



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 23rd February, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Robert Davis (Chairman)  
Tim Mitchell  
Susie Burbridge  
David Boothroyd

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |   |                          |
|---|--------------------------|
| <b>1. NEW SCOTLAND YARD, 8-10 BROADWAY, LONDON SW1H 0BG</b>   | <b>(Pages 9 - 74)</b>    |
| <b>2. 15 LANCELOT PLACE, LONDON SW7 1DR</b>   | <b>(Pages 75 - 116)</b>  |
| <b>3. 3 LANCELOT PLACE, LONDON SW7 1DR</b>  | <b>(Pages 117 - 146)</b> |
| <b>4. 12 BOURDON STREET, LONDON W1K 3PG</b>   | <b>(Pages 147 - 164)</b> |
| <b>5. MORLEY HOUSE, 314-322 REGENT STREET, LONDON W1B 3BB</b>                                       | <b>(Pages 165 - 196)</b> |
| <b>6. 18 WELLS STREET, LONDON W1T 3PG</b>   | <b>(Pages 197 - 220)</b> |
| <b>7. SITE 1: 11-14 GRAFTON STREET, LONDON W1S 4EW<br/>SITE 2: CROWNDEAN HOUSE, 26 BRUTON LANE,</b> | <b>(Pages 221 - 252)</b> |

	<b>LONDON W1J 6JH</b>	
<b>8.</b>	<b>11 BELGRAVE ROAD, LONDON SW1V 1TS</b>	<b>(Pages 253 - 280)</b>
<b>9.</b>	<b>20 HANOVER TERRACE, LONDON NW1 4RJ</b>	<b>(Pages 281 - 314)</b>
<b>10.</b>	<b>CHRIST CHURCH, 35 COSWAY STREET, LONDON NW1 5NS</b>	<b>(Pages 315 - 342)</b>
<b>11.</b>	<b>WEST CARRIAGE DRIVE, LONDON W2 2UH</b>	<b>(Pages 343 - 358)</b>
<b>12.</b>	<b>WESTMINSTER PIER, VICTORIA EMBANKMENT, LONDON SW1A 2JH</b>	<b>(Pages 359 - 376)</b>
<b>13.</b>	<b>TEMPLE STATION BUILDINGS, VICTORIA EMBANKMENT, LONDON WC2R 2PN</b>	<b>(Pages 377 - 384)</b>

**Charlie Parker  
Chief Executive  
15 February 2016**

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# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 23 FEBRUARY 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/07497/FULL St James's	New Scotland Yard, 8-10 Broadway, London SW1H 0BG	Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing 268 residential units (including 10 x affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.	
<p>Recommendation</p> <p>1. Subject to the concurrence of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i. Provision of affordable housing on-site;</li> <li>ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);</li> <li>iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;</li> <li>iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;</li> <li>v. Unallocated car parking;</li> <li>vi. Walkways agreement;</li> <li>vii. A contribution of £8,909 towards Legible London signage;</li> <li>viii. Dedication of highway and associated costs;</li> <li>ix. Free lifetime (25 years) car club membership for residents of the development;</li> <li>x. Employment and Training Strategy for the construction phase and the operational phase of the development.</li> <li>xi. Costs of monitoring the S106 agreement.</li> <li>xii. Provision of tree planting on Victoria Street.</li> <li>xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).</li> </ul> <p>2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul>				

CITY OF WESTMINSTER  
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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
2	RN 15/09276/FULL Knightsbridge And Belgravia	15 Lancelot Place, London SW7 1DR	Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking. (Site includes 15 Lancelot Place and 1 Trevor Walk).	
Recommendation Grant conditional permission.				
3	RN 15/10163/FULL Knightsbridge And Belgravia	3-11 Lancelot Place, London SW7 1DR	Demolition and redevelopment of Nos. 3-11 Lancelot Place to provide five single family dwellinghouses (Class C3) comprising two basement levels (plus sub-basement plant room), ground, first and second floor levels.	
Recommendation Grant conditional permission.				
4	RN 15/10035/FULL RN 15/10036/LBC West End	12 Bourdon Street, London W1K 3PG	Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.	
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
5	RN 15/07483/FULL RN 15/07484/LBC West End	Morley House, 314-322 Regent Street, London W1B 3BB	Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at part ground and basement floors and 44 residential dwellings at first to seventh floor levels, with ground floor entrance and ancillary residential at part basement; erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.	
Recommendation For Committee's consideration: 1. Does the Committee agree with the applicant's request that: <ul style="list-style-type: none"> <li>a) 442 sqm of the residential accommodation hereby approved can be used to provide the residential accommodation arising from the commercial redevelopment of 5-9 Cork Street and 12-14 New Bond Street (instead of already approved residential accommodation at 13 and 15 Maddox Street), with the conversion works at Morley House to commence within 12 months of occupation of the Cork Street development unless either:                             <ul style="list-style-type: none"> <li>i. The Council approves a different location for this residential floorspace within the Regent Street or St James's Estates, or</li> <li>ii. The £1.941 million payment in lieu has been made (this being the payment in lieu of the residential requirement arising from the approved scheme of development at Cork Street, based on the current adopted Council formula).</li> </ul> </li> </ul>				

CITY OF WESTMINSTER  
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			<p>b) the remaining residential accommodation hereby approved can be used to address Westminster's mixed use policy requirements that may arise from future commercial development schemes (effectively a residential 'credit') subject to the following parameters:</p> <ul style="list-style-type: none"> <li>i. The credit would last for seven years from the date of the grant of planning permission for the residential redevelopment of Morley House;</li> <li>ii. The credit can be used in relation with not more than five individual commercial redevelopment schemes;</li> <li>iii. The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/ or the freeholder of the site this relates to;</li> <li>iv. The credit can be used in relation to an application relating to a property within the vicinity of Morley House.</li> </ul> <p>c) As well as the residential credit to offset commercial increases elsewhere, the Council will factor the proposed loss of office floorspace at Morley House into any calculations that establish a residential requirement arising from other future commercial schemes.</p> <p>2. Subject to 1. above, grant conditional permission and conditional listed building consent subject to</p> <ul style="list-style-type: none"> <li>a) a Deed of Variation to the legal agreement for 5-9 Cork Street and 12-14 New Bond Street based on the criteria set out above, including a financial contribution of £383,000 towards the Council's affordable housing fund to compensate for the delay in providing the residential accommodation, (index linked and payable on commencement of this development);</li> <li>b) a legal agreement to secure the following:                     <ul style="list-style-type: none"> <li>i. A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);</li> <li>ii. Provision of lifetime car club membership (minimum 25 years) for all 44 flats;</li> <li>iii. Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;</li> <li>iv. Monitoring costs of £500 for each of the above clauses.</li> </ul> </li> </ul> <p>3. If the Deed of Variation and S106 legal agreement has not been completed within two months, then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>	
6	1. RN 15/09880/FULL 2. RN 15/09878/FULL West End	18 Wells Street, London W1T 3PG	1. Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and a duplex residential unit (Class C3) on the fifth and sixth floor. Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.	

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
			2. Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of part basement and ground floor levels as retail accommodation (Class A1) and part basement, ground and the first to sixth floor levels as five residential units (Class C3). Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.	
Recommendation 1. Refuse planning permission - loss of residential and non-compliance with the mixed use policies. 2. Grant conditional permission				
7	1. RN 15/08189/FULL 15/08190/LBC 2. 15/08341/FULL West End	Site 1: 11-14 Grafton Street and 163-164 New Bond Street, London W1S 4EW  Site 2: Crowdean House, 26 Bruton Lane, London W1J 6JH	Site 1: Demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level.  Site 2: Use of part ground, first, second and third floors of 26 Bruton Lane to create 3 residential units (Class C3) and replacement of windows at ground to third floor.	



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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
8	RN 15/07008/FULL Warwick	11 Belgrave Road, London SW1V 1TS	Use of building for residential purposes (Class C3) to provide 73 residential units (45 private units and 28 affordable units). Re-cladding of all existing facades, installation of balconies and terraces including creation of two terraces to rear at first floor level and associated landscaping works at rear of building. Provision of 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street. Reduction of plant room at roof level, installation of plant at lower ground floor level and installation of solar panels on roof at seventh floor level.	

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
<p>Recommendation</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission subject to a S106 legal agreement to secure the following:                             <ol style="list-style-type: none"> <li>a) Provision of 28 affordable housing units on site in perpetuity to be made ready for occupation prior to the occupation of the private residential units;</li> <li>b) Footway works required to move one of the crossovers in Guildhouse Street and any associated changes to on-street parking;</li> <li>c) Free lifetime (25 years) car club membership for residents of the development;</li> <li>d) Unallocated parking;</li> <li>e) The costs of monitoring the S106 legal agreement.</li> </ol> </li> <li>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:                             <ol style="list-style-type: none"> <li>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> </li> </ol>				
9	RN 15/09445/FULL RN 15/09446/LBC Regent's Park	20 Hanover Terrace, London NW1 4RJ	Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.	
<p>Recommendation</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>				
10	RN 15/10709/FULL RN 15/10710/LBC Church Street	Christ Church, 35 Cosway Street, London NW1 5NS	Dual/ alternative use of building as either a sports and leisure facility (Class D2) or offices (Class B1) and internal and external alterations including installation of lift within north-west staircore, internal lighting, addition of balustrades to gallery, installation of new sports floor, alteration to internal layout within crypt, formation of new entrance ramp, erection of canopy and alterations to railings within Bell Street and erection to two storey extension to south-west corner to accommodate new staircore.	
<p>Recommendation</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>				

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
11	RN 15/09917/FULL Knightsbridge And Belgravia	West Carriage Drive, London W2 2UH	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Road and South Carriage Drive.	
	Recommendation Grant conditional permission.			
12	RN 15/04038/FULL St James's	Westminster Pier, Victoria Embankment, London SW1A 2JH	Downstream extension of Westminster Pier measuring 32 metre (length) by 10 metre (width) including the modification of the existing V-berth end pontoon and the installation of one pile and associated works.	
	Recommendation Grant conditional permission.			
13	RN 15/07102/ADFUL L St James's	Temple Station Buildings, Victoria Embankment, London WC2R 2PN	Details of construction logistics plan pursuant to Condition 7 of planning permission dated 22 December 2014 (RN: 14/05095/FULL) for erection of new pedestrian bridge with incorporated garden extending over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank. (The Garden Bridge)	
	Recommendation Approve details			

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# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>New Scotland Yard, 8-10 Broadway, London, SW1H 0BG</b>		
<b>Proposal</b>	Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing 268 residential units (including 10 x affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.		
<b>Agent</b>	Bilfinger GVA		
<b>On behalf of</b>	BL Development Ltd		
<b>Registered Number</b>	15/07497/FULL	<b>Date amended/ completed</b>	13 August 2015
<b>Date Application Received</b>	13 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

1. Subject to the concurrence of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:

- i. Provision of affordable housing on-site;
- ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Unallocated car parking;
- vi. Walkways agreement;
- vii. A contribution of £8,909 towards Legible London signage;
- viii. Dedication of highway and associated costs;

- ix. Free lifetime (25 years) car club membership for residents of the development;
- x. Employment and Training Strategy for the construction phase and the operational phase of the development.
- xi. Costs of monitoring the S106 agreement.
- xii. Provision of tree planting on Victoria Street.
- xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).

2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is part vacant and is intended to be fully vacated by mid-2016.

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. The building is not listed and is considered a negative feature which detracts from the special character of the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings lie immediately adjacent to the north of the site, the grade I listed 55 Broadway and grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond. The site is located within the Core Central Activities Zone (CAZ).

The scheme proposes the demolition of the existing New Scotland Yard Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium), ranging from 14 to 20 storeys total height, providing 268 residential units (including 10 x on-site affordable residential units). The proposals include the creation of a new pedestrian shopping street between the two podium buildings linking Broadway and Victoria Street; new landscaping; and the creation of three basement levels comprising parking spaces, refuse and plant in the lower two levels, and residents facilities including a gym, swimming pool, residents lounge, library, cinema, events room, and cycle and changing facilities for the commercial units.

The key issues with this application are:

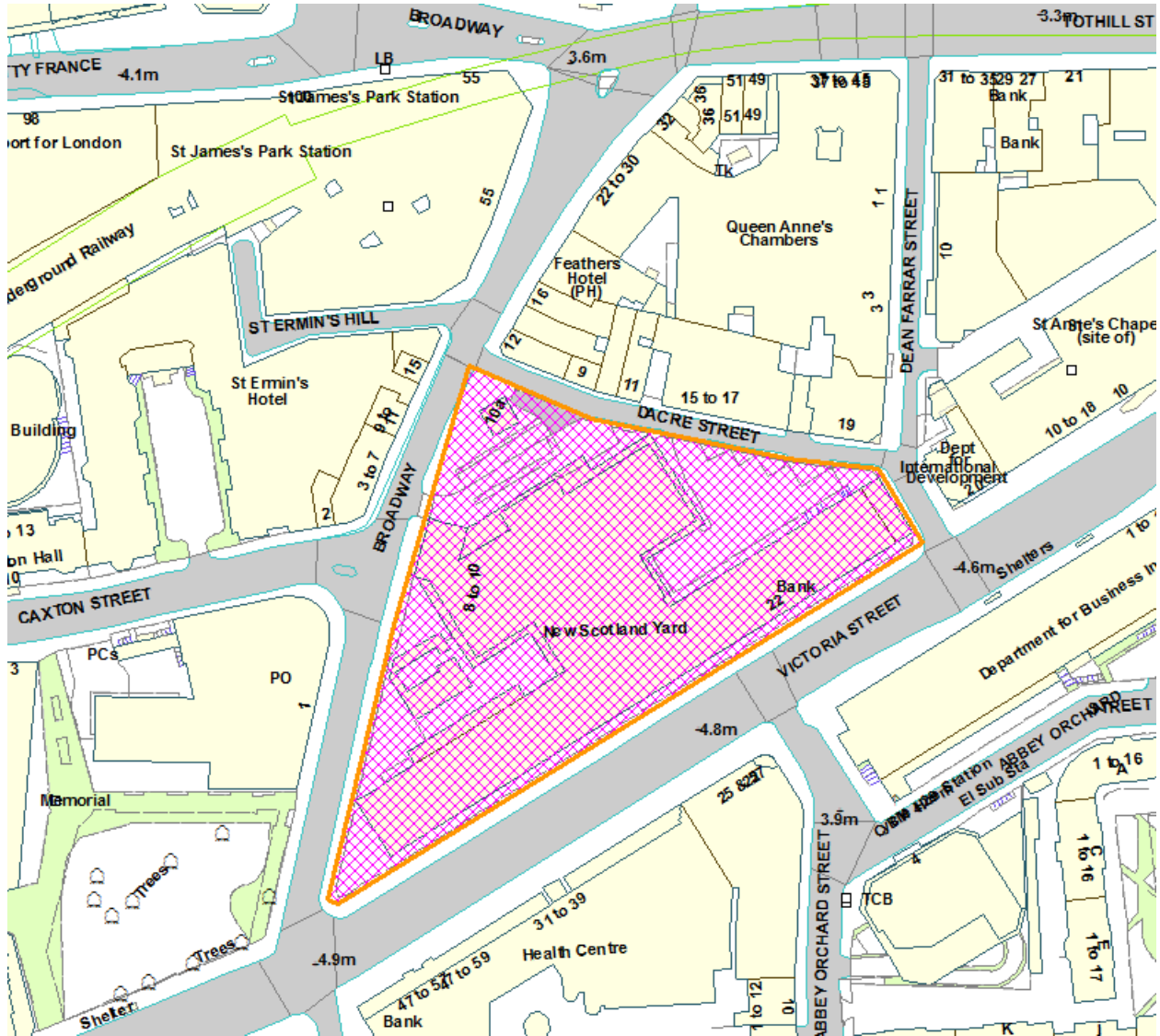
\* The size, bulk, and design of the development and the impact on the townscape and views from surrounding conservation areas.

- \* The environmental impact of the development including the impact on amenity of nearby residents
- \* The provision of affordable housing on-site and a payment in lieu to address the Council's mixed use policies.
- \* The highway and public realm implications of the scheme.

There are objections to a number of aspects of the scheme but particularly relating to design (height, bulk and architectural expression), the affordable housing offer, and amenity and highways implications.

The scheme is supported in land use and design terms. The architecture is considered to have a distinctive quality but also to sit comfortably within the context of neighbouring buildings. It has been demonstrated that the provision of 10 on-site affordable housing units, together with a payment of £10,000,000 towards the provision of affordable housing elsewhere in the City is the maximum amount of affordable housing that the scheme can support. The proposed building line is being brought forward of the existing by 1.9m in a number of locations on Victoria Street, resulting in a loss of highway, but officers conclude that the benefits of the scheme as a whole are sufficient in this instance to justify the works on the highway. The scheme is considered acceptable in all other respects for the reasons set out in the report. On this basis the application has been recommended for approval subject to a S106 legal agreement to secure a number of benefits.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



8 – 10 Broadway, New Scotland Yard  
(view from Broadway at corner of Dacre Street)



8 – 10 Broadway, New Scotland Yard  
(view from Victoria Street at corner of Broadway)

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

The principle of a mixed use development of the site for the proposed uses is accepted, but issues in relation to affordable housing, urban design, children and young person's play, energy and transport should be addressed by the applicant before stage 2 referral. Once the City Council has resolved to determine the application, it should be referred back to the Mayor for his decision.

### WESTMINSTER SOCIETY:

The Society supports this application and recommends it be approved by the City Council. The proposed mix of uses should do much to enliven this part of Victoria Street, as well as removing a rather forbidding building from the streetscape. Recommend that S106 funding should be secured for public realm improvements to Strutton ground.

### THORNEY ISLAND SOCIETY:

Object for the following reasons: 1) The blocks facing Victoria Street are still very tall, they will reduce the light levels in the streets below, and will set the wrong precedent for developments on the rest of the street as it approaches the Abbey; 2) The low provision of affordable housing is unsatisfactory, although we welcome the fact that these units will share the same entrance as the private units; 3) Appearance and materials, the heavy articulation of the solid patterned grid on the façade still makes the buildings appear quite overwhelming, and the alteration of the treatment at ground to third floor levels does not improve this.

### HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Housing regrets the limited number of affordable homes that are proposed for this site, but is aware that the Council's appointed Financial Viability consultant Gerald Eve has confirmed that the applicant's offer of 10 affordable units and a £10million PIL is at the maximum reasonable amount. Housing has concerns regarding the potential un-affordability of shared ownership in this location and the potential unsuitability of social housing in this location due to shared access arrangements. Housing therefore recommends that intermediate rented housing (sub market rent) should be provided as an alternative to social housing and shared ownership.

### HIGHWAYS PLANNING MANAGER

Object to the proposed building line being brought forward of the existing in a number of locations on Victoria Street, resulting in a loss of highway. This is a concern as the proposal reintroduces an active frontage to Victoria Street.

The levels of cycle parking (776) and car parking (182) spaces is acceptable. The unallocated car parking (i.e. a space would not be allocated to a specific unit), electric car charging points, and car club membership offers are welcomed. The design of each basement car lift is acceptable. A Delivery and Service Management Plan is required to clearly outline how servicing will occur on a day to day basis; and the pedestrian link between Victoria Street and Broadway should be secured with a formal Walkways Agreement/ s106.

