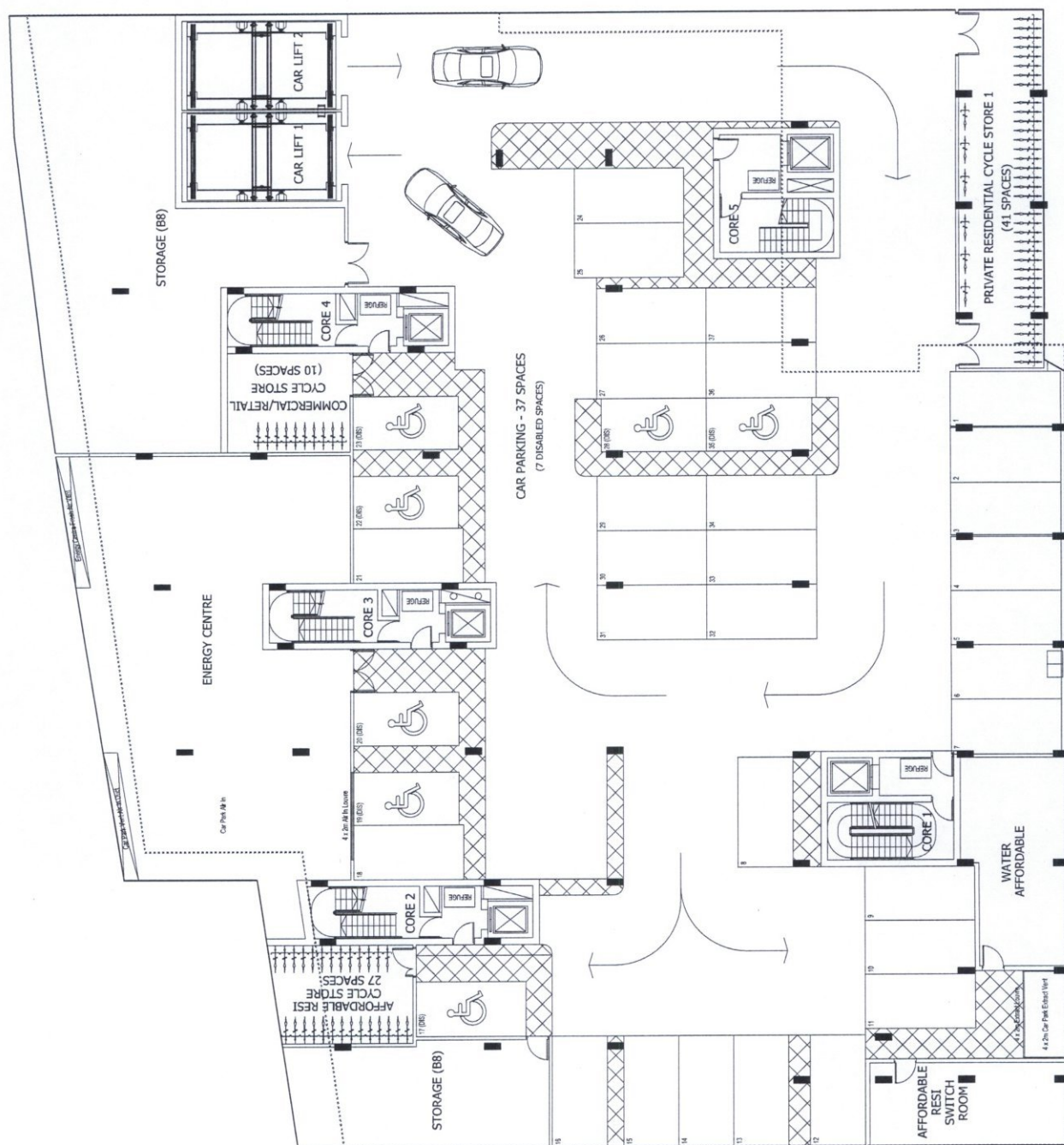
Project:
Chiltern Street
London W1

Drawing:
General Arrangement Floor Plan
Basement Level -3

Drawn
Date
09.07.2012
Scale
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LP

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Date
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Scale
1:1000
D

Rev
Date
09.05.12
Scale
1:1000
E



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DI USE REMOVED 20/02/13 LP B
ISSUED FOR PLANNING 24/09/12 MLE A
Author descriptions Date Check Rev

Squire and Partners

71 Wicklow Street London WC1X 0YJ
T: 020 7278 5555 F: 020 7229 0475

info@squireandpartners.com
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Project
Chiltern Street
London W1