#### TRANSPORT FOR LONDON

Recommend a number of conditions and transport related contributions that should be provided as part of the s106 legal agreement, including details of a travel plan, delivery and service plan (DSP) and construction logistics plan (CLP); the pedestrian link between Victoria Street and Broadway to be secured via the s106 legal agreement; a contribution of £8,909 towards Legible London signage; that land should be secured and a contribution of £200,000 is made towards an on-site 36 dock cycle hire station; residents should be exempt from applying for parking permits, car club membership should be secured for each residential unit for a maximum period of 25 years; and a car parking management plan to be secured.

#### HISTORIC ENGLAND (LISTED BUILDINGS/ CONSERVATION AREAS)

Historic England considers that some harm is likely to be caused to designated heritage assets, and that a reduction in the height and massing, in particular of the southern-most blocks might reduce this harm. Raise concern over the view from County Hall on the south bank.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

#### ENVIRONMENTAL HEALTH

Recommend a number of conditions and informatives to ensure compliance with the Council's noise standards.

#### BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and likelihood of local flooding or adverse effects on the water table has been found to be negligible. The method of construction and piling is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

#### ARBORICULTURAL MANAGER

Concern raised about insufficient soil depths to accommodate replacement and new tree planting and also concerns about a lack of green roofs. Conditions recommended relating to landscaping, tree planting, and tree protection.

#### METROPOLITAN POLICE DESIGNING OUT CRIME

Opportunities for crime and anti-social activity will be minimal. Although colonnades can often contribute to crime & disorder, it is expected the double height feature will offer little in the way of protection for miscreants to exploit. Provided the site is managed in a similar manner to recent and similar developments on Victoria Street an increase in crime & disorder is not anticipated.

#### THAMES WATER

No objection with regard to sewerage infrastructure or water infrastructure capacity.

**ENVIRONMENT AGENCY**

No objections or conditions to request.

**VICTORIA BID**

Comment on a number of issues including: 1) Hoardings: can adversely affect the streetscape and pedestrian movement if poorly designed; 2) Site access: construction vehicles entering and exiting the site could be a risk to cyclists; 3) Laybys: lane closures on Victoria street and Broadway will result in diversionary routes along Caxton Street and Buckingham Gate therefore traffic calming measures should be incorporated along diversionary routes to give protection to cyclists and pedestrians using the busier routes; 4) Cumulative impact of other building works: 5) Site liaison: it is welcomed that the applicant will regularly liaise with neighbouring sites to plan works and minimise disruption; 6) Air quality: measures to control air quality should be carried out as outlined in the outlined in the Environmental Statement; 7) concern over sunlight levels in new pedestrianized space; 8) Planters and seating should be provided in the pedestrianized space; 9) Contributions towards legible London signage and a cycle docking station would be welcomed; 10) charging points for electric vehicles, landscaping and water features, green roofs, and bird and bat boxes are welcomed; 11) Recommend more tree planting along Victoria street and around the site: 12) Sustainable urban drainage opportunities should be maximised; 13) Affordable Housing offer is low; 14) A Delivery and Servicing Management Plan and a Travel Plan should be secured by condition; 15) Energy: the design should be future proofed so that is possible to connect to any existing heat networks; 16) Ventilation systems (extracts from car parks) should not release air at pavement level which can attract rough sleepers.

**VICTORIA NEIGHBOURHOOD FORUM**

The Victoria Neighbourhood Forum has made reference to the Victoria Planning Brief and, in particular, the guidance that this site should be redeveloped at a height of 8-10 storeys. Objections raised to the scheme with regard to its height, massing and density. and low affordable housing provision.

**LONDON BOROUGH OF LAMBETH**

Any response to be reported verbally.

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

No. Consulted: 2078; Total No. of replies: 21

Letters of objection raising the following issues:

**Land Use**

- \* Affordable housing offer is low.
- \* Loss of offices.
- \* Large luxury residential units inappropriate.

**Design**

- \* Buildings are too tall, bulky, and the design is out of keeping with the area.
- \* Adversely affect the setting of adjacent conservation areas, listed buildings, and World heritage site.

#### Amenity

- \* Loss of daylight/sunlight to surrounding buildings.
- \* Noise from roof top plant.
- \* Noise from car park.

#### Highways

- \* Increase in traffic movement/ congestion on Dacre Street arising from new vehicle access/ car lift.

#### Other

- \* Disruption/ noise/ nuisance /potential damage to adjoining buildings caused by demolition and construction work.
- \* Tall buildings will adversely affect the microclimatic and create a wind tunnel along Victoria Street.
- \* Overdevelopment of site.
- \* Inadequate public consultation took place.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is part vacant and is intended to be fully vacated by mid-2016.

The building is in a mixed use location, which has historically been commercial in nature. The Victoria area, and in particular Victoria Street has recently undergone significant redevelopment with a number of mixed use, residential and commercial developments having been completed recently, for example, 62 Buckingham Gate, Kingsgate House, Nova, Verdi and the Zig Zag Building.

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. The building is not listed and is considered a negative feature which detracts from the special character of the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings lie immediately adjacent to the north of the site, the grade I listed 55 Broadway and grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond.

The building is located within the Core Central Activities Zone (CAZ) as defined within Westminster's City Plan.

## 6.2 Recent Relevant History

The building was originally developed in 1964 and has been used as the headquarters of the Metropolitan Police since 1967.

## 7. THE PROPOSAL

The proposal is for the demolition of 10 Broadway, the New Scotland Yard Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium), with a maximum building height of 76 metres.

Key aspects of the design proposals are:

- The creation of two separate four storey podium buildings comprising of retail accommodation (Classes A1 and A3) at ground floor with some retail space extending into the lower ground floor and office space (Class B1) at first, second, and third floors. The ground floor will provide the entrance lobbies for the residential and office element of the scheme;
- The erection of six residential towers above the four storey podiums (3 on each podium) ranging from 14 to 20 storeys in height and providing 268 residential units (including 10 x affordable residential units);
- The creation of three basement levels comprising car and cycle parking, refuse and plant in the lower two levels, and residents facilities including a gym, swimming pool, residents lounge and library, cinema, events room, and cycle and changing facilities for the commercial units;
- The creation of a new pedestrian shopping boulevard between the two podium buildings linking Broadway and Victoria Street;
- A new retail pavilion is also proposed to the north east of the site.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policy S1 of the City Plan seeks to promote a mix of uses consistent with supporting the vitality, function and character of the Central Activities Zone. The application proposes a mix of residential, office, and retail uses. The floorspace for each use is set out in the table below.

Table 1. Existing and Proposed Land Uses

Use	Existing GEA (sqm)	Proposed GEA (sqm)	Uplift GEA (sqm)
Offices (B1)	49,152	14,826	- 34,326
Retail/ Restaurant (A1 & A3)	0	4,039	+4,039
Residential (C3)	0	49,638	+49,638
Plant	5,212	10,042	+4,830
Car Park/ Facilities	3,988	15,607	+11,619
<b>Total</b>	<b>58,352</b>	<b>94,152</b>	<b>+35,800</b>

### Office

The proposal will result in the replacement of the existing large New Scotland Yard office building with a mixed use development that incorporates 14,826 sqm of office floorspace (or 16% of a mixed use development of 94,152 sqm). The office floorspace is proposed at first, second, and third floors within the two main podium buildings. Overall there would be a net loss of office floorspace amounting to 34,326 sqm.

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission.

The mixed use proposal will incorporate retail floorspace (A1 & A3) which would provide economic benefits, and the proposed residential element would provide social benefits with the provision of a net increase of 268 residential units, including 10 on-site affordable units.

There are no policies within the UDP or City Plan which safeguard the existing office floorspace. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim



measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

### **Retail/ Restaurant (A1 & A3)**

Policies S6 and S21 of the City Plan, SS4 of the UDP, and CAZ policy 2.11A(f) of the London Plan seek to enhance the retail function and mixed-use character of the CAZ.

The proposals will create 4,039 sqm of retail floorspace (A1 & A3) at ground floor with some retail space extending into the lower ground floor. The increase in retail floorspace (A1 & A3) is welcomed by both London Plan and UDP policies.

The split between retail and restaurant/ café floorspace is approximately 50/ 50, with a total of 7 x A1 units and 7 x A3 units proposed. The size and type of the retail units are considered appropriate to the character and function of the area.

The retail units will be arranged either of the new pedestrian boulevard between the two podium buildings as well as having frontages along Victoria Street and Broadway. A new retail pavilion is also proposed to the north east of the site opposite St. James's Park LUL station. The proposals would improve the range of shops and services for residents, visitors, and workers, making an important contribution to the character of the CAZ, and adding interest to the streetscape and vitality to this part of the city.

Subject to conditions to control cooking smells and opening hours, it is considered that the A3 uses are acceptable in terms of Policy TACE 8 of the UDP. The approved terminal hour for A3 uses within nearby developments (Cardinal Place, the VTI and former Selborne House developments) is midnight. It is therefore recommended that the terminal hour for these A3 units is also midnight and 22.30 for the external tables and chairs.

### **Residential use**

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8 and H10 of the UDP are relevant to the consideration of this application.

The proposal would create a total of 49,638 sqm residential floorspace. The residential floorspace is set out in the table below.

Table 2. Residential floorspace

Use	Existing GEA (sqm)	Proposed GEA (sqm)	Uplift GEA (sqm)
Residential Market (C3)	0	48,545	+48,545
Residential Affordable (C3)	0	1,093	+1,093
<b>Total</b>	<b>0</b>	<b>49,638</b>	<b>49,638</b>

The proposed residential units are located in the six residential towers (Buildings 1 – 6) above the 4 storey podium buildings. The residential mix and tenure is set out in the table below:

Table 3. Residential mix and tenure

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	63	69	25.7%
2 bed	4	120	124	46.3%
3 bed	0	59	59	22%
4 bed	0	9	9	3.3%
5 bed	0	7	7	2.7%
<b>Total</b>	<b>10</b>	<b>258</b>	<b>268</b>	<b>100</b>

The provision of new residential accommodation is supported under Policies S14 of the Westminster City Plan: Strategic Policies and H3 of the Unitary Development Plan (UDP).

The optimisation of housing delivery is a key strategic objective for the Council. The proposed flats are relatively modest in size and it is considered that the application is in accordance with Policy S14 City Plan which seeks to optimise the number of residential units on development sites.

Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances.

The residential mix which is heavily weighted towards 2 bed units fails to meet the Council's Policy H5 in the UDP. In this case 28% of the units are family sized (75 units). The City Council may accept a lower level of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that there is a case for a slightly lower amount of family housing given that this is a central inner city location.

The City Council requires new housing to be of a sufficient habitable standard and expects all new housing units to meet the Lifetime Homes Standard (UDP Policy H8). The private/market flats have been designed to exceed the minimum size standards set out in the Mayor of London's Housing Design Guide (LHDG). Over 10% of the units throughout the development are also designed to be wheelchair accessible in line with London Plan accessible housing policy 3.8

It is accepted that the background noise levels in this area of the City are high. Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise as well as noise from within the development itself. The submitted Environmental Noise Survey addresses the issue of internal noise levels to the new flats and assesses the building envelope's acoustic performance. This is a redevelopment which would incorporate double glazed windows and the high specification building fabric necessary to meet modern performance standards. A system of mechanical ventilation for the new flats is proposed should residents choose to keep their windows shut. Conditions are recommended to ensure that sufficient measures are put in place to mitigate against internal and external noise.

Policy H10 of the UDP expects housing developments to include the provision of amenity space. Within the CAZ this can be in the form of balconies and roof terraces subject to satisfactory design and amenity issues. These should be provided for 25% of the units and should mainly be in association with the family size units. All flats within the two residential towers to the north of the site (Buildings 2 and 4) would have access to a private roof terrace/ balcony. Each of the six residential buildings would have direct access to the communal residential podium gardens at fourth floor level. It is considered that that this level of amenity space is acceptable. In addition St James's Park is a few minutes easy walk away.

UDP Policy SOC6 requires children's play space to be provided in residential developments of 25 or more family sized units and in developments in or near to Priority Areas for additional play space and additional green open space for play. The development is not in or near a Priority Area for additional play space or open space but it does provide 75 family sized private residential units and therefore triggers a requirement for on-site children's play space. London plan policy 3.6 also seeks to ensure that all children and young people have access to play space. The applicant's landscape strategy demonstrates that consideration has been given to provide play space, with doorstep play areas for the under 5 age group provided within the communal podium gardens at fourth floor level. This play strategy is considered acceptable and it is recommended that the final design of this roof top play space be secured by condition. It is considered that the needs of older children could be adequately met by the existing facilities (formal and informal) in nearby St James's Park.

The GLA has requested that the applicant makes a financial contribution to the provision, or improvement, of off-site play facilities as part of s106 contributions. The applicant argues that it is not viable for the scheme to sustain this contribution.

City Plan Policy S34 seeks to secure new social and community facilities on large scale development sites. UDP Policy H10 also requires, as part of large housing schemes of 50+ units, the provision of community facilities for local residents where appropriate and UDP Policy SOC1 encourages public access to private facilities provided as part of a

development. The scheme includes a residents' gymnasium, swimming pool, sauna, spa, steam room, event rooms, and cinema at lower ground floor level. These facilities are intended only for use by the residents of the private/ market flats and their invited guests. The applicants are not willing to make these facilities available for use by the residents of the affordable flats (as these residents will not be paying a service charge for the management and maintenance of these facilities) or to any other local residents. Whilst this is disappointing, it is considered that in this case, the provision of 10 affordable homes on site as part of the development is sufficient to outweigh the lack of new social and community facilities.

### **Affordable housing**

Policy H4 of the UDP and policy S16 of the City Plan seek to secure the provision of affordable housing. Policy S16 requires that housing developments of more than 10 additional dwellings or 1000 sqm or more in floorspace should normally include a proportion of the floorspace on site as affordable housing. The proportion of affordable housing sought on individual sites will be set out in the City Management Plan when it is adopted but until then is set out in an interim guidance note.

Policy S16 requires the provision of affordable housing on-site. The policy adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note.

The development proposes 49,638 sqm of residential floorspace. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing, which amounts to 12,409.5 sqm. A policy compliant scheme would require 155 affordable units on-site; or if on-site or off-site provision is not feasible, a policy compliant payment in lieu of £59,165,050.

This scheme proposes 10 x affordable units on site together with a payment in lieu of £10,000,000. The 10 x on-site affordable units would be located at fourth and fifth floor levels in the easternmost building fronting Victoria Street, Building 6. The proposed units are considered to provide a good standard of accommodation in terms of unit size and layout, and would be provided in the following mix:

Table 4. Affordable housing mix and tenure (Building 6)

<b>Unit type</b>	<b>Affordable (Intermediate)</b>
1 bed	6
2 bed	4
<b>Total</b>	<b>10</b>

### Viability

The applicant has submitted a viability report that sets out the maximum reasonable amount the scheme can afford in terms of London Plan Policy 3.12. The viability report

has been subject to an independent review by Gerald Eve LLP, on behalf of the City Council, which has concluded that the proposed contribution is reasonable. Whilst the offer is below the policy required amount, given that this figure has been arrived at through rigorous independent viability assessment of the scheme, it is considered that the level of contribution is reasonable. The proposed offer of 10 x on-site affordable units together with a payment in lieu of £10million towards the Council's affordable housing fund is acceptable in the particular circumstances of this case.

The Council's Head of Affordable and Private Sector Housing regrets the limited number of affordable homes that are proposed for this site, but is aware that the Council's appointed Financial Viability consultant Gerald Eve has confirmed that the applicant's offer of 10 affordable units and a £10million PIL is at the maximum reasonable amount.

#### Intermediate Housing

The Council's Head of Affordable and Private Sector Housing welcomes the provision of affordable housing in this location but would prefer a mix of 2 and 3 bed units to be provided as social housing. However in view of the proposed shared access arrangements, the provision of social housing in this location is unlikely to be sustainable and therefore Housing can accept a 100% intermediate affordable housing offer in this instance.

Housing recommends that intermediate housing in this location should be provided as intermediate rent (sub market rent) rather than as shared ownership. Housing is concerned that shared ownership is unlikely to be affordable in this location. While a minimum 25% share can be purchased in a property under shared ownership terms, owing to high property values in this location the vast majority of intermediate households registered for these opportunities in Westminster are unlikely to be able to afford shared ownership in this location.

Where intermediate housing is provided in Westminster, the Council wishes to see a range of income groups catered for. Therefore, on the basis of the current mix of affordable homes proposed (6 x 1beds and 4 x 2beds), Housing recommends that 3 x 1 beds and 2 x 2 beds intermediate rented homes are required to be affordable to households with incomes up to the median level.

A further 2 x 1beds and 1 x 2 beds should be made affordable to intermediate households with incomes up to the upper quartile level. The remaining 1 and 2 beds should be made affordable to those with incomes not exceeding the midpoint income between the upper quartile and the maximum GLA income permitted for intermediate housing.

The weekly rent levels appropriate to the above affordability criteria and the number of dwellings to be let at these rent levels is summarised in the table below. These would be the rent levels charged at initial letting and where subsequent annual rent increases would be limited to CPI+1%.

Table 5. Target affordability levels for Intermediate Housing

Dwelling Size	Household Income	Equivalent Gross Weekly Rent affordable to this household income*	No. of intermediate rented homes at these rent levels.
<b>1 beds</b>			
Median	£33,560	£180.71	3
Upper quartile	£43,665	£235.12	2
Mid-point income between upper quartile and GLA income threshold	£57,333	£308.71	1
<b>2 beds</b>			
Median	£38,575	£207.71	2
Upper quartile	£50,000	£269.23	1
Mid-point income between upper quartile and GLA income threshold	£60,500	£325.77	1

\* Calculated on the basis that 40% of net income equals housing costs and where net income is 70% of gross income – As per GLA guidance

It is recommended that the affordability levels for the intermediate housing which have been agreed with the applicant are secured under the terms of the S106 legal agreement

## 8.2 Townscape and Design

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. Immediately adjacent to the north of the site, is the grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond and the grade I listed 55 Broadway. The scale of development to the north of the site is generally lower and more traditional in scale and form than that to Victoria Street, where buildings are generally larger scaled, higher and are representative of C20 commercial architecture.

The existing building on the site was erected in the 1960's as a speculative office block. It is over-scaled, monolithic and of no architectural merit. It has a high, slab block (approx. 72m high including plant room) to the north part of the site linked to a lower block (approx. 33m high) to the Victoria Street frontage. There are also two high masts located on the roof of the highest building which are prominent in closer views. Its demolition is welcomed.

The replacement proposal is for six towers on a 4 storey podium. The highest towers are located towards the Victoria Street frontage and are approximately the same height as the highest parts of the existing building (73m, 76m and 73m respectively) but considerably higher than the existing building on this part of the site. The two towers to the north (59m) are lower than the existing high building on this part of the site and the easternmost

building fronting Victoria Street is lower again at 56m (all the above measured to top of plant room). In general, there is an increase in height and bulk across the site, but the higher buildings are now located on the Victoria Street frontage and the lower to the north and east. The form and monolithic nature of the existing building is broken down into a series of individual elements.

The existing high building on the site is visible from a number of key views and has a harmful impact on many of these viewpoints. Verified views analysis has been provided to show the impact of the new proposals on these views. In general, the new proposal is either no worse or is better in terms of the impact on these views. Views from the north from St James Park show a similar scale of development, but one which is more broken up and less monolithic. This shows a slight enhancement to the current position. Views from the World Heritage Site and the South Bank show a similar impact as existing, but the building mass is moved slightly closer to the Palace of Westminster and the Abbey than at present. There is no improvement in this view impact as such, but no worsening either – the effect is considered neutral. Historic England have raised concern over the view from County Hall on the south bank, but it is not considered the new impact is significantly worse than the existing situation. The view from the cloisters of Westminster Abbey is slightly improved with the building mass visible moving slightly to sit behind the crown of a large tree.

Closer views along Victoria Street show a substantial increase in height but these views are framed by other large, modern developments, generally of poor quality, and it is not considered that these views are significant within the overall context. Closer views from the north and east show a slight reduction in scale and height over the existing building and this is considered an enhancement.

The six towers sit above a four storey podium which helps make a transition to the ground as well as provide some continuity to the overall development. As the podium contains ground floor retail and three floors of offices, there is a logic and rationality to this approach. The podium is expressed as an orthogonal form in pre-cast concrete which gives solidity and strength to the towers above. These are expressed in a more elaborate pattern of “lozenge” shaped forms. Those to Victoria Street are more exuberant reflecting the less traditional form of other buildings adjacent to this part of the site. Those to the rear of the site are less stylized and have a colour palette more sympathetic to the brick buildings in the adjacent conservation area. The architecture is considered to have a distinctive quality but also to sit comfortably within the context of neighbouring buildings.

In public realm terms, there is a significant benefit as the blank, inward-looking nature of the current building is replaced by a development which has largely active ground floor uses and the creation of a new public route between Victoria Street and the St James Underground station. Towards the north end of this route is a public space with a kiosk A3 type use designed to help activate the space. These are all considered significant benefits to the scheme.

Objections have been raised to the scheme with regard to its height, bulk and architectural expression. These have been considered above and the analysis is that, while there are some areas where there is a negative or neutral impact, the overall effect of the proposal is an enhancement over the existing situation. The Victoria Neighbourhood Forum has made reference to the Victoria Planning Brief and, in particular, the guidance that this site

should be redeveloped at a height of 8-10 storeys. However, each proposal has to be considered on its merits and as assessed above, it is considered that the proposal constitutes an enhancement over the existing situation. Therefore, the guidance in the Planning Brief, would not justify a refusal of this proposal on design or conservation grounds.

### 8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

In general, there is an increase in height and bulk across the site. The highest towers are approximately the same height as the highest parts of the existing building (73m, 76m and 73m respectively) but are now located on the Victoria Street frontage. The two towers to the north (59m) are lower than the existing high building on this part of the site and the easternmost building fronting Victoria Street is lower again at 56m.

#### Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant Anstey Horne has carried out the necessary tests using the methodology set out in the BRE guidelines on the nearest, most affected residential properties, namely 16 Broadway; Blocks A, C, D, L Abbey Orchard Street Estate; 4 Abbey Orchard Street; 55 Victoria Street; Christchurch House, Caxton Street; and 55 Broadway. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

The applicant's daylight assessment results show that the vast majority of surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria and that those windows which will experience a technical breach of the recommended standards will still retain a good level of daylight given the built up nature of this central London location.

#### Sunlight

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter (25%) of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant. The applicant's assessment shows that out of the 256 windows assessed for annual sunlight, 215 (84%) receive more than the BRE guideline of a quarter 25% APSH.



Out of the 256 windows assessed for winter sunlight, 167 (65%) receive more than the BRE guideline of 5% APSH in the winter months. These results are considered acceptable in a central London location.

In general the effects of the proposed development on daylight, sunlight and overshadowing to the surrounding residential properties will generally be negligible, because most of the receptors are either some distance away or are orientated such as not to be unduly sensitive to development on the site.

### **Impact on Other Neighbours**

Objections have been received from The Conrad London Hotel, 22 – 28 Broadway; and the occupiers of Dacre House, 17 – 19 Dacre Street and Heron House, 10 Dean Farrar Street which are in office use, regarding the impact of the development on levels of daylight, sunlight, and sense of enclosure. These occupiers are concerned that daylight and sunlight assessment has excluded nearby commercial properties and as such are worried about its impact.

UDP Policy ENV 13, which seeks primarily to protect the environmental amenity of residential properties and educational buildings, can also be applied to uses such as hotels, but only where the impact, particularly in terms of daylight and sunlight, may prejudice the present use of the premises. Given the distance between the hotel and the application site, it is not considered that the impact in terms of sense of enclosure, loss of sunlight and daylight and loss of privacy will be so significant as to cause harm or prejudice the present use of the premises. In terms of the adjacent office accommodation, whilst there may be some impact to these properties, the reductions in light are unlikely to be so severe as to prejudice the future use of these premises. Whilst sympathetic to the hotel and office occupier's concerns, a refusal on the grounds of loss of amenity to the hotel and offices cannot be sustained.

### **Sense of enclosure**

The proposed increase in bulk and height onto Victoria Street will impact on some windows within the front elevation of the building on the opposite side of the street. The closest habitable windows are within 55 Victoria Street however given the distance the impact on sense of enclosure will not be so severe to justify a refusal.

To the other side facing Broadway and Dacre Street, the proposals are not considered to impact on sense of enclosure, given that the proposed two towers to the north (59m) are lower than the existing high building on this part of the site.

### **Privacy**

Most flats would have access to a private terrace or balcony, including all flats within Buildings 2 and 4 to the north of the site, and all the affordable units within building 6, the easternmost building fronting Victoria Street. The proposals also include residential communal gardens above the podiums at fourth floor level. It is not considered that the roof gardens, terraces and balconies will result in any material loss of privacy or noise nuisance to neighbouring occupiers given their location and distance from neighbouring residential properties.

## 8.4 Transportation/Parking

### Car Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'.

The development proposes 182 basement car parking spaces for the 268 residential units. The car park includes electric charging points for 20% of the bays which is welcomed. The basement car parks can be accessed via two car lifts which are set back from the highway boundaries on Dacre Street and Broadway. The vehicle access arrangement allows a vehicle to wait off the highway for the system to be ready, if already in use. The design is considered to minimise any impact on the highway from vehicles accessing or egressing the site. The Highways Planning Manager has no objection to the layout or access to the residential car parking spaces.

The applicant has confirmed that the car parking spaces are to be provided on an unallocated basis and that there will be free lifetime car club membership (25 years) for occupants of the flats. These measures will be secured by S106.

No car parking is provided for the non-residential uses. The site is within a Controlled Parking Zone and has a high level of public transport accessibility. It is considered that the proposal will have no significant impact on on-street car parking in the area.

### Cycle Parking

UDP Policy TRANS10 and London Plan policy 6.9 require sufficient cycle parking provision in new developments. The plans show provision for 723 cycle spaces including long stay and short stay spaces. Within the basement areas 447 spaces are proposed for the residential units and 216 spaces are proposed for the non-residential uses. The applicant also indicates 60 short stay cycle parking spaces would be provided within the public realm, which is welcomed although further details are required by condition. The proposals comply with UDP Policy TRANS10 and London Plan policy 6.9 and are secured by condition.

TFL recommend a contribution of £200,000 is made towards a new on-site 36 dock cycle hire station. However this request is not considered to meet CIL regulations and the proposed levels of cycle parking provision exceeds policy requirements.

### Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require off-street servicing. The development provides two servicing areas. The first is at street level within the northern end of the site, which will allow large HGV vehicles, including refuse collection to service the site within a controlled environment. The second area is within the basement and is for smaller vehicles, such as white vans. The applicant has demonstrated that the majority of servicing can occur off street and only very limited servicing, such as mail deliveries may occur via on-street. The applicant indicates that servicing will be managed through a Servicing Management Plan although one has not been submitted to support the application. It is therefore recommended that details of a Servicing Management Plan is secured by condition.

**Walkway**

The creation of a new pedestrian link between the two podium buildings linking Broadway and Victoria Street is welcomed. It is recommended that this is secured with a formal Walkways Agreement and that a minimum 2 metre passage is kept clear at all times.

**Development on the Highway/ Stopping Up**

The development is not considered to adversely affect the pedestrian environment on the Broadway, Dean Farrar Street and Dacre street frontages.

On the Victoria Street frontage the existing building line is the highway boundary. Planters have been installed in front of the building line, which exist as a response to changing security issues in the mid 2000's and the specific occupant of the building 'The Metropolitan Police'. The planters do not remove highway rights and if the security concerns did not exist, then it is unlikely that the planters would have been allowed.

Victoria Street is currently 5.935 m wide, with the planters being 1.1 metre wide. In some locations, the proposed building line is being brought forward of the existing by 1.896 m, resulting in a loss of highway. Where the building line is proposed to be brought forward, the highway will be 4.039 metres wide. In other locations, the building line would be set back from the existing building line, increasing the pavement area.

The Highways Planning Manager objects to the building line being brought forward in locations on Victoria Street because this results in a reduction in highway for pedestrians. This is a concern as the proposal reintroduces an active frontage to Victoria Street, which is expected to increase pedestrian movements. The concerns of the Highways Planning Manager are noted, however, given the overall benefits of the scheme which include a new pedestrian link as well as an increase in pavement area in other locations, this is considered acceptable.

The columns associated with the new double height colonnade on Victoria Street are not considered problematic, as pedestrians will still be able to move around and within them.

The applicant is advised that any highway changes will need to be subject to separate detail design and statutory processes by the Highway Authority. The applicant would require a stopping up order for parts of the public highway to enable this development to take place. Pursuant to s247 of the Town and Country Planning Act 1990.

**Public Realm**

The applicant is showing a wider area of potential works on the public highway beyond the application boundary line. Among other aspects, the works shown include shared surfaces on Broadway, Dacre Street, and Dean Farrar Street. These are extensive works but since they are not required by the development they are considered to be aspirational which may or may not in due course be approved by the City Council as Local Highway Authority. The applicant has not made it clear to what extent they are prepared to fund the public realm improvements but under the CIL Regulations it would be unlawful to take these works or funding for these works into account as a reason for granting planning permission.

## 8.5 Economic Considerations

The economic benefits associated with this mixed use development, comprising residential, office, and retail accommodation within this part of the Central Activities Zone is welcomed. The optimisation of housing delivery is a key strategic objective for the Council. The provision of new and improved residential accommodation is supported under policies S14 of the City Plan and H3 of the UDP and will help both the Council and Mayor deliver new homes in the capital. In addition to construction employment, new jobs will also be created on site once the scheme is operational. This includes those working in the office, retail and residential elements of the scheme. The hotel will offer the possibility for more accessible and valuable jobs for the unemployed and low skilled workforce in the local community. For this reason it is recommended that an Employment and Skills Training Plan to enable Westminster residents to have access to the opportunities created is secured through the S106 agreement.

## 8.6 Access

The Design and Access Statement details how disabled people access each of the buildings safely. All the flats are designed to Lifetime Homes standard and over 10% of the units throughout the development are also designed to be wheelchair accessible in line with London Plan accessible housing policy 3.8. The applicant has demonstrated on plan the location of these units with typical flat layouts and that they are accessible by two lifts to all floors. Within the car parking provision the development includes 26 wheelchair accessible car parking spaces. Level access will be provided for the new retail and restaurant/ café units on the ground floor which can be accessed directly from the street.

## 8.7 Other UDP/Westminster Policy Considerations

### Noise impact from mechanical plant

Objections have been raised from neighbouring occupiers on grounds of noise and disturbance from mechanical plant. The proposals include mechanical plant at basement and within plant enclosures at roof levels. An acoustic assessment has been submitted as part of the application which includes background noise surveys around the site and, from this are set targets for the operation of the new plant which must be below existing background noise levels.

Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition. The Council's standard condition relating to the testing of emergency generators is also recommended.

### Refuse /Recycling

Internal waste and recycling stores are shown on the proposed drawings for all uses. These arrangements are welcomed and in line with UDP Policy ENV11.

### Trees

The Council's Arboricultural Manager is concerned that within the new pedestrian walkway and the communal podium gardens there is insufficient soil depth to achieve

sustainable planting. Full details of the hard and soft landscaping and also the green roofs including details of the substrate, irrigation and maintenance are to be secured by conditions.

One London plane tree on Victoria Street is proposed to be removed. It is a prominent specimen, but appears rather isolated in its position. There may be a case for its removal subject to replacement tree planting in the pavement on the Victoria Street frontage. It is recommended that the new street tree planting should be secured by S106.

Conditions are recommended requiring details of tree protection measures for the trees which are proposed to be retained close to the site, which include a London plane on Broadway and a London plane and Lime trees in Christchurch Gardens.

### **Energy and Sustainability**

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building.

Through enhanced energy efficiency standards the development is set to achieve a reduction of 116 tonnes per annum (9%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

The applicant has provided a commitment to ensuring that the development is designed to allow future connection to a district heating network. A site heat network is proposed which will be supplied from a single energy centre. A CHP is proposed as the lead heat source for the site heat network. This will achieve a reduction of 161 tonnes per annum (9%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

The applicant proposes 200m<sup>2</sup> of roof mounted Photovoltaic (PV) on the south side of the roof of Building 3. Full details can be secured by condition. This is set to achieve a further reduction of 10 tonnes per annum (1%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

Overall it has been calculated that a reduction of 287 tonnes in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme can be achieved equivalent to an overall saving of 23%. This falls short of the London Plan target of 40%. The GLA

has advised that the shortfall of 150 tonnes of CO2 per annum should be mitigated off site. However given that the Council does not have a policy on carbon off setting it is not considered appropriate to refuse the scheme for this reason.

### **Archaeology**

Historic England (Archaeology) recommend an archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

## **8.8 London Plan**

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but issues in relation to affordable housing, urban design, children and young person's play, energy and transport should be addressed by the applicant before stage 2 referral. Amendments were made to the application and it is considered that these issues have been addressed elsewhere in this report. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

## **8.9 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.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. 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 NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make 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, whether there is a local CIL in operation or not, 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.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i. Provision of affordable housing on-site;
- ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Unallocated car parking;
- vi. Walkways agreement;
- vii. A contribution of £8,909 towards Legible London signage;
- viii. Dedication of highway and associated costs;
- ix. Free lifetime (25 years) car club membership for residents of the development;
- x. Employment and Training Strategy for the construction phase and the operational phase of the development.

- xi. Costs of monitoring the S106 agreement.
- xii. Provision of tree planting on Victoria Street.
- xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an Informative

## **8.11 Environmental Impact Assessment**

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

### Key Environmental Impacts

#### **Air Quality**

The Environmental Statement reports the findings of the assessment of the likely significant effects on air quality and finds that no likely significant effects on air quality are predicted.

#### **Wind Microclimate**

Objections have been raised from adjoining occupiers regarding the impact on microclimate with concerns that the development would create a wind tunnel along this part of Victoria Street.

The Environmental Statement reports the findings of a wind microclimate assessment and the likely significant effects on pedestrian comfort as a result of the development. The results find that the wind micro-climate around the proposed development once complete and occupied would be acceptable for the intended pedestrian use along public thoroughfares and at building entrances during the windiest season. All areas within the development dedicated to sitting short and long terms, at podium level and balcony receptors, were found to be acceptable. In general, the report finds that the effect on wind microclimate would be negligible.

#### **Water Resources, Drainage, and Flood Risk**

The Environmental Statement (ES) reports the findings of an assessment of the likely significant effects on water resources, drainage and flood risk. The assessment is considered to be comprehensive and clearly presented and the effects of the development are assessed as being negligible.



Thames water has no objection to the proposals with regard to sewerage infrastructure or water infrastructure capacity. The Environment Agency also has no objection or conditions to request.

## 8.12 Other Issues

### **Basement Excavation**

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### **Construction impact**

It is recommended that a detailed construction logistics plan is secured by condition.

The Transport Assessment and Environmental Statement (ES) set out a proposed indicative programme of demolition and construction works. The expectation is that the demolition and construction works will take approximately 56 months. In terms of construction vehicles and site access, it is proposed that construction access into the site will be from Victoria Street via a temporary site entrance with vehicles exiting onto Broadway. Vehicles will be required to approach from the west on Victoria Street which will enable them to turn left into the site. Vehicles will exit by turning left onto Broadway and then turn left back onto Victoria Street and re-join the major traffic routes. This route means that vehicles will not need to cross oncoming lanes of traffic, minimising any delay on the highway network.

The applicant would have to apply separately for a highways license before any construction equipment such as scaffolding, skips or hoardings can be placed on the road or pavement.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Management Plan (SEMP). This will be secured and monitored by the Council's Environmental Sciences team under the terms of the S106.

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

### **Legible London Signage**

The applicant is agreeable to request from TFL and the GLA to provide a contribution of £8,909 towards Legible London signage.

**Crime and security**

The Metropolitan Police Designing Out Crime Officer has no objection to the proposals and advises that provided the site is managed in a similar manner to recent and similar developments on Victoria Street an increase in crime & disorder is not anticipated.

**Strutton Ground Improvements**

Following a request from The Westminster Society, the applicant is offering £500,000 to fund public realm improvements (repaving of cobbles) to Strutton Ground, which is opposite to the application site. The applicant has made the offer on the basis that their planning obligation to pay £10,000,000 towards the provision of affordable housing elsewhere in the City would be payable on first occupation. These terms have not been subject to viability testing and it is recommended therefore that the payment in lieu of affordable housing remains payable on commencement of development, although it is accepted that the £500,000 towards public realm improvements works to Strutton Ground may be payable on first occupation.

**Statement of Community Involvement**

The applicant has submitted a statement of community involvement which summarises the consultation process they carried out with local stakeholders and neighbours prior to submitting the application. The applicants had meetings with various individuals and stakeholder groups, sent out approximately 2000 letters to local residents and businesses and held a three day public exhibition (30<sup>th</sup> June – 2<sup>nd</sup> July 2015) which was attended by 47 people.

**9. BACKGROUND PAPERS**

1. Application form
2. Response from Greater London Authority dated 30 November 2015.
3. Letter from The Westminster Society dated 21 January 2016.
4. Responses from Thorney Island Society dated 23 September 2015 and 10 December 2015.
5. Responses from Historic England (Listed Builds/Con Areas) dated 02 October 2015 and 21 December 2015
6. Response from Highways Planning Manager dated 26 January 2016.
7. Responses from Transport for London dated 15 September 2015 and 03 December 2015.
8. Response from Historic England (Archaeological Advisory Service) dated 29 September 2015.
9. Responses from Environmental Health dated 18 December 2015 and 09 February 2016.
10. Response from Building Control dated 09 November 2015.
11. Responses from Arboricultural Manager dated 28 January 2016 and 04 February 2016.
12. Response from Designing Out Crime Officer dated 08 December 2015.
13. Responses from Victoria BID 07 October 2015 and dated 22 December 2015.
14. Response from Thames Water dated 03 December 2015.
15. Response from Environment Agency dated 24 September 2015.
16. Response from Victoria Neighbourhood Forum dated 11 January 2016.
17. Letter from occupier of 43 Ashley Gardens, Ambrosden Avenue dated 11 January 2016
18. Letter from occupier of 63 Vandon Court, 64 Petty France dated 11 January 2016
19. Letter from Planning Direct on behalf of occupiers of 3<sup>rd</sup> Floor, Heron House, 10 Dean Farrar Street received 06 January 2016.
20. Letter from occupier of 75 Victoria Street, 86 Artillery Mansions dated 20 December 2015.