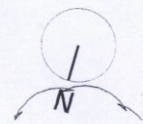
General Arrangement Floor Plan
Ground Floor Mezzanine

Drawn	Date	Scale
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No	Number	Revision
09055	P_MG_C645_001	B



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1:50 scale with
 turn neighbouring
 units to show

CITY OF WESTMINSTER
 29 11 12 1-209397
 PLANNING AND CITY DEVELOPMENT
 ADDRESS:

APPROVED TO PRODUCE DECK
 ISSUED FOR PLANNING
 Revision Description Date Check Rev

Squire and Partners

191/112 MLE B
 24/09/12 MLE A
 77 Wicklow Street London WC1X 3JY
 T: 020 7278 5555 F: 020 7278 0475
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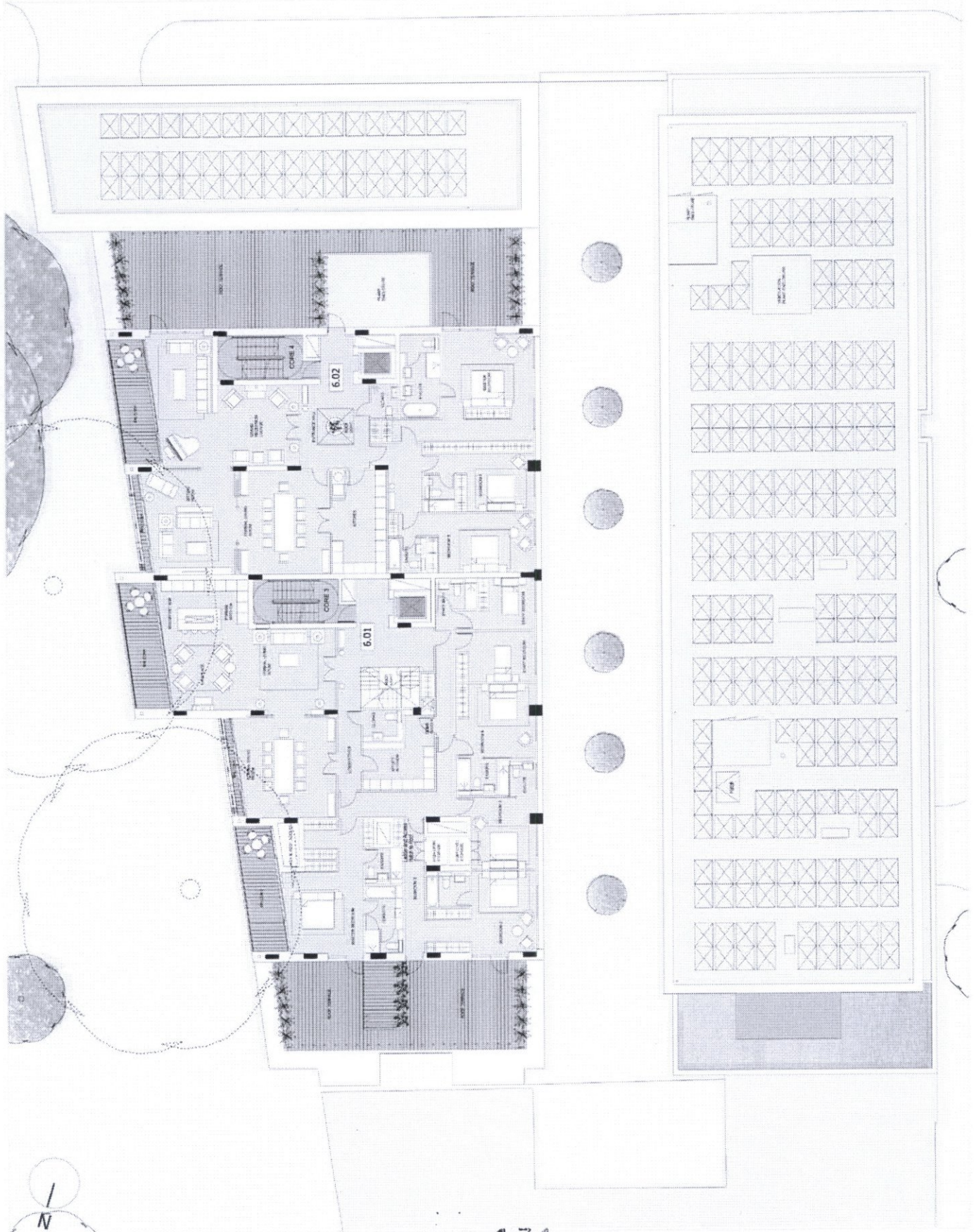
Project
 Chiltern Street
 London W1