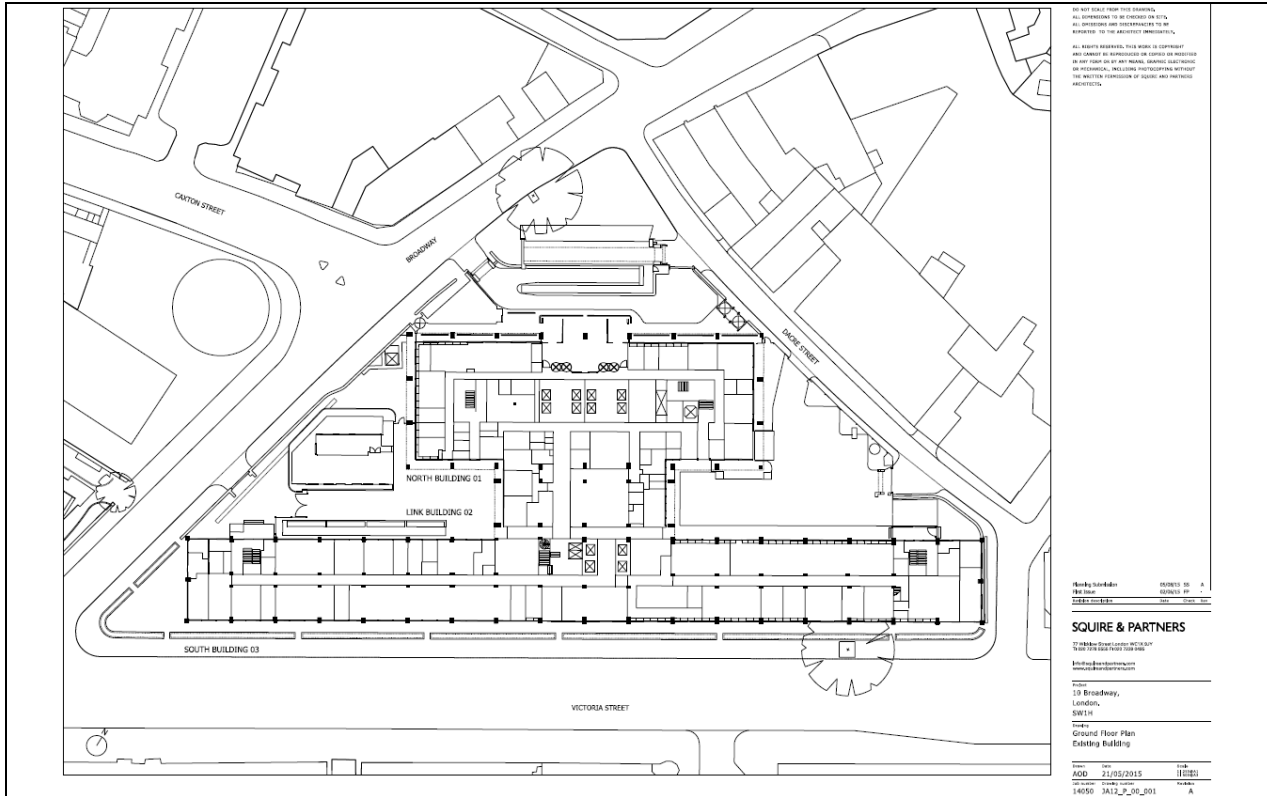
21. Letter from occupier of 3 Vandon Street dated 19 December 2015.
22. Letter from occupier of 20 Albany Court, Palmer St dated 13 December 2015
23. Letters from occupier of 26 Strutton Ground dated 10 December 2015
24. Letter from occupier of Flat 18, 36 Buckingham Gate dated 8 December 2015.
25. Letter from occupier of 19 Ashley Gardens, Ambrosden Avenue dated 12 November 2015.
26. Letter from occupier of 41 Artillery Mansions, 75 Victoria Street dated 13 September 2015.
27. Letter from occupier of 116 Artillery Mansions, 75 Victoria Street dated 30 September 2015.
28. Letter from occupier of Flat 24, 36 Buckingham Gate dated 11 November 2015.
29. Letter from occupier of Flat. 18, 36 Buckingham Gate dated 11 November 2015
30. Letter from occupier of Flat 1 Block E, Abbey Orchard Street dated 14 December 2015
31. Letter from occupier of Flat 14, 35 Buckingham Gate dated 13 November 2015.
32. Letter from occupier of 7 Stafford Mansions, Stafford Place dated 11 November 2015
33. Letter from occupier of Flat G Block N,, Abbey Orchard Estate dated 21 September 2015
34. Letter from occupier of 39 Wellbeck Street dated 25 September 2015.
35. Letter from Splendid Hospitality Group on behalf of The Conrad London Hotel, 22 – 28 Broadway dated 23 December 2015.

### **Selected relevant drawings**

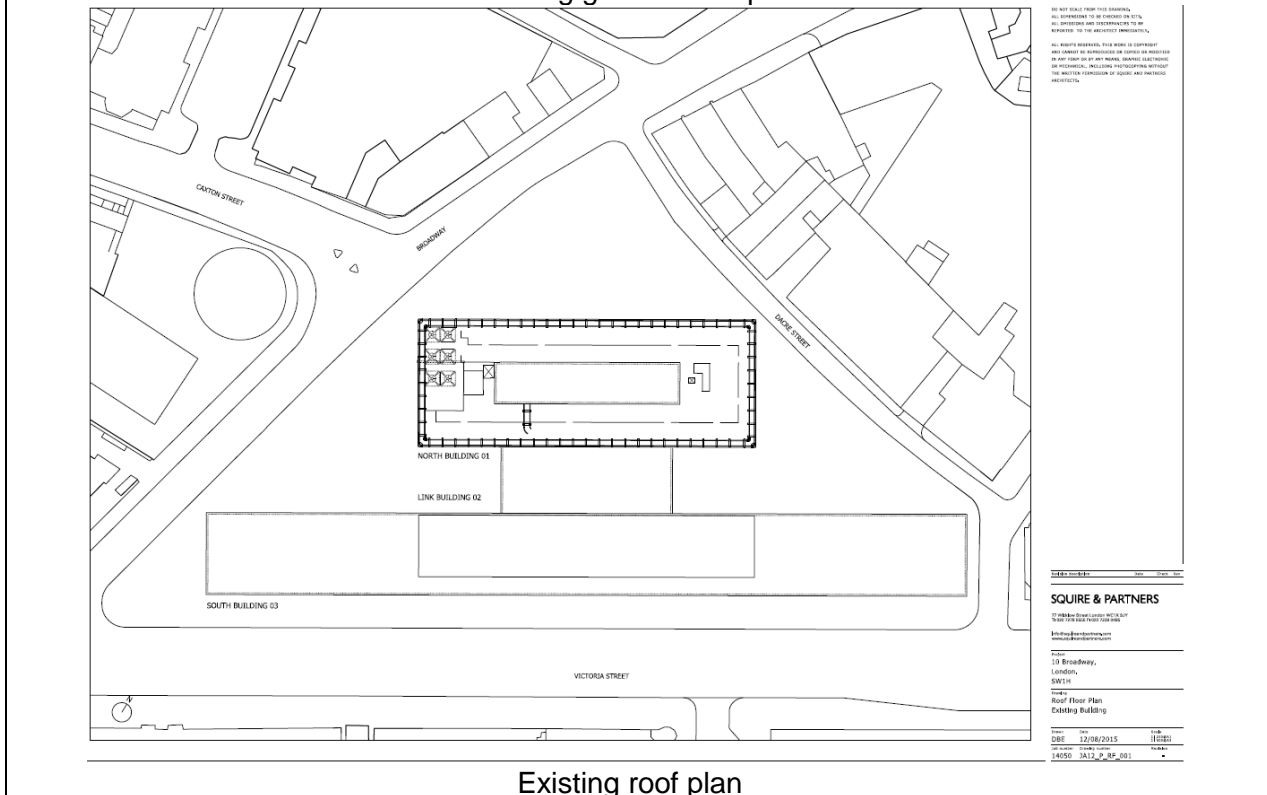
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT [ddoward@westminster.gov.uk](mailto:ddoward@westminster.gov.uk)

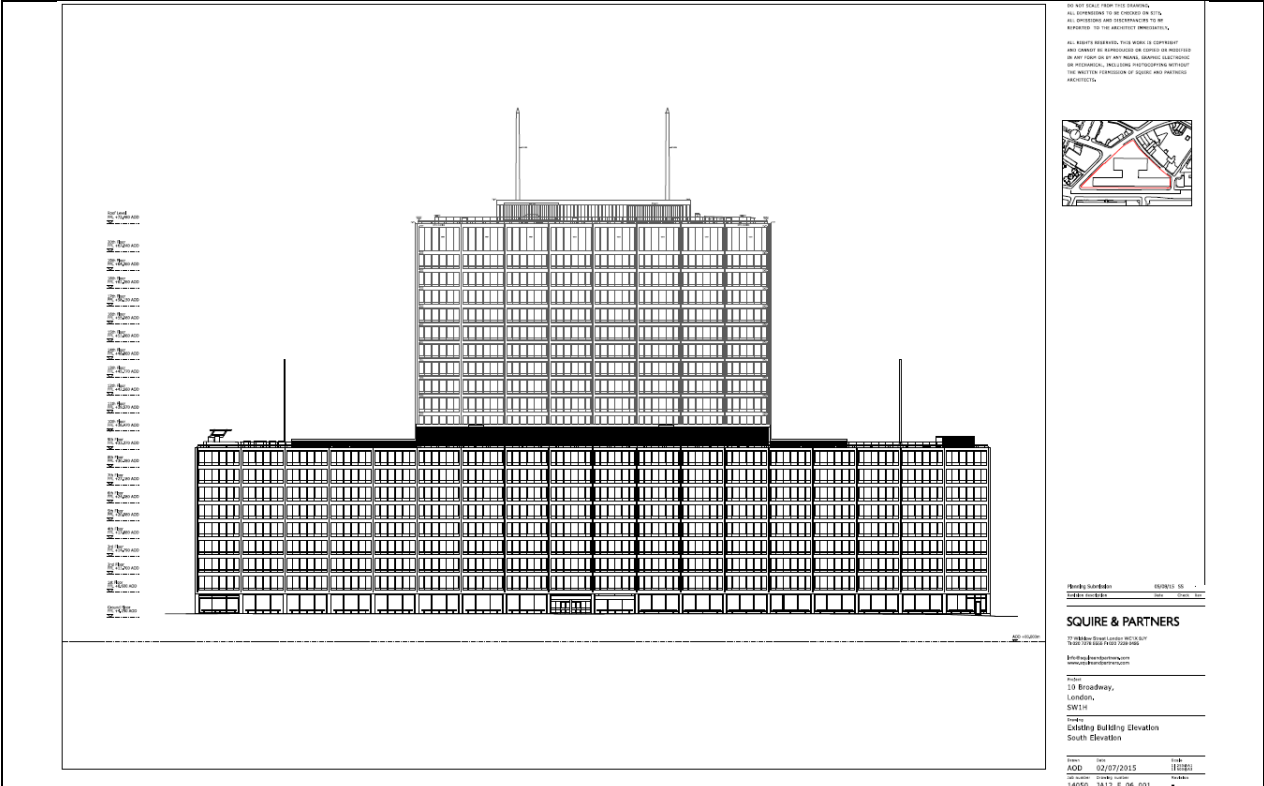
10. KEY DRAWINGS



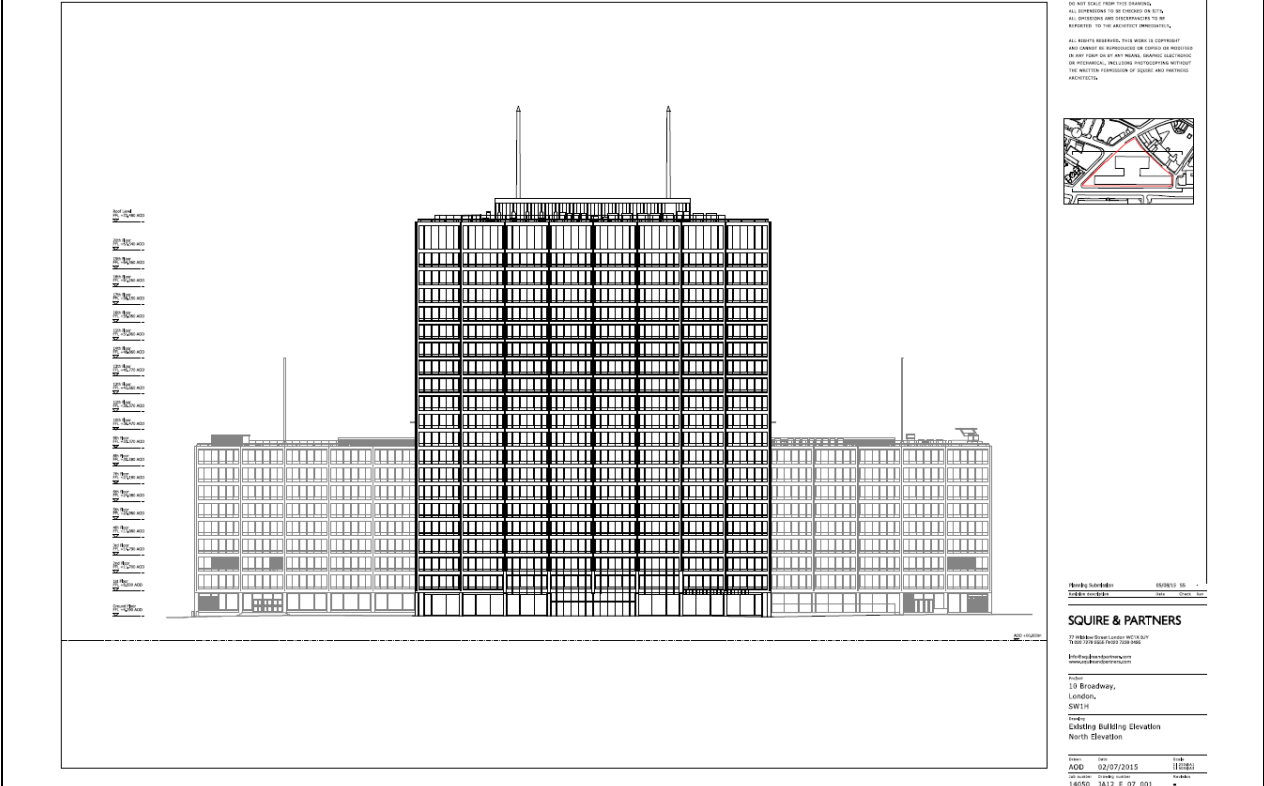
Existing ground floor plan



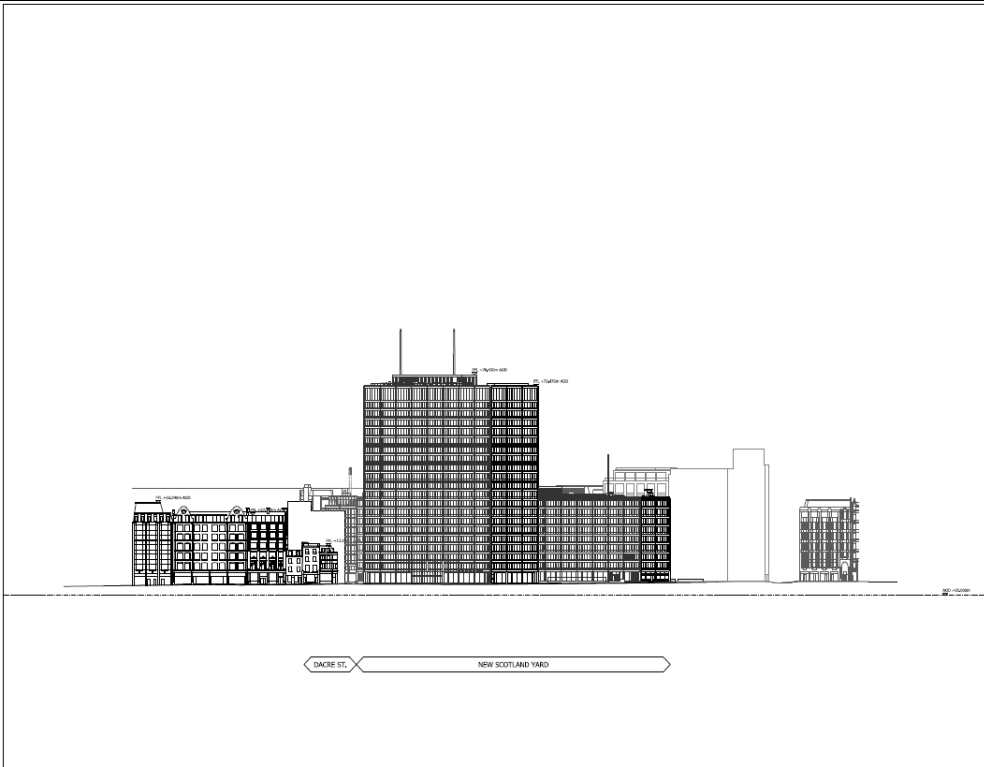
Existing roof plan



Existing south elevation



Existing north elevation



Existing western elevation (Broadway)

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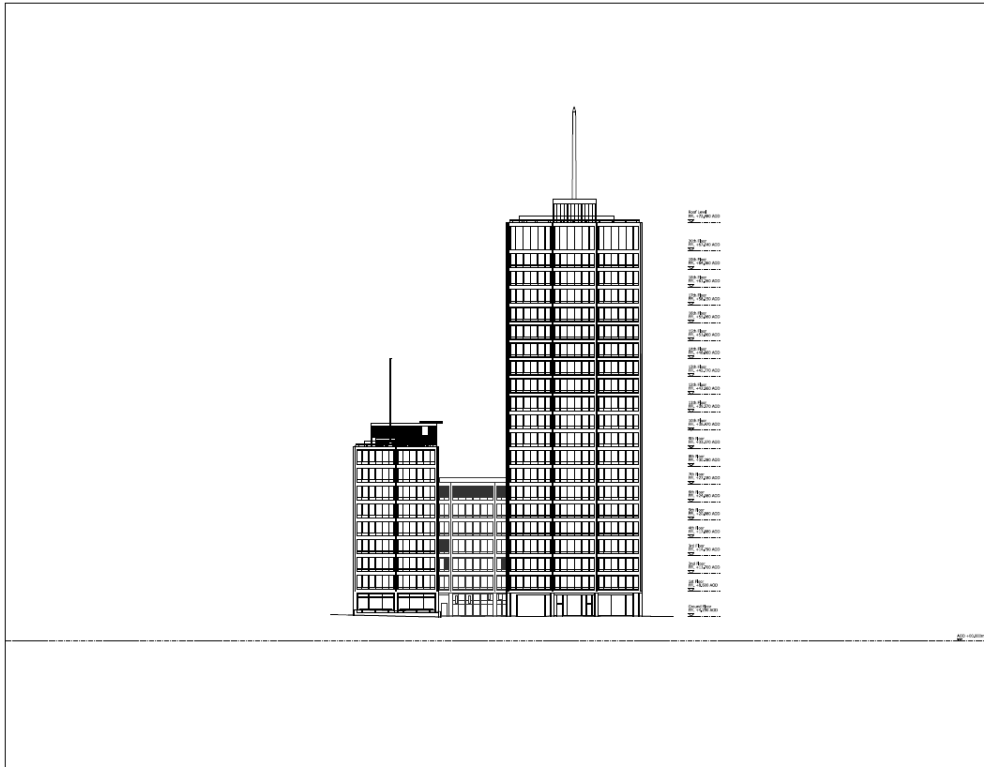