Drawing
 General Arrangement Floor Plan
 First Floor Level +1

Drawn
 LP 09.07.2012
 09055 P_01_C645_001
 Scale
 1:1000
 Revision
 B

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ISSUED FOR TENDERING 24/09/12 M.E. A
Squire and Partners
Date: 24/09/12
Scale: 1:1000

Squire and Partners

71 Rickman Street London WC1X 9JN
T: 020 7778 1855 F: 020 7778 2455
info@squireandpartners.com
www.squireandpartners.com

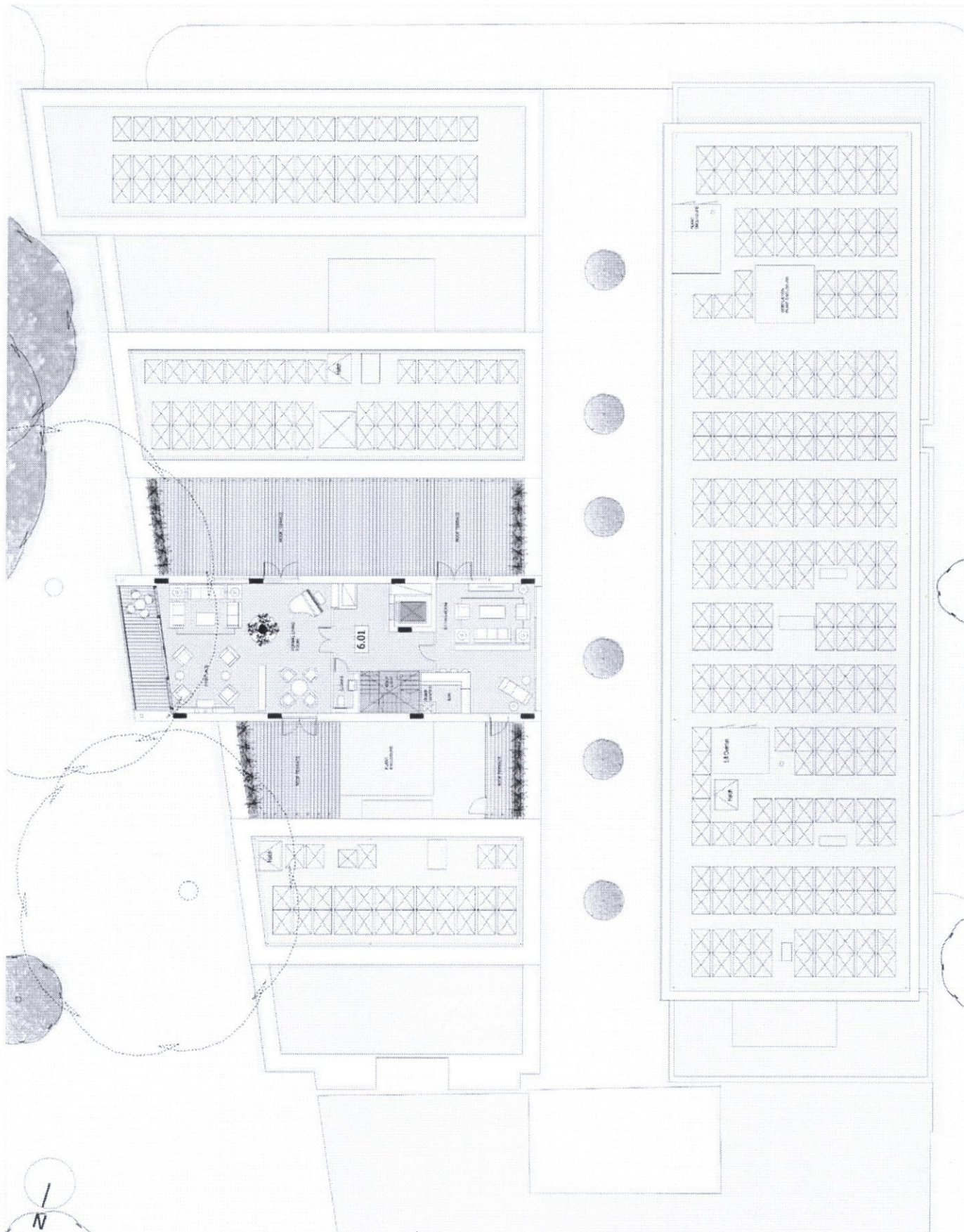
Project:
Chiltern Street
London W1

General Arrangement Floor Plan
Sixth Floor Level +6

Drawn	05.07.2012	Scale	1:1000
LP	09.07.2012	By	09055 P_06_C645_001
09055	P_06_C645_001	Author	A