Works Number: 14050\_01  
Drawing Title: 14050\_01

**SQUIRE & PARTNERS**  
19 Broadway,  
London,  
SW14

Project:  
Existing Building Elevation  
West Elevation  
Broadway

Issue No: AOD 07/05/2015  
Scale: 1:1000  
Drawing No: 14050\_3A12\_E\_04\_001



Existing east elevation

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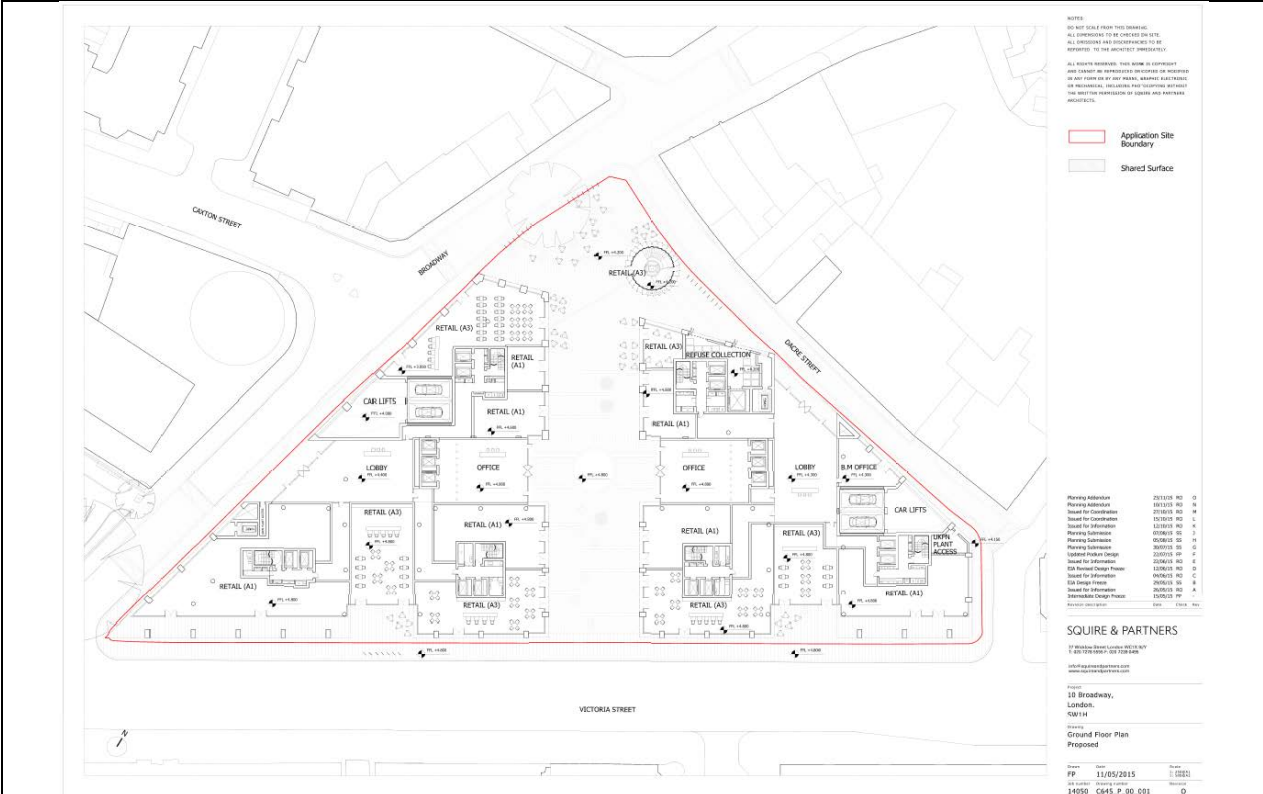


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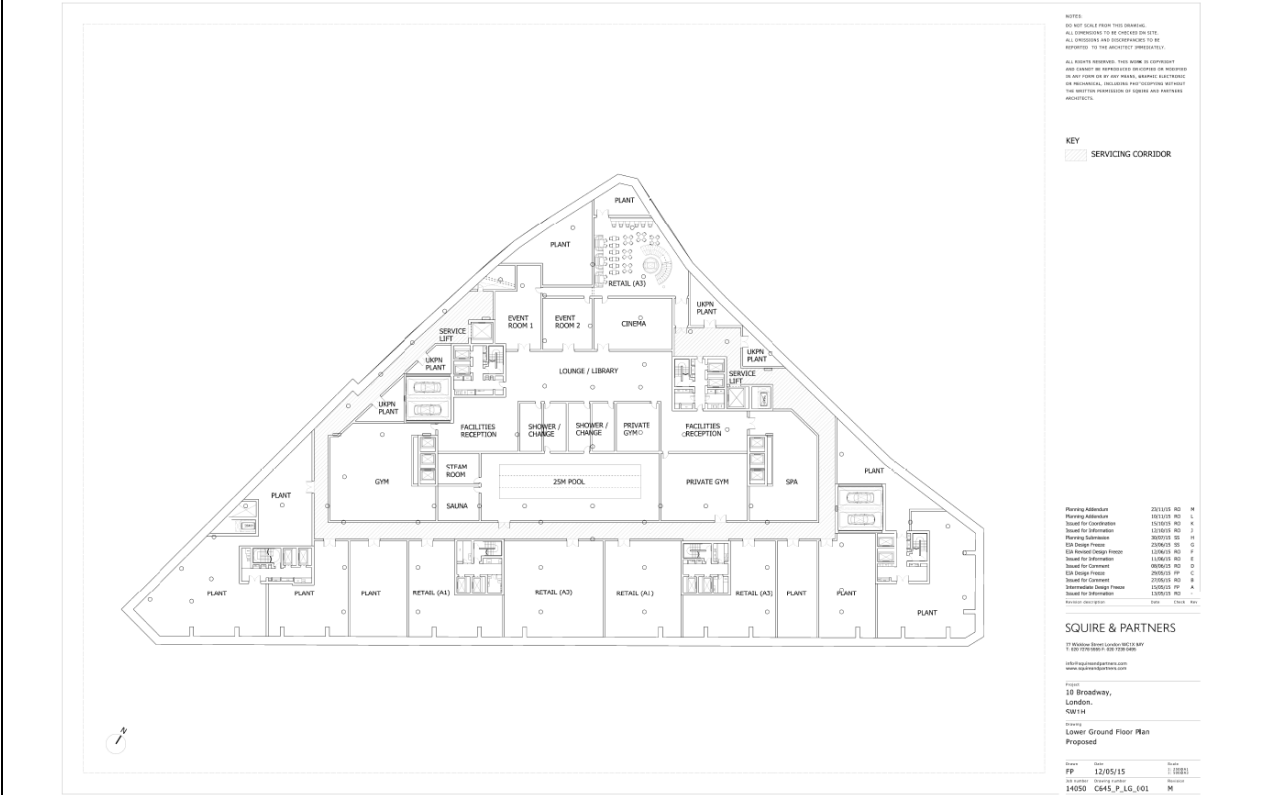
**SQUIRE & PARTNERS**  
19 Broadway,  
London,  
SW14

Project:  
Existing Building Elevation  
East Elevation  
Broadway

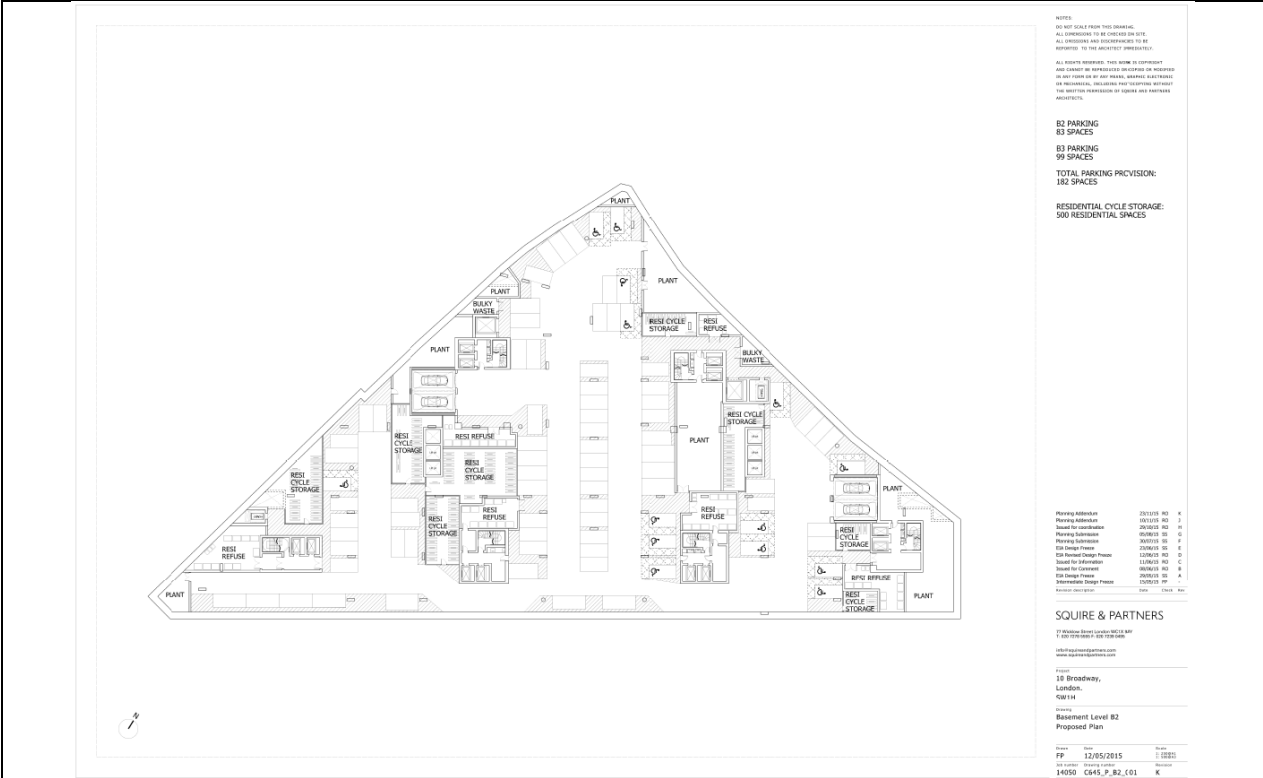
Issue No: AOD 02/07/2015  
Scale: 1:1000  
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Proposed ground floor plan (Retail + residential & office Lobbies)



Proposed lower ground floor plan (Ancillary retail and residential services)

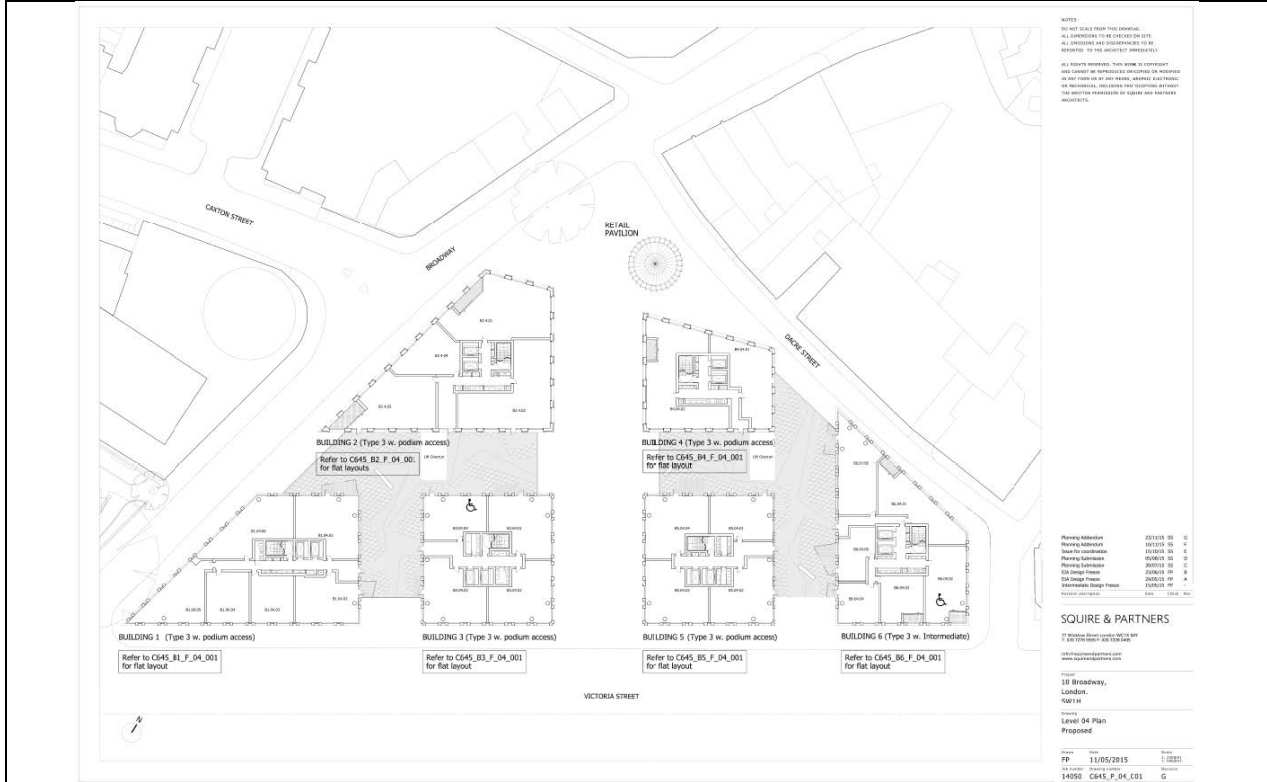


Proposed basement level 2 plan (Typical parking and services plan)

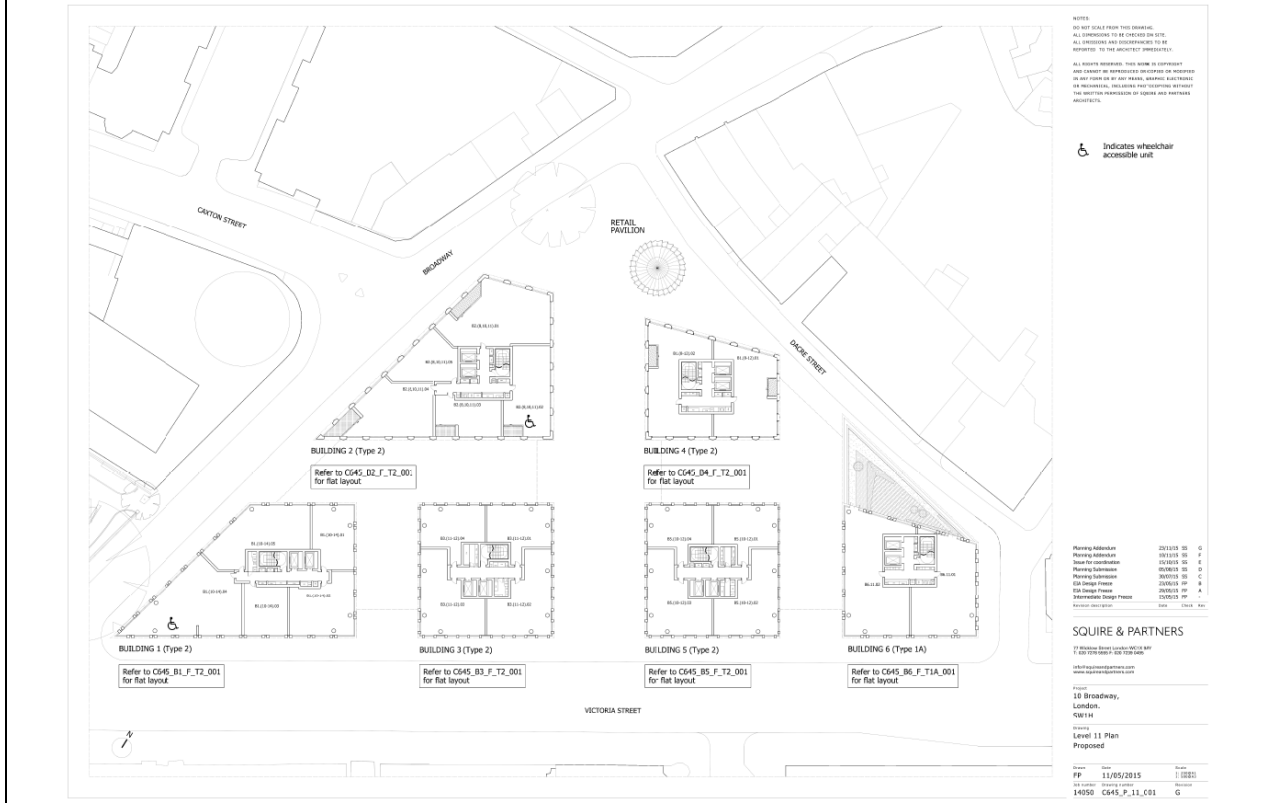


Proposed 2<sup>nd</sup> and 3<sup>rd</sup> floor plans (Typical office floor plans)