NOTES

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DESIGNED FOR PLANNING

24/06/12 MEE A

REVISIONS: 01/01/12 (01/01/12)

DATE: 01/01/12

DATE: 01/01/12

DATE: 01/01/12

DATE: 01/01/12

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info@squireandpartners.com
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Project:
Chiltern Street
London W1

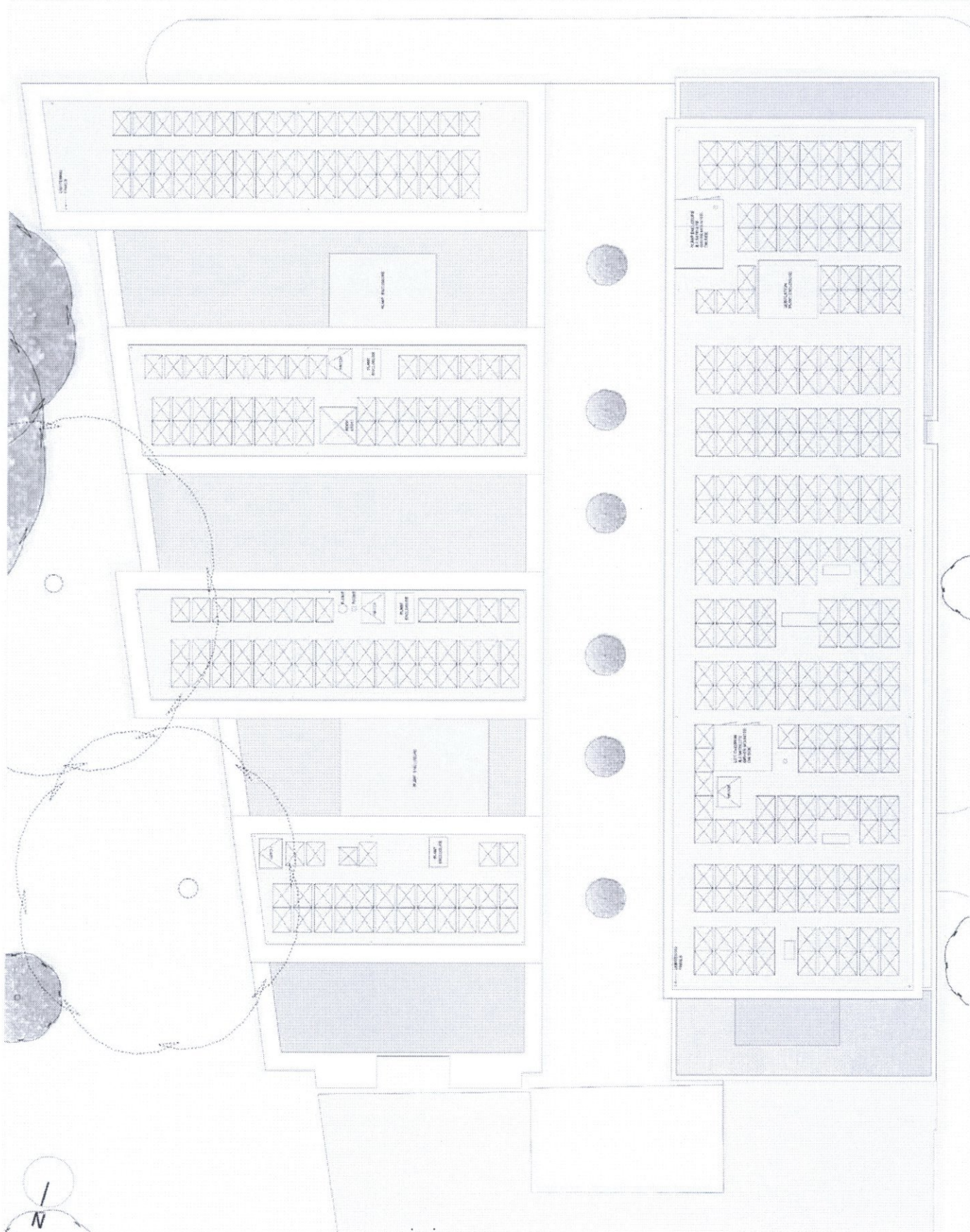
General Arrangement Floor Plan
Seventh Floor Level +7

Drawn: LP
Date: 09.07.2012
Scale: 1:1000
Project: 09055 P-07-C645-001
Sheet: A

NOTES

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155431 FOR 15.0000 24/09/12 ALE J

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General Arrangement Floor Plan
Roof Plan

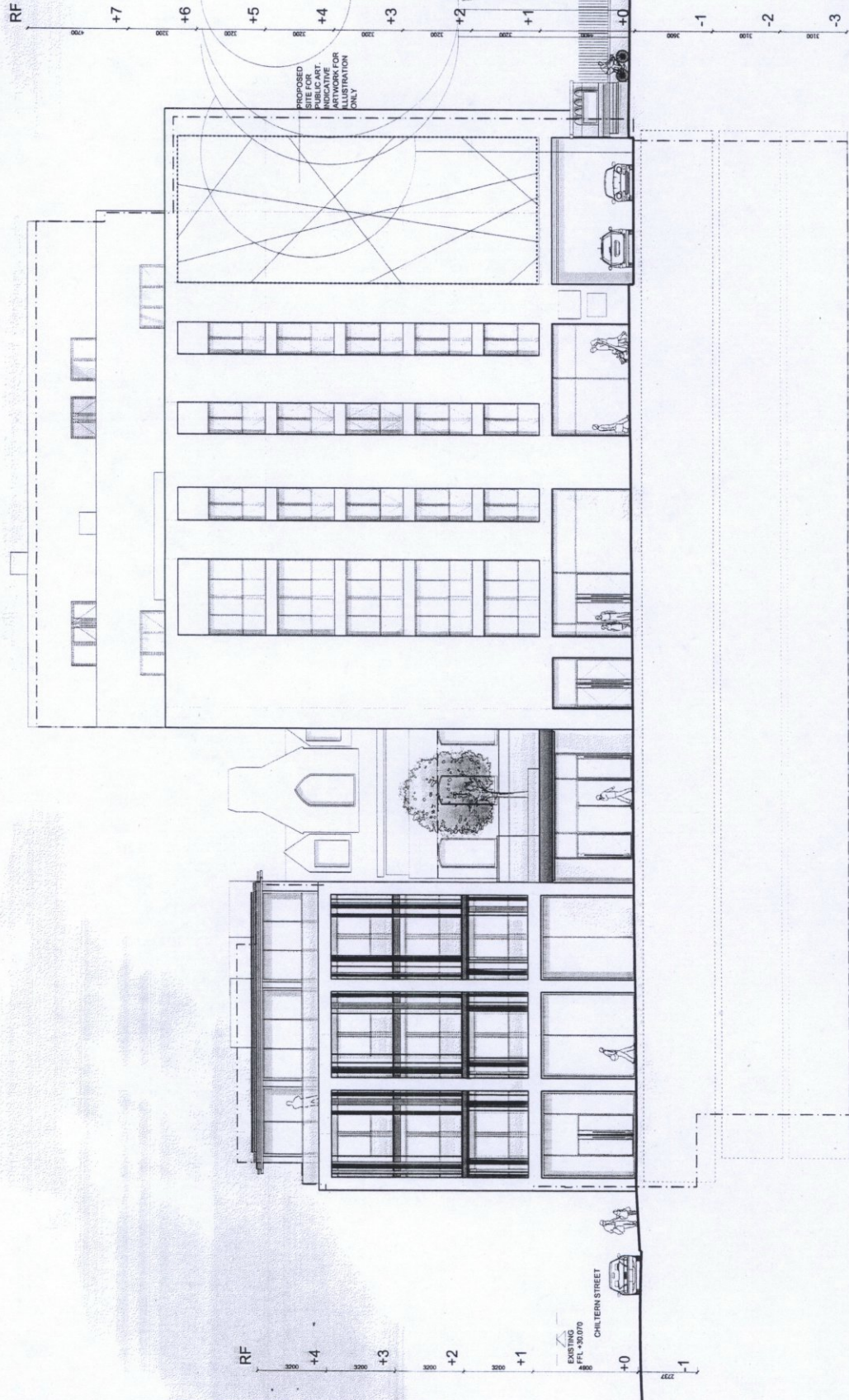
LP 09.07.2012
09055 P_R6_C645_001 A

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Indicates site for public art