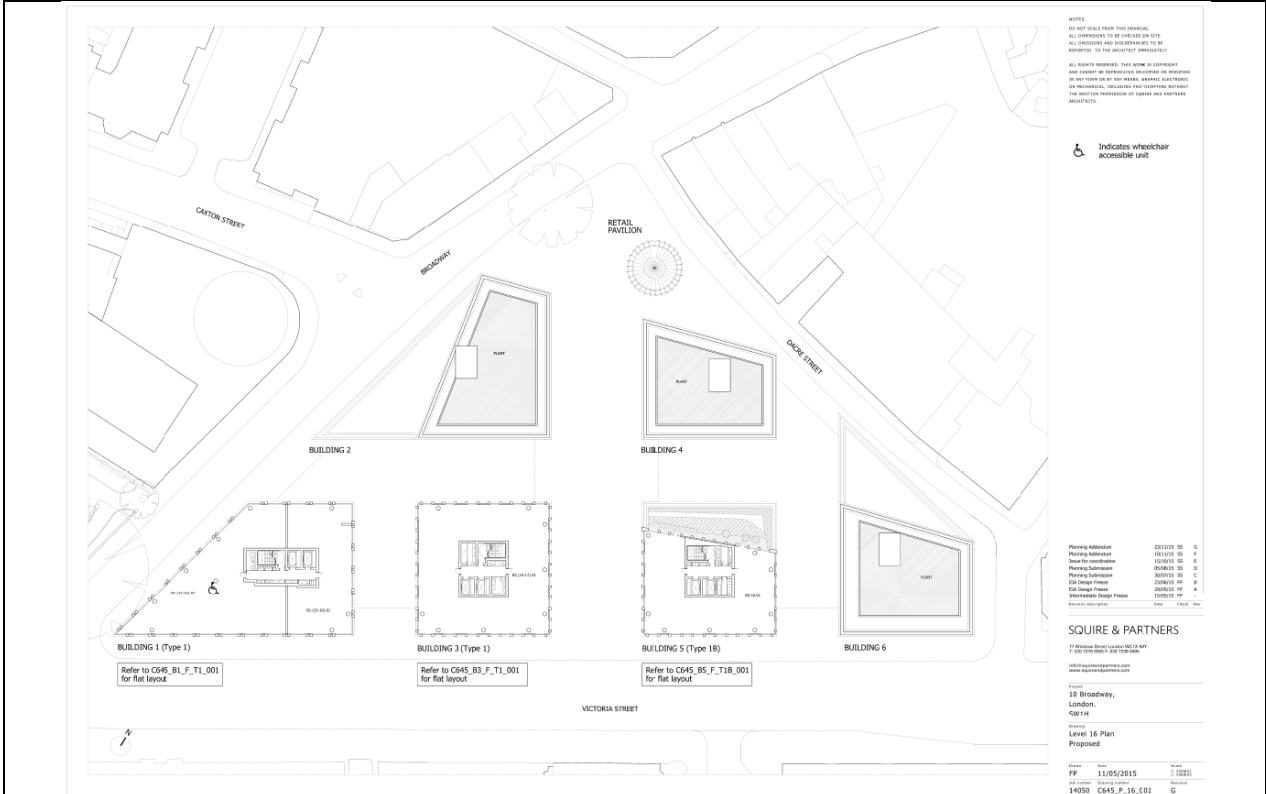




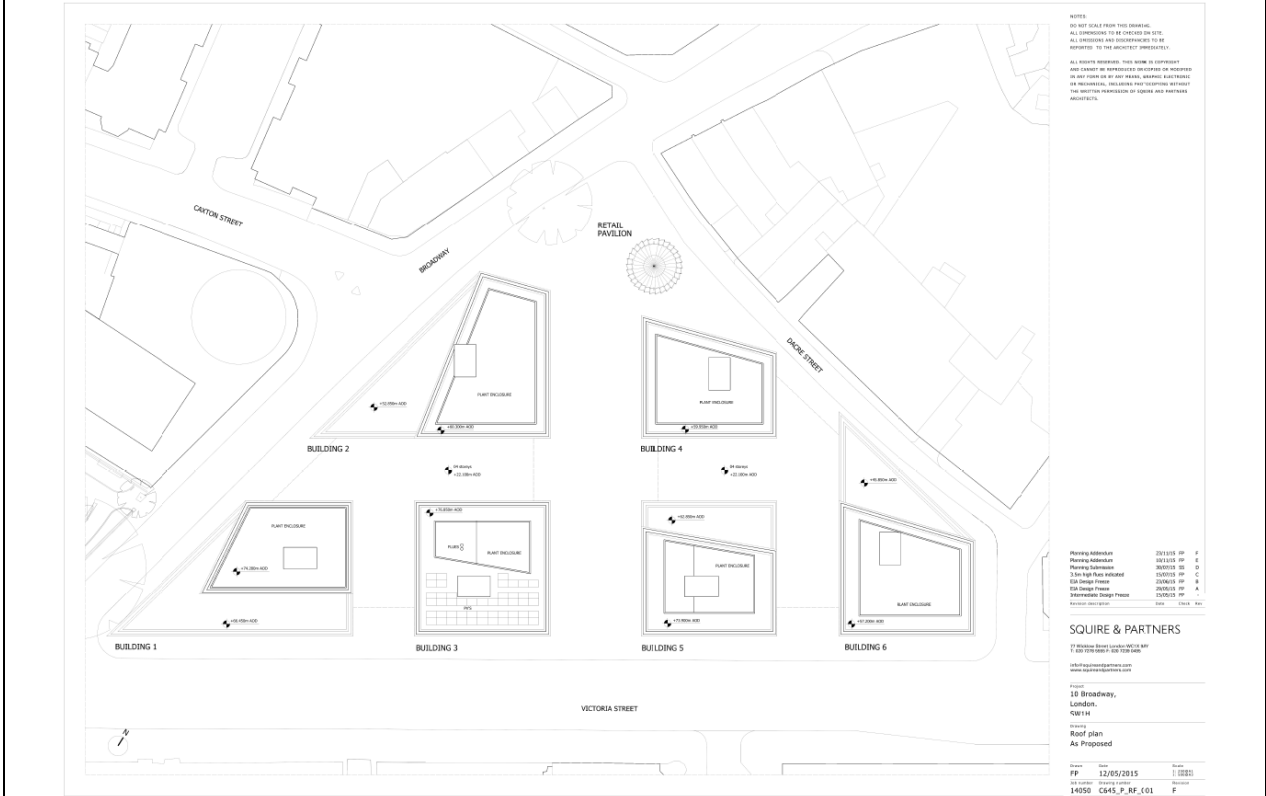
Proposed 4<sup>th</sup> floor plan/podium level (Typical residential plan)



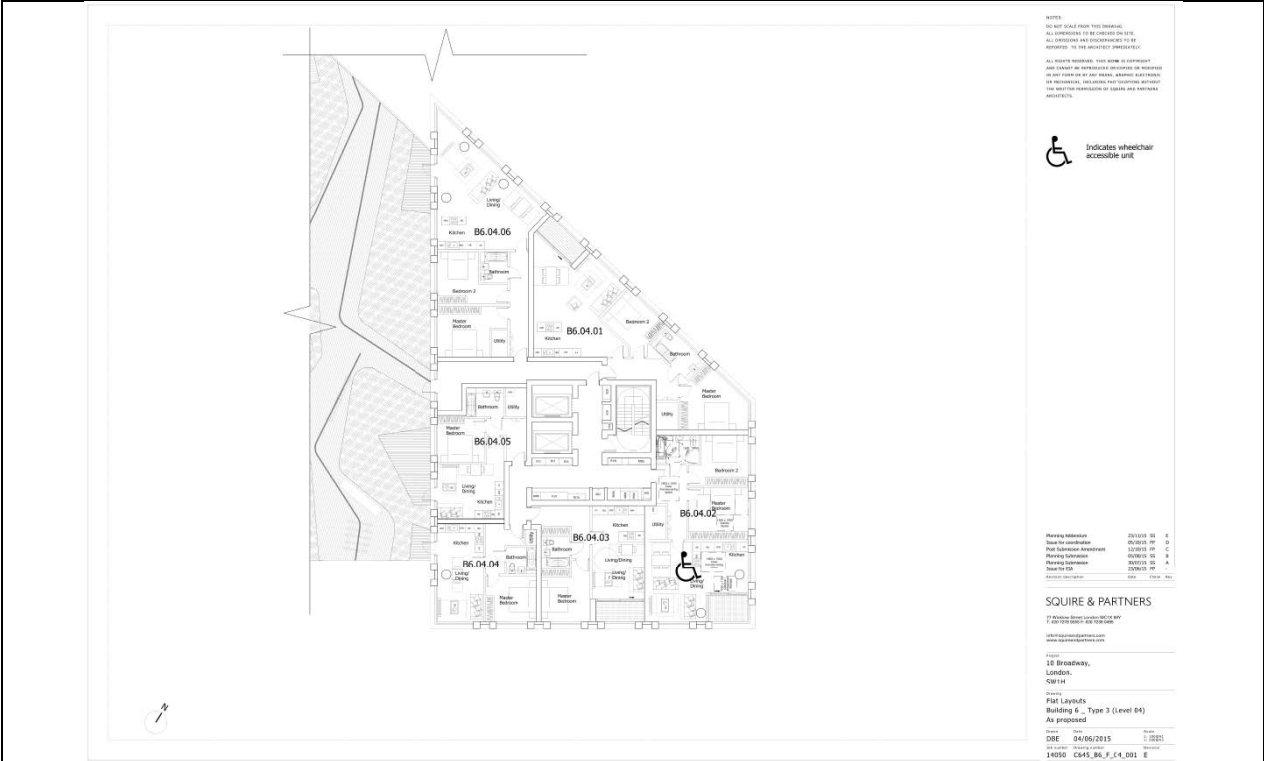
Proposed 11<sup>th</sup> floor plan (Typical residential plan)



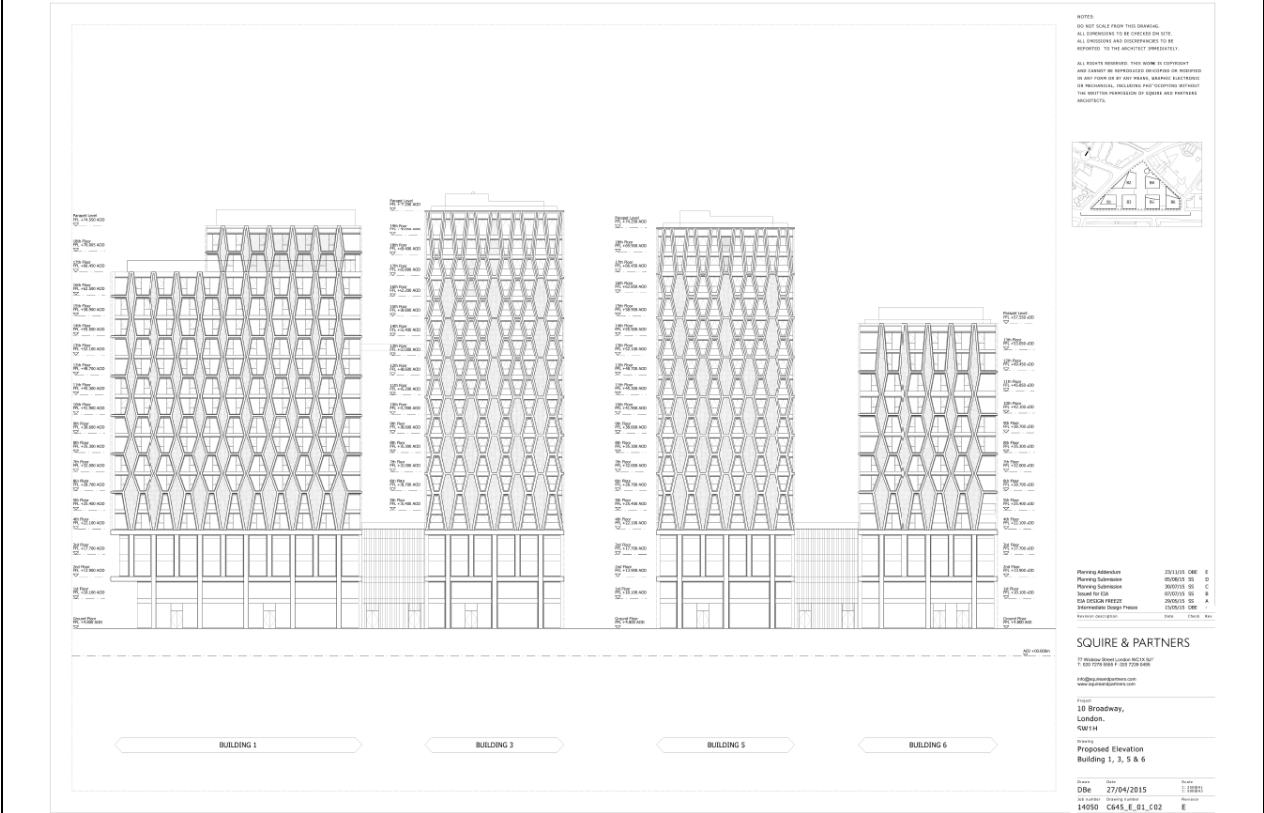
Proposed 16<sup>th</sup> floor plan (Typical residential plan)



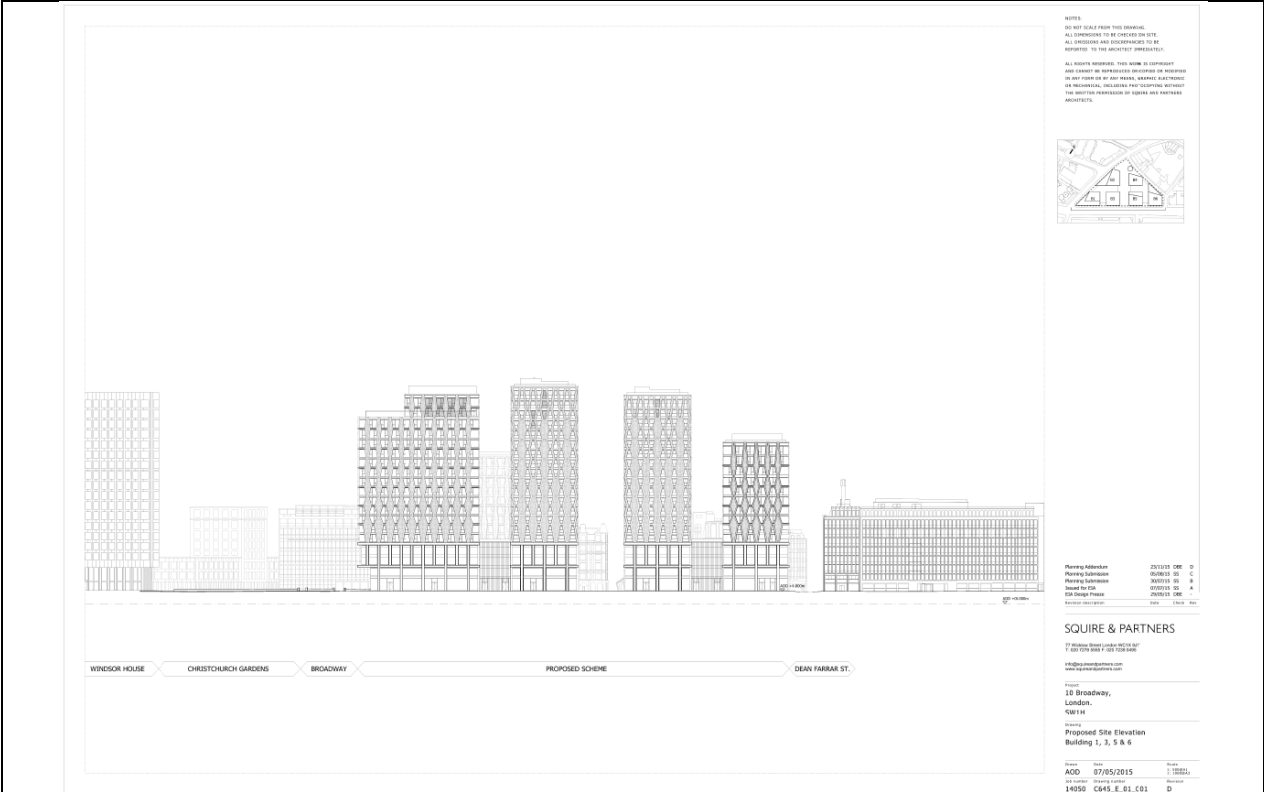
Proposed roof plan



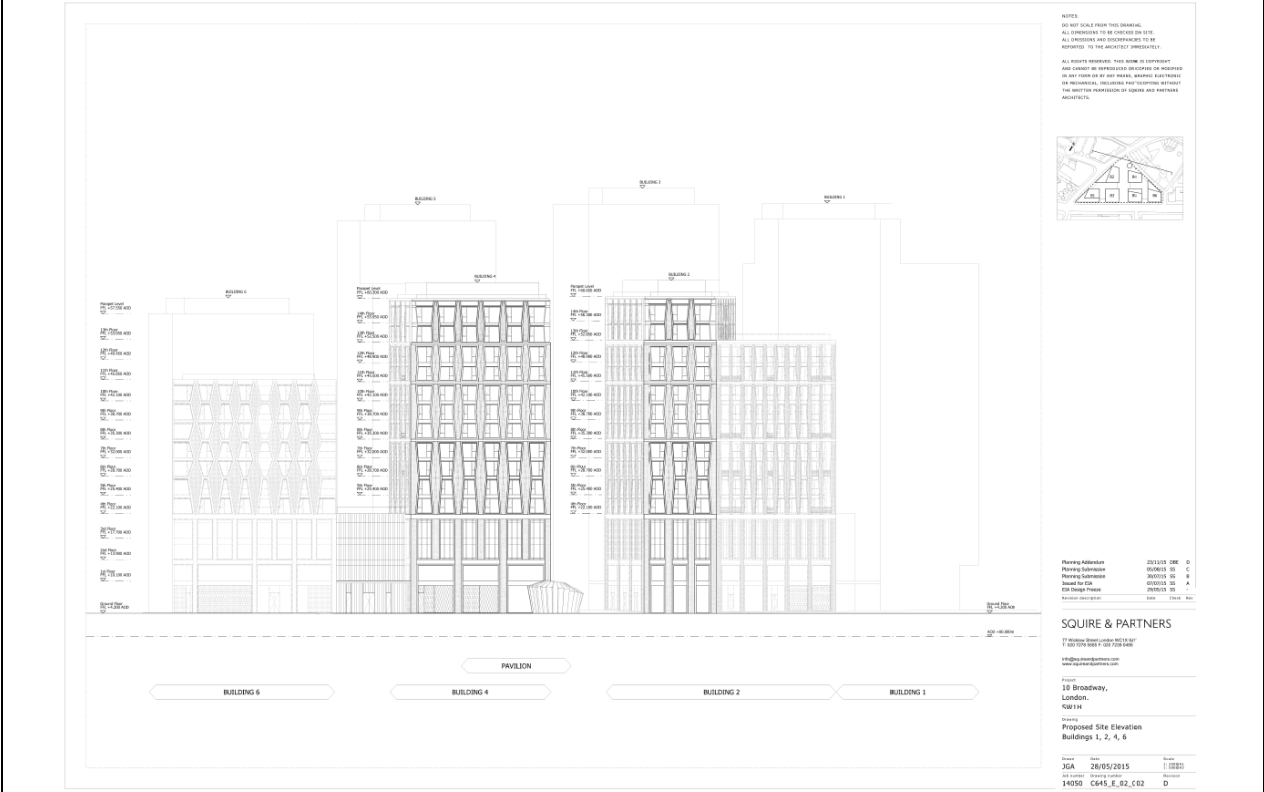
Typical flat layout (Building 6 level 4)



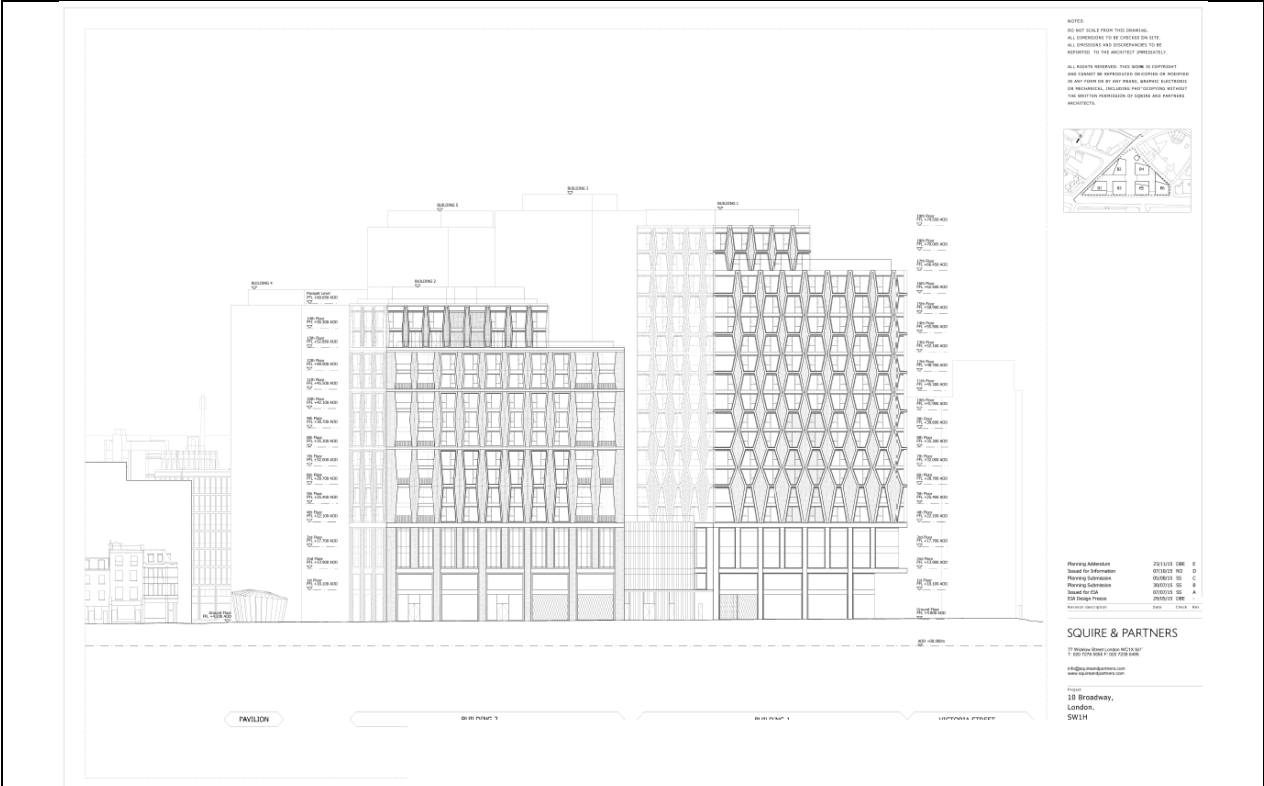
Proposed south elevation



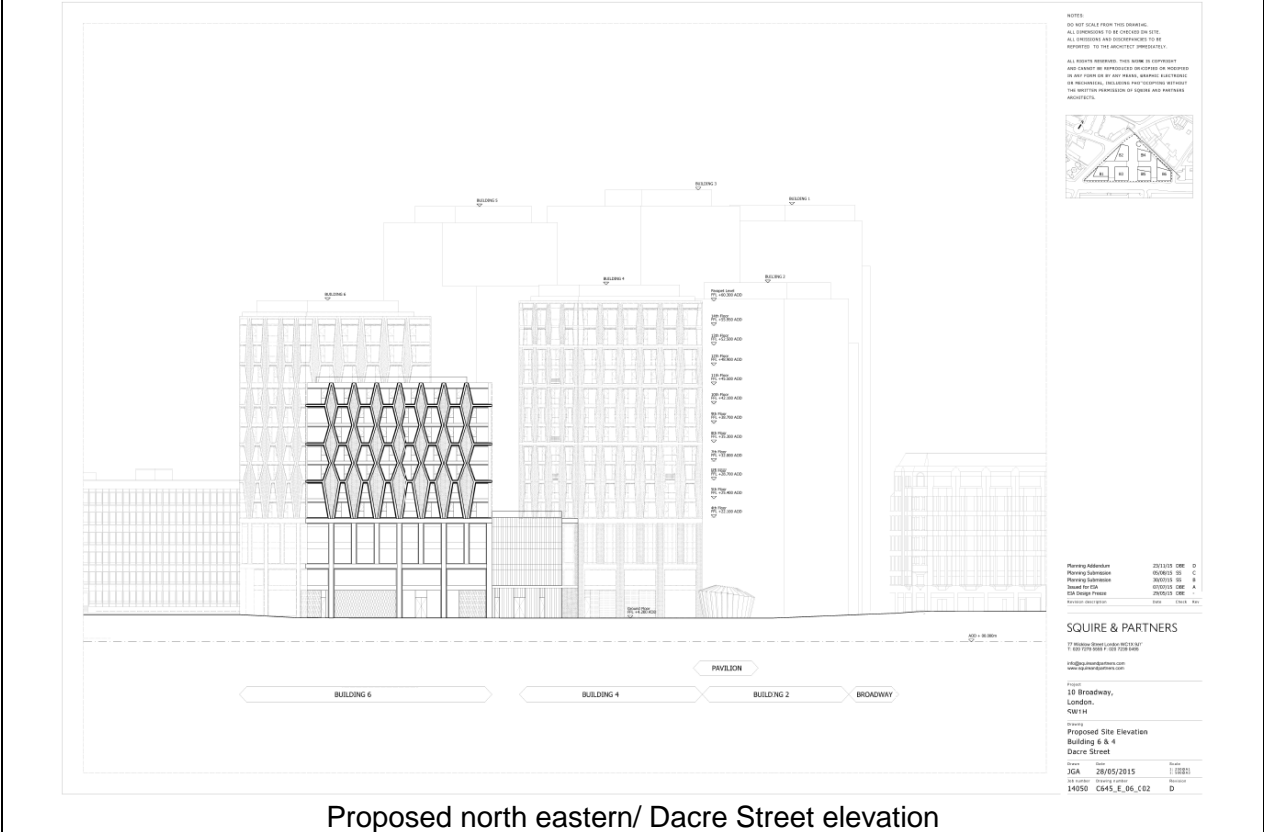
Proposed south elevation



Proposed north elevation



Proposed western elevation (Broadway)



Proposed north eastern/ Dacre Street elevation





Proposed CGI the corner of Victoria Street and Broadway



Proposed CGI view along Broadway





Proposed CGI view towards Dacre Street, the base of Building 4 and the retail pavilion



Proposed CGIs towards Building 2 from Broadway and towards Building 2 from Caxton Street



Proposed CGI of new pedestrian street and pavilion



Proposed CGI from Victoria Street towards 55 Broadway, along the new pedestrian street



Aerial view of the proposed scheme

**DRAFT DECISION LETTER**

**Address:** New Scotland Yard, 8-10 Broadway, London, SW1H 0BG,

**Proposal:** Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing 268 residential units (including 10 x affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.

**Reference:** 15/07497/FULL

**Plan Nos:** C645\_P\_00\_001, P\_01\_001 H, P\_02-03\_001H, P\_04\_001G, P\_05\_001G, P\_06\_001G, P\_07\_001 G, P\_08\_001G, P\_09\_001 Rev G, P\_10\_001G, P\_11\_001G, P\_12\_001G, P\_13\_001G, P\_14\_001G, P\_15\_001G, P\_16\_001 G, P\_17\_001G, P\_18\_001G, P\_19\_001G, P\_B1\_001J, P\_B2\_001K, P\_B3\_001G, P\_LG\_001M, P\_RF\_001F, S\_AA\_001E, S\_BB\_001D, S\_CC\_001D, E\_01\_001D, E\_01\_002E, E\_02\_002D, E\_03\_002E, E\_04\_002D, E\_05\_002 E, E\_06\_002D, E\_07\_002D, B1\_E\_AL\_001G, B1\_E\_AL\_002G, B2\_E\_AL\_001G, B2\_E\_AL\_002F, B3\_E\_AL\_001F, B4\_E\_AL\_001G, B5\_E\_AL\_001F, B6\_E\_AL\_001F, B6\_E\_AL\_002F, B7\_E\_AL\_001B, BS\_T1\_001A, BS\_T2\_001A, BS\_T3\_001A, BS\_T4\_001, B1\_F\_PH\_001F, B1\_F\_PH\_002F, B1\_F\_T3\_001E, B1\_F\_T2\_001F, B1\_F\_T1\_001E, B1\_F\_04\_001E, B2\_F\_PH2\_001E, B2\_F\_PH1\_001E, B2\_F\_12\_001E, B2\_F\_T2\_001G, B2\_F\_T2A\_001D, B2\_F\_T3A\_001C, B2\_F\_T3A\_001C, B2\_F\_T3\_001F, B2\_F\_04\_001F, B3\_F\_PH2\_001E, B3\_F\_PH1\_001E, B3\_F\_T1\_001F, B3\_F\_T2A\_001B, B3\_F\_T2\_001F, B3\_F\_T3\_001F, B3\_F\_04\_001E, B4\_F\_T1\_001G, B4\_F\_T2\_001G, B4\_F\_T3\_001G, B4\_F\_04\_001G, B5\_F\_PH2\_001E, B5\_F\_PH1\_001E, B5\_F\_T1B\_001E, B5\_F\_T1A\_001E, B5\_F\_T2A\_001B, B5\_F\_T2\_001F, B5\_F\_T1A\_001E, B5\_F\_T2A\_001B, B5\_F\_T3\_001E, B5\_F\_04\_001E, B6\_F\_T1B\_001E, B6\_F\_T1A\_001E, B6\_F\_T1A\_001E, B6\_F\_T1B\_001E, B6\_F\_T3\_001F, B6\_F\_05\_001E, B6\_F\_04\_001E, B6\_F\_04\_002, B6\_F\_05\_002. Environmental Statement by Aecom Volumes I - III; Landscape Strategy & Addendum by Gross Max; Statutory Utilities Supply Report by Aecom; Townscape, Visual Impact & Built Heritage Assessment & Addendum; Sustainability Statement by Aecom; Basement Impact Assessment Report; Design and Access Statement & Addendum by Squire and Partners; Transport Assessment & Addendum by TPP; Energy Statement Ventilation Extraction Report by Aecom; Planning Statement by GVA; Sunlight and Daylight Report & Addendum Report by Anstey Horne; Energy and Sustainability Addendum Report by Aecom; Operational Waste Management Strategy & Addendum.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

**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 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., , Noisy work  
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of details of the following parts of the development:, , a. typical window details at 1:20; b. external doors at 1:20; c. shopfronts at 1:50 with x-sections at 1:10, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary

Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of an advertisement and shopfront strategy setting out design parameters to be followed for these parts of the development. 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 this strategy. (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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 7 Pre-Commencement Condition: No development shall take place until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority (see informative 2).

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must provide the facilities for the storage and collection of waste and recyclable material for the residential, retail and office uses prior to occupation of any part of the development. Thereafter these facilities must be retained and the spaces used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 You must provide the cycle parking within the development for the residential, retail and office uses prior to occupation of any part of the development. Thereafter the cycle spaces must be retained and the spaces 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.

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must apply to us for approval of a Car Park Management Plan including details of a vehicle signalling system for the basement car park. You must then carry out the development in accordance with these details and maintain the vehicle signalling system in working order in perpetuity.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 12 Other than doors which are used exclusively for fire exit purposes in an emergency situation, 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 S41 of Westminster's



City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 You must apply to us for approval of details of a Delivery and Servicing Plan. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must service the retail and office uses within the buildings in accordance with the approved Plan, unless otherwise agreed in writing by us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 Prior to occupation of the residential part of this development a minimum of 20% of the car parking spaces shall be provided with charging points (for electric vehicles). These charging points shall not be removed unless authorised by the City Council, as local planning authority.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with policy S 28 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 17 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, 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 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)

- 18 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 19 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.

- 20 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.

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.

- 21 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 22 (1) Noise emitted from the emergency plant and generators hereby permitted 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) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 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 S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 20 and 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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 S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 25 The design and structure of the development shall be of such a standard that it will protect residents within it from ground-borne noise from the District and Circle Line so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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.

- 26 No vibration shall be transmitted from the District and Circle Line so 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 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.

- 27 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the

archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) 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. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 28 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , (i) combined heat and power unit (energy centre), (ii) PV array on the roof of building 3, (iii) green roofs (as shown on the landscaping strategy), , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 29 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 S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 30 You must apply to us for approval of detailed drawings of the children's play space on the podium levels as shown in the landscaping strategy. You must not start work on these parts of the podium levels until we have approved what you have sent us. You must then carry out the works according to the approved drawings and prior to occupation of any of the residential units (Class C3) units, unless otherwise agreed in writing with us, and thereafter retain and maintain.

Reason:

To ensure that play space is provided in accordance with H 10 of our Unitary Development Plan

that we adopted in January 2007 and policy 3.6 of The London Plan.

- 31 In the event that the Class A units are occupied for Class A3 purposes you must not allow customers on the premises outside the following times: between 0700hrs and 2400hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2330hrs on Sundays, bank holidays and public holidays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 32 If you provide a bar and bar seating within any of the Class A3 units , it must not take up more than 15% of the floor area of the Class A3 unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 33 In the event that the Class A units are occupied for Class A3 purposes no individual unit shall exceed 499m2 gross external area.

Reason:

The provision of a Class A3 unit of 500m2 Gross External Area or more within the development would only be permitted in exceptional circumstances to protect the amenity of surrounding occupiers. No exceptional circumstances have been provided by the applicant. . This is as set out in policy TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 34 You must not use more than 50% of the gross external area of the approved ground floor Class A units for Class A3 purposes.

Reason:

In order to ensure that at least 50% of the approved ground floor Class A units are used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January

2007.

- 35 Prior to the occupation of any of the Class A units for Class A3 purposes, 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 start any 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 these details and thereafter retain and maintain for as long as the units are occupied for Class A3 purposes

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 36 You must apply to us for approval of detailed drawings of the new pedestrian routes and other pavement areas to show the location and design of any areas to be used for tables and chairs and other furniture in connection with the approved Class A uses. , , You must not put the tables and chairs on the pedestrian routes and other pavement areas until we have approved what you have sent us. Thereafter the tables and chairs and other furniture obstructions must only be located in the positions shown on the approved drawings unless otherwise agreed in writing by the local planning authority.

Reason:

To make sure that the tables and chairs will not cause nuisance for people in the area and to make sure pedestrians can move easily through along the pedestrian routes proposed. This is as set out in as set out in S29, S32 and S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 37 You must apply to us for approval of details of a management plan to show how you will prevent customers who are leaving any Class A3 units, and using external tables and chairs approved under condition 36 of this decision, from causing nuisance for people in the area. The plan must include details of the hours of operation for the tables and chairs and details of storage facilities. You must not use any Class A unit for Class A3 purposes until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times unless otherwise agreed in writing by us.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of



our Unitary Development Plan that we adopted in January 2007.

- 38 The tables and chairs must only be used by customers of the Class A uses which form part of the development hereby approved.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 39 You must not paint the window glass of the Class A shop fronts or block it in any other way unless otherwise agreed in writing. The window must contain a display which must be maintained to our satisfaction.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007.

- 40 You must apply to us for approval of details of the following parts of the development - , , - green roofs at main roof level of buildings 1, 2, 3, 4, 5 and 6 (as shown in the landscaping strategy)., , You must not start 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 the approved details and thereafter retain and maintain the green roofs in accordance with the approved details.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 41 **Pre Commencement Condition.** , (a) You must apply to us for approval of a method statement explaining the measures you will take to protect the trees close to the site. The method statement must include evidence of trial investigation to demonstrate the presence/ absence of roots of the London plane tree (4) within the site and details of the proposals to safeguard the roots and canopies of all nearby trees. If the results of the trial investigation show that the roots of the London plane tree (4) extend into the application site, you will need to submit a revised proposed basement layout to reduce the extent of excavation in order to safeguard the tree and its roots., , The method statement must include an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be

registered. The site monitoring system should involve arboricultural supervision during demolition, excavations, removal or construction of any hard surface or any other work that might affect tree roots, branches or trunk to ensure that tree protection systems are followed. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. , , (b) You must then carry out the arboricultural site supervision, demolition and building work according to this approved scheme. You must produce written site supervision reports as detailed in part a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. You must send copies of each written site supervision record to us within five days of the site visit. If any damage to tree, tree roots or any breaches of tree protection procedures occurs then details of the incident and any mitigation/amelioration must be included in the supervision record.

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 42 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme. The details must include the number, size, species and position of trees and shrubs;, and details of the depth and specifications of the new soils which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will be connected. 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 landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species.

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 2 You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment.
- 3 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:
  - i. Provision of affordable housing on-site;
  - ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).
  - iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
  - iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - v. Unallocated car parking;
  - vi. Walkways agreement;
  - vii. A contribution of £8,909 towards Legible London signage;
  - viii. Dedication of highway and associated costs;
  - ix. Free lifetime (25 years) car club membership for residents of the development;
  - x. Employment and Training Strategy for the construction phase and the operational phase of the development.
  - xi. Costs of monitoring the S106 agreement.
  - xii. Provision of tree planting on Victoria Street.
  - xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).
- 4 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)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 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)

- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 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)
- 9 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)
- 10 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.
- 11 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 12 Conditions 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)
- 13 Condition 24 requires the submission of sound insulation measures and Noise Assessment

Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)

- 14 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.**
- 15 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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

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# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	15 Lancelot Place, London, SW7 1DR,		
<b>Proposal</b>	Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking. (Site includes 15 Lancelot Place and 1 Trevor Walk).		
<b>Agent</b>	Mr Nick Grant/ CBRE		
<b>On behalf of</b>	Karnforth Investments		
<b>Registered Number</b>	15/09276/FULL	<b>Date amended/ completed</b>	12 October 2015
<b>Date Application Received</b>	5 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Adjacent to Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The application site comprises to the south, 15 Lancelot Place, a single family dwelling house with garden space, and to the north six garages with house above, known as 1 Trevor Walk. The site is located on the western side of Lancelot Place. The buildings are not listed but are located immediately adjacent to the Knightsbridge Conservation Area. Permission is sought for the demolition of the existing buildings and the redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces and carparking for six vehicles. Amendments to the application have been made since its original submission to overcome officers concerns, and neighbours were notified of this.

The key issues in this case are:

- \* The impact of the development on the character and appearance of the townscape, adjacent conservation area and neighbouring listed buildings;
- \* The impact of the development on the amenity of neighbouring properties;
- \* The impact of the construction and its associated traffic.