Outline of Consented Scheme



AMENDMENT TO P0001 DECK
ISSUED FOR PLANNING
Revision Description Date Check Rev

19/11/12 MLE B
24/09/12 MLE A

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General Arrangement
South Elevation

Drawn	Date	Scale
LP	10.07.2012	1:1000
09055	10.07.2012	1:1000
E_S_C645_002		

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— — Outline of Consented Scheme



DESIGNED FOR: LONDON
ARCHITECT: SQUIRE AND PARTNERS
DATE: 10.07.2012
SCALE: 1:1000

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Project:
Chiltern Street
London W1

Drawn:
General Arrangement
West Elevation

Page:	Date:	Rev:
LP	10.07.2012	1:1000
By:	Drawn:	Check:
09035	E.W. C645_002	A

NOTES

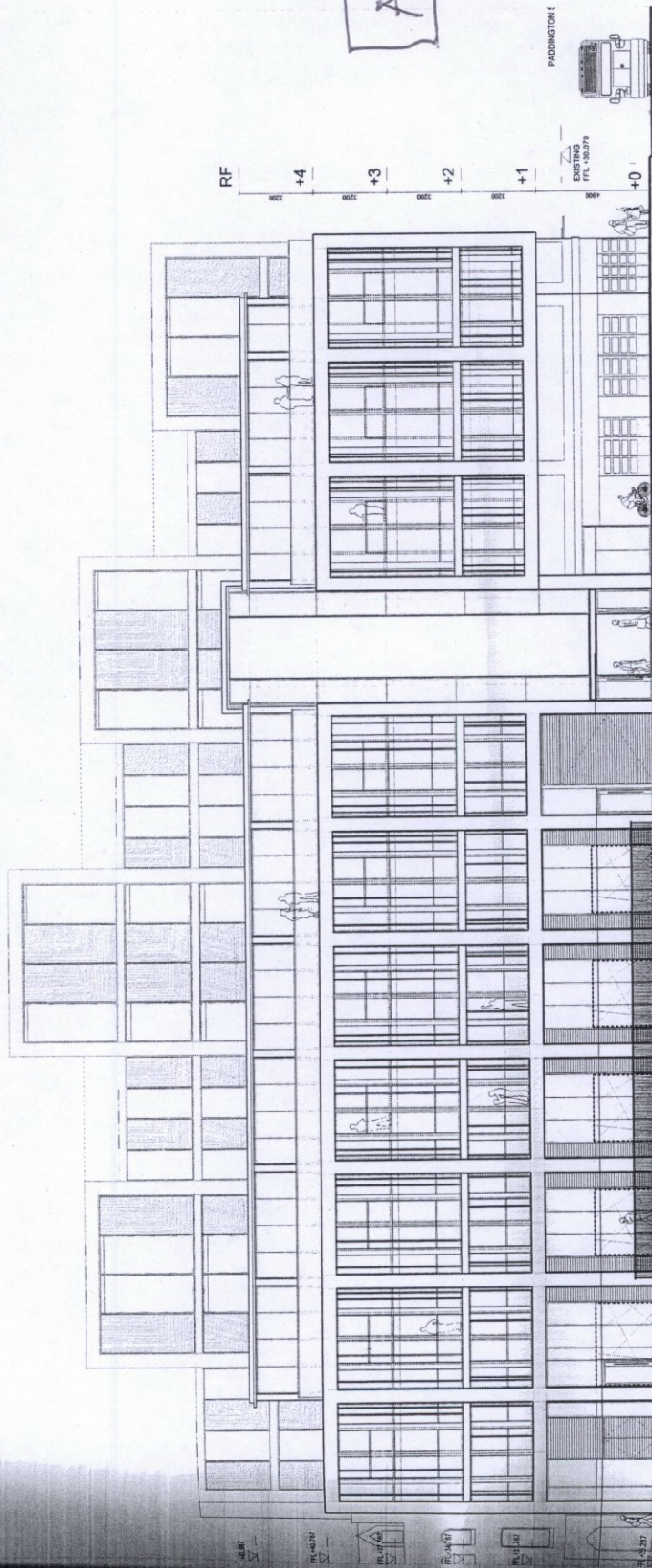
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APPROVED



Revision	Check	Rev
29.03.11	MLE	C
14.02.11	RW	B
24.01.10	RW	A

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Project

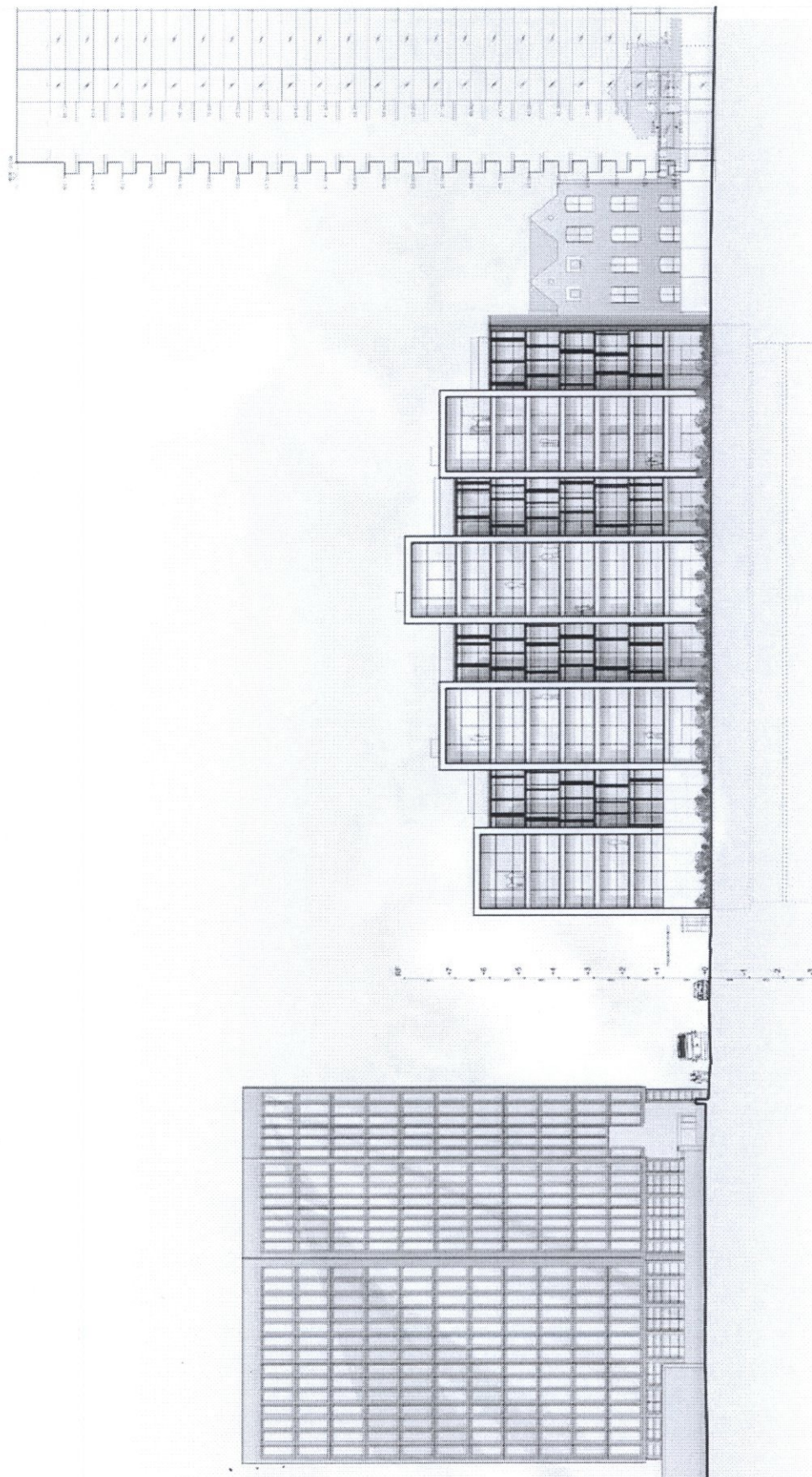
Chiltern Street

London W1

General Arrangement
West Elevation

Drawn	Date	Scale	Revision
RW	13.08.2010	1:1000	C
09055	E_W_G200_002		

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Result for Planning	Date	Change	A
Remainder: direct + prime			

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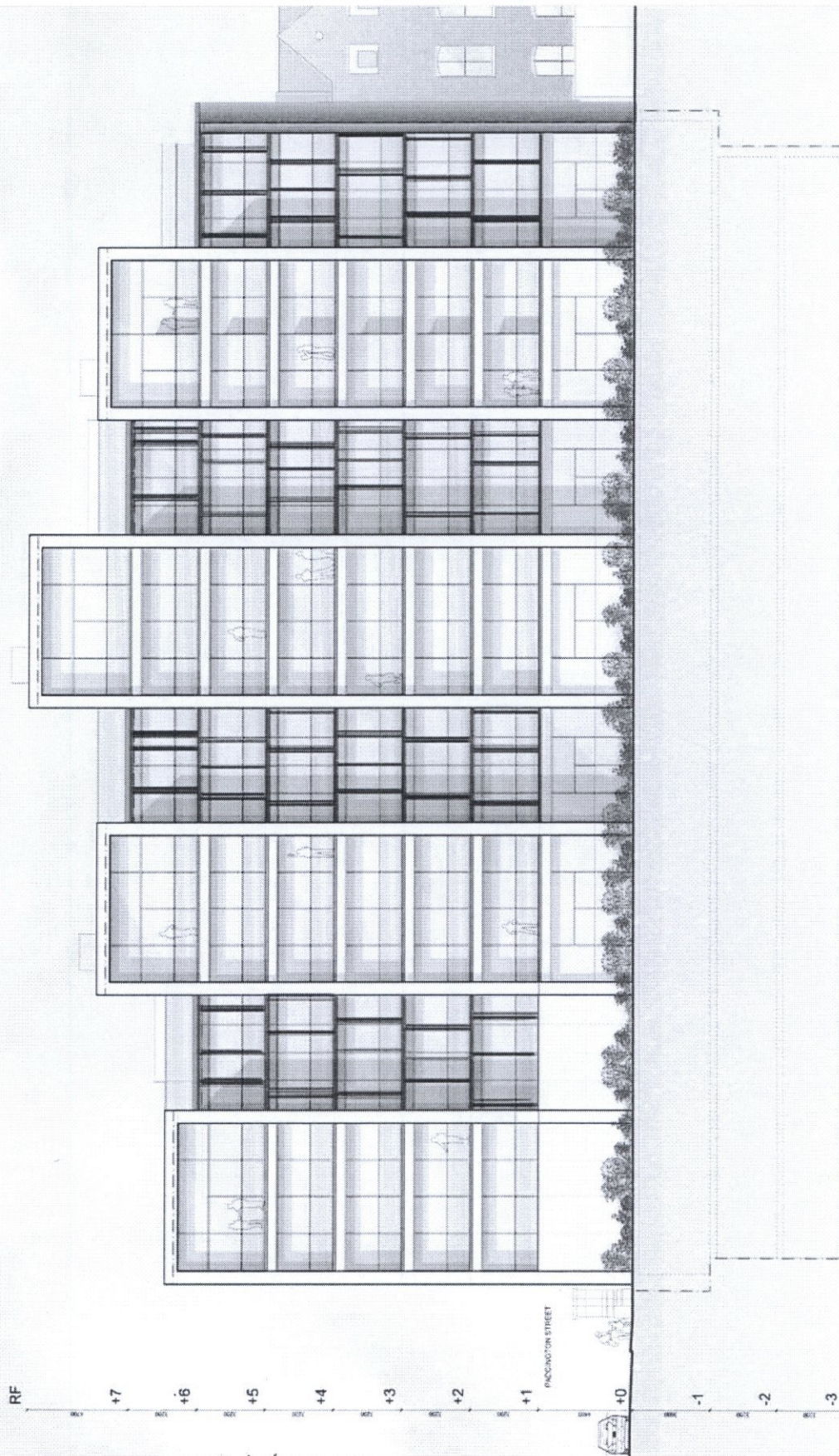
Chiltern Street
London W1

General Arrangement
East Elevation

Order	Cust	Date	State
LP	10-07-2012	10/8/12	NY
09055	E E C645 001	Quantity	Amount
			A

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Outline of Consented Scheme



THIRD FLOOR PLANTING
24/07/12 M.E. A.
Rev. Date: 24/07/12

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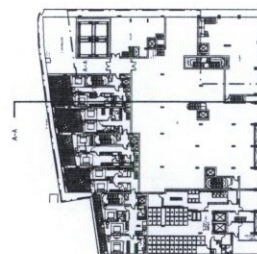
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London W1

General Arrangement
East Elevation

LP	23.07.2012	1:1000	09055 E_C645_001	A
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Order description	Rev	Date	Check
D1 USE REMOVED		20/02/13	LP D
PARK BOUNDARY DETAIL UPDATED		15/01/13	LP C
AMENDMENT TO PODIUM DECK		19/11/12	NILE B
ISSUED FOR PLANNING		24/09/12	NILE A

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London W1

Drawing
General Arrangement
Section AA

Program	Date	Scale
LP	11.07.2012	1: 2000A3 1: 4000A3

Web number	Grading number	Position
09055	S AA C645 001	D