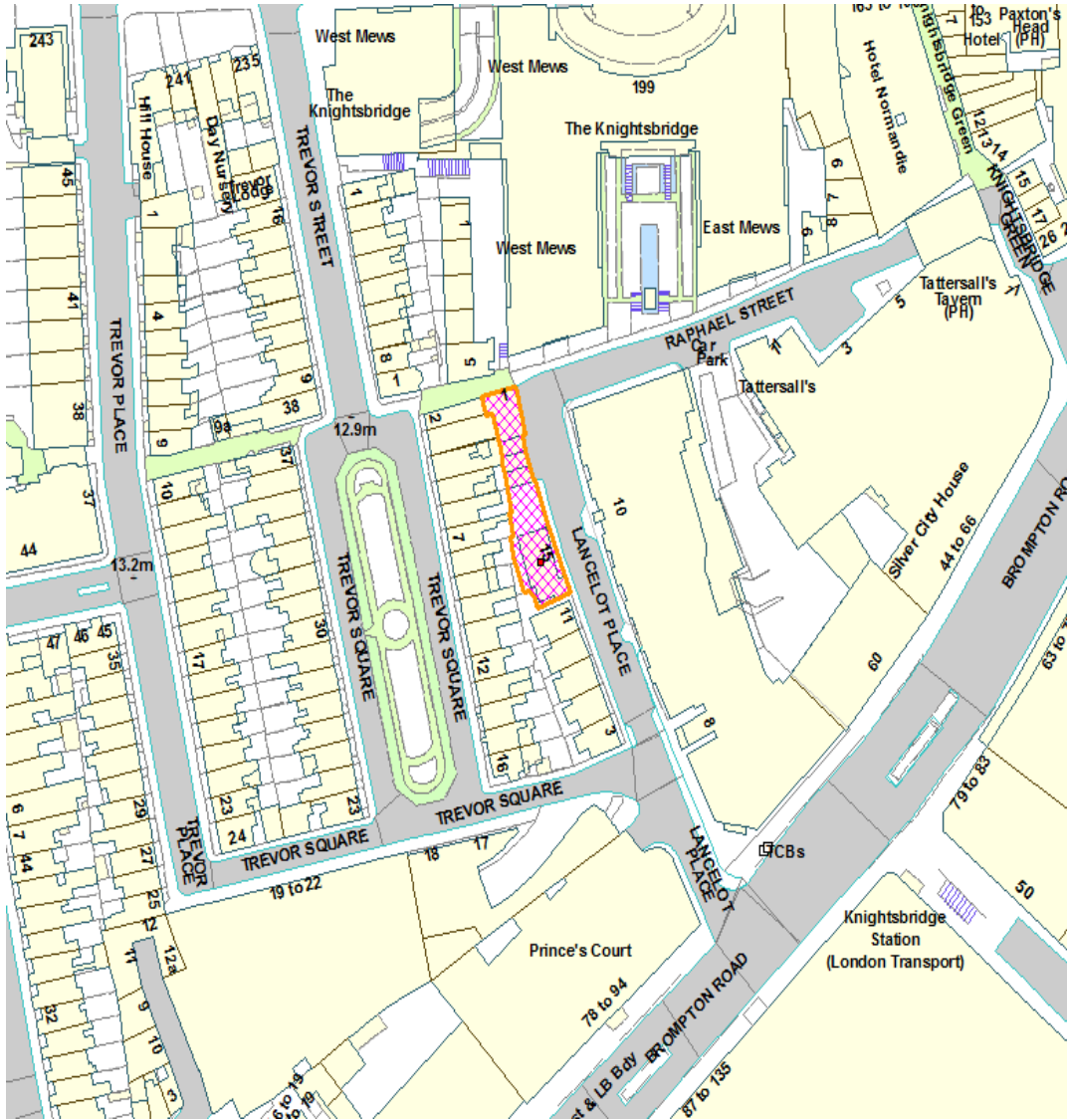
A large number of objections have been received to the proposals on the grounds of amenity, design, basement excavation, construction impact and other matters. The objections raise particular concern of the potential cumulative impact of construction disturbance should redevelopment proposals at the adjacent 3-11 Lancelot Place be undertaken at the same time. While these concerns are shared by officers, it is not considered that refusal on these grounds could be sustained.

A draft Construction Management Plan has been submitted with the application which has been considered by Highways Licensing as acceptable at this stage. Finer details in relation to construction traffic will be subject to detailed applications to Highways Licensing for approval.

The application is recommended for approval as it is considered that, subject to conditions, the proposed new development and homes comply with policies in our Unitary Development Plan (UDP) and City Plan: Strategic Policies.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of application site  
(15 Lancelot Place in the forefront  
and 1 Trevor Walk to the rear)



1 Trevor Walk and 15 Lancelot Place



Rear of 1 Trevor Walk

## 5. CONSULTATIONS

Ward Councillors for Knightsbridge and Belgravia  
Any response to be reported verbally.

### Knightsbridge Association

Objection on the grounds of overpowering bulk and height of development upon the surrounding streets; sense of enclosure to properties in Trevor Square; loss of light to properties in Trevor Square; increased light pollution from the use of excessive glazing; excessive basement development; impact of development upon the adjacent Knightsbridge Conservation Area; maintenance concerns from the living walls and green roofs; impact of construction traffic upon the surrounding streets and that consideration should also be given to the planning application for redevelopment works at the adjacent site 3-11 Lancelot Place.

### Highways Licensing

No objection to submitted CMP.

### Building Control - Development Planning

No objection.

### EH Consultation

Objection raised on the grounds that the means of escape in the event of a fire are inadequate. No objection raised to the proposed plant and machinery.

### Highways Planning - Development Planning

No objection provided that the management and maintenance of the lift will be secured via legal agreement; further details regarding visibility splays are submitted and that the changes to the existing on-street restrictions are secured via a Traffic Management Order.

### Cleansing - Development Planning

Objection raised that the proposed plans do not show the provision of storage areas for waste/ recyclables.

### Arboricultural Section - Development Planning

No objection to the loss of the existing trees on site, subject to provision of high quality replacement tree planting and landscaping (with sufficient space and soil volume for replacement planting).

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 295

Total No. of replies: 76

No. of objections: 75

No. in support: 0

Highways:

- Concern that the development occupies more of the already narrow pavement than the existing building.
- Loss of on-street car parking as a result of the development.
- The CTMP notes that the adjacent junction to the south is very busy.
- Access to Lancelot Place during construction would be limited due to construction vehicle traffic.
- The increase in size of the properties will increase traffic stress in the locality.
- Insufficient information in terms of traffic management provided.
- Loss of parking spaces during the construction process.
- Harrods depot to the south receives 100-150 deliveries a day which may be delayed due to construction vehicles, which is not adequately discussed within the submitted CTMP.

#### Design:

- The proposed design of the buildings does not enhance or fit within the area and is out of keeping with the surrounding buildings.
- The 'greening' is inappropriate on the building.

#### Amenity:

- Increased sense of enclosure to surrounding properties due to additional bulk.
- Loss of light to surrounding properties due to additional bulk and massing.
- The sunlight/daylight report is misleading as it assesses the proposals against the consented scheme.
- Loss of privacy due to reduced gap between the Trevor Square and Lancelot Place properties.

#### Trees:

- The tree report does not assess all the trees within the application site.

#### Other:

- The basement excavation reports are not 'credible' or 'fit for purpose'
- The basement excavation may have a negative impact on the structural integrity of the adjacent listed buildings.
- The high water table in this area has an impact upon the basement excavation.
- Noise and disruption and dust from building works.
- The basements will impact on water flows and may result in flooding to adjacent properties.
- The CMP does not identify the vehicle types to allow WCC to model emissions from vehicles.
- There will be a cumulative impact of construction congestion should the development at 3-11 Lancelot Place be undertaken at the same time.
- The basement excavation is in excess of the council's basement policy which only allows one basement level.
- Publically accessible roads and pavements will need to be maintained by the developer as they will be utilised by the public.
- Insufficient consultation with neighbours and stakeholders due to application being submitted in a rush.
- Safety concerns in relation potential accidents such as recent gas leaks at adjacent sites.

- As the application is determined after 1 November it should be considered in line with revised basement policies.
- Land searches did not bring to the attention of buyers of Trevor Square the 1995 permission.
- The consultation process by the applicant was flawed and was represented incorrectly in the application documents.
- Restrictive covenants are in place with regards to the existing garages on the site.

**AMENDED SCHEME – RECONSULTATION  
ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 365  
Total No. of replies: 4  
No. of objections: 4  
No. in support: 0

Four letters received from previous objectors, maintaining their objections and that the revised scheme does not overcome the comments raised.

Comment also made that since the application was originally submitted, there is a planning application pending determination for the redevelopment of 3-11 Lancelot Place, and this should be considered at the same time as the proposals for 15 Lancelot Place.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

15 Lancelot Place and 1 Trevor Walk comprise two unlisted buildings, but share a boundary with the grade II listed houses on Trevor Square, which are within the Knightsbridge Conservation Area. The existing buildings date from the mid 1990's (granted planning permission in 1995 – 95/02173/FULL) and comprise one house over ground floor and two upper storeys and another house at first and second floor over three garages at street level. There are a further three garages which have a flat roof. It should be noted here that the 1995 permission allowed permission for a further house of two storey's to be built upon these garages, in a similar design to that of 1 Trevor Walk. The permission was only part implemented, however it is imperative to note that this house could still be built as part of this extant permission. The buildings are built in brick, with tile roofs and timber sash windows.

The immediate townscape is of a mixed character and scale. The conservation area and listed buildings to the west are in residential use, with buildings mainly dating from the early/mid-nineteenth century period. To the east and south the scale of development is substantially different, with larger buildings providing a mix of uses in predominantly late twentieth century buildings. As such the smaller buildings on the west side of Lancelot Place, including the application buildings, can very much be viewed as the interface between the larger modern buildings to the east and the older and more modestly scaled properties to the west.

## 6.2 Recent Relevant History

### 95/02173/FULL

Redevelopment of 6 existing garages providing 6 replacement garages & 2 dwelling houses (amendments to scheme dated 01/09/94 RN:942360) - addition to south elevation & alterations to frontage.

Application Permitted 15 June 1995

### 15/00175/CLEUD

Confirmation of lawful implementation of permission 95/2173/FULL for the redevelopment to provide two maisonettes on first and second floors and six garages on ground floor.

Application Permitted 6 March 2015

### 3-11 Lancelot Place

An application is currently being considered by officers for the demolition of Nos. 3-11 Lancelot Place and for the erection of five new single family dwellings to include two additional basements a sub-basement plan room, ground and two upper floors.

## 7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings and the redevelopment of site comprising two buildings of three storey's each, with a basement of part two/part three floors deep below the entire site. The proposals will create one, five bedroom unit, in the building to the southern part of the site and two, one bedroom units in the building to the northern part of the site.

The three units will share an entry from Lancelot Place (shown almost in the centre of the site), although the two flats also have a secondary entry. The two flats within the northern building are independent of each other (i.e. they have their own internal front door) but it is proposed that they share the proposed communal facilities which include the gym/ laundry rooms etc at basement levels; refuse storage and home office space/ library space at ground floor level; and a roof terrace. A further terrace is proposed for the first floor unit, to the rear of the building. It is proposed that the house has external amenity space in the form of a ground floor garden.

In the northern building one internal car parking space is proposed at ground level. In the southern building, the dwellinghouse will have capacity to park five vehicles, also with a car stacker arrangement.

As mentioned in the recent history section above a concurrent application has been submitted for the redevelopment of the properties immediately adjacent to the site but to the south on Lancelot Place. The developments are not linked and must be considered independently on their merits.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Although the existing site currently comprises two houses, it is considered that the 1995 permission which allowed three houses and which is only part implemented, is extant and therefore a third house above the three remaining garages could be built at any time. In this instance, there is no change as three residential units are proposed. Notwithstanding this, if the view were taken that the site only has two existing properties, an increase of one unit is in accordance with City Council policy H5 of the UDP and S14 of Westminster's City Plan and is therefore acceptable in land use terms.

### **8.2 Townscape and Design**

The application site contains two unlisted buildings of no architectural or historical merit, fronting Lancelot Place, and backing onto the rear boundaries of the Grade II listed houses which form the eastern side of Trevor Square. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 we must therefore pay special regard to the preservation of the setting of those listed buildings.

The boundary of the Knightsbridge Conservation Area also runs along the western site boundary (following the approximate boundaries with Trevor Square).

The NPPF requires that great weight should be given to the conservation of designated heritage assets, including their settings. This presumes that permission only be granted where there is no harm, or where such harm is significantly and demonstrably outweighed by public benefits which would be brought by those proposals.

#### **Principle of development**

The existing buildings on the site are both post-war, and are of no architectural or historical significance. Their demolition and the redevelopment of the site is therefore acceptable subject to the comparative merits and impacts of the replacement development.

It must be borne in mind that the application site benefits from an extant, partially implemented approval for redevelopment dating from 1995 (RN. 95/02173/FULL) which could still be completed; the northern most existing building on the site, 1 Trevor Walk, was built under that approval. That approval acts as a baseline upon which the current proposals should be considered, alongside the existing buildings on the site.

The site is also immediately adjacent to another terrace, 3-11 Lancelot Place, which is also the subject of a current application for wholesale redevelopment (RN: 15/10163/FULL). Whilst the consideration of this application might reasonably bear in mind the design interactions between the two sites, and in particular the cumulative impact on the setting of the listed buildings and conservation area, each proposal has been assessed and should be determined on its own merits. That site does not benefit from an extant permission in the way that this application site does.



The key design issues are whether the proposed development is an appropriate design and architectural quality; and whether it would preserve the setting of the nearby listed buildings and conservation area.

### **Scale and bulk**

The application proposes to erect two new buildings, containing a single dwelling house (the southern building), and two large apartments (the northern building), with a shared central entrance courtyard enclosed by a 3.6m high glass wall. Both buildings would consist of ground, first and second floors, whilst below ground would be two basement levels beneath the northern building and central shared courtyard, and three beneath the southern building. Floor to ceiling heights would be generous, at 3.2m to the ground floor and 2.7m to upper floors. The two buildings would be essentially the same height, although the architectural scale of the buildings would increase towards the southern end of the site due to the slope of the road. To visual roof edge, the building's main parts would stand at between 9.7m tall at the junction with Trevor Walk, to 11.1m at the site's southern boundary with 11 Lancelot Place. A stair and lift would rise up the rear of the northern building providing access to the proposed roof terrace, meaning that section would rise higher, to a height of 10.7m and 11.9m respectively. The proposed parapet heights are generally slightly lower than those of the listed houses in Trevor Square, whilst the highest point of the proposal, the proposed lift tower, would be slightly lower than the typical mansard roof heights of the listed houses.

The new buildings would be quite shallow in planform compared to the Trevor Square houses, due to the narrow nature of the application site. This notably reduces the architectural bulk of the proposals, presenting in particular a narrow elevation to Trevor Walk where the proposals would have their greatest public interaction with the adjacent listed buildings and conservation area.

The most noticeable point at which the new buildings would show a notable increase in scale over surrounding development would be at the southern boundary adjacent with 11 Lancelot Place, where the height difference with the existing buildings on that site would be around 2 meters between highest points, although due to the mansard roof form of the adjacent terrace contrasting with the sheer form of this proposal, the difference would be much more stark.

The scale and bulk of the proposed buildings is greater than the existing buildings on the site, and also compared with the existing (and proposed) buildings to the south at 3-11 Lancelot Place. They would not however be unduly greater in scale or bulk compared with the buildings which were approved to be built by the 1995 approval and as such, in combination with the comparison of architectural merit (see below), this increase is considered to be acceptable. Whilst the buildings would cause some minor harm to the setting of the adjacent listed buildings and conservation area through this very close scale, again this is not unduly more harmful than the 1995 approval and is partly mitigated and justified by the merits of the proposed new design.

### **Design and materials**

The proposed new architecture is very bold, and would represent an interesting new group of modern buildings in contrast with the traditional character of Trevor Square. They are

proposed to be built primarily of a cream coloured stone with a stock brick rear elevation (facing the listed buildings). It is considered that the use of a cream stone as the primary walling material is inappropriate compared with the predominantly brick character of Knightsbridge and particularly compared with the adjacent listed buildings of Trevor Square (which are a buff brick). Even where stone is evident in the local area, it is generally a Portland Stone. The use of brick on the rear is welcomed and would help preserve the setting of the listed buildings (see below) but an amending condition requiring the specification of brick to the public facades also is considered to be reasonable, and would work equally well with the character of the proposed designs. It would help significantly to 'localise' the building which due to its bold architectural design may otherwise with the proposed stone appear somewhat alien.

This masonry would be interspersed with a combination of pewter-finished metal panels and glazing (some of which would be 'art glass'), arranged in vertical bays. To the southern building, these glazed bays would project forward of the masonry wall line, whilst they would be recessed on the northern building. These would channel light into the interior and down into the basement levels and would give the buildings a strong verticality, consistent with the traditional of the surrounding area and helping to modulate the potential bulk of the development.

The vertical scale of the buildings would be divided by thin metal horizontal fins which would act as parapet lines between first and second floors.

Subject to the proposed materials amending condition, the proposed designs are considered to be of a high quality of architectural design and would serve as a positive addition to the local area. Whilst a bold design which would not show true architectural subservience to the adjacent listed buildings, as a small group compared to the larger group of Trevor Square, they would not compete harmfully, serving instead as a handsome neighbour and moderating between the lower scale of Lancelot Place compared with the much higher scale of the flats to the north and east.

### **Design / heritage impact summary**

The proposals would cause a minor degree of harm to the setting of the adjacent listed buildings and conservation area, through the introduction of a competitively scaled and designed set of new buildings in close proximity to the rear elevations of the listed terrace. This competition is however considered to be adequately mitigated and justified by the quality of the proposed new buildings, which would act as a new positive feature in the local area, and a distinct improvement upon the existing and the 1995 approval. These design merits would significantly and demonstrably outweigh the less than substantial harm that would be caused to the setting of the listed buildings and conservation area. As such the proposals would comply with the requirements of the NPPF and with Policies S25 and S28 of the City Plan, and DES 1, DES 4, DES 9 and DES 10 of the UDP.

### **Planting**

The application drawings show extensive vegetation forming part of the designs, including new trees within the shared central courtyard, rooftop and terrace planting spilling over the parapets, topiary hedges to the front of the southern buildings, and climbing ivy to the front elevation of the northern building. To the architects this planting is an integral part of their

design concept and this is generally welcomed. However, due to the nature of new planting, which takes time to establish and is vulnerable to failure, the proposals should be determined on the basis of the proposed 'bare' building elevations which exclude the planting for the purposes of clarity. In this regard, the proposals are considered to be a good design either with or without the indicated planting.

To help inform the development of this planting the developer has submitted indicative elevations to demonstrate that the ivy will take 7 to 10 years to fully establish. The other planting proposed is generally slower to grow, although is more able to be bought as semi-mature specimens. Given that the building is acceptable in design terms without the greening (save for replacement trees, as discussed later), this is not to be secured by condition.

### **Other**

An objection has been received from the occupier of 10 Trevor Square on the grounds that they were unable to fully develop their rear lower ground floor, because the advice of conservation and design officers was to leave a 'breathing space' between their rear boundary wall and their listed building, and that effectively the proposals submitted go against this guidance and therefore should not be acceptable. Each application has to be assessed on its own merits, however given that 10 Trevor Square is grade II listed, it was considered in that instance, appropriate for the rear extensions of this property to respect the historic building and not to measure the full depth of the garden so as to remain subservient and that that the historic features/ rear elevation could still be read.

The current proposals are to be assessed differently in this instance, given that the existing buildings are not listed and do not lie within a conservation area.

## **8.3 Residential Amenity**

Policy ENV13 of the UDP and S29 of Westminster's City Plan: Strategic Policies aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents to the east and west of the site as a result of the increased bulk and massing of the development compared to the existing buildings.

When assessing the amenity implications of this proposal, regard must be had to the extant 1995 permission which could be fully implemented at any time. Should the permission be fully implemented, it would mean that above the existing three garages an additional two storey (plus roof) house could be built which would directly abut the rear boundary wall of properties 4 and 5 Trevor Square. It should further be noted that in 2011/2012 an extension to the rear of the first floor level of 4 Trevor Square was constructed, which extends the full depth of the property and sits directly on the boundary with the application site and includes two windows in the rear elevation which serve a secondary living room.

### **Sunlight and Daylight**

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing 266 windows of the affected residential properties in Trevor Square and Lancelot Place. Given that the 1995 permission could still be implemented, the report considers both the existing situation and the consented scheme against the proposed scheme in relation to properties 2 – 5 Trevor Square; and then the existing situation compared with the proposed scheme with regards to properties 6-11 Trevor Square. In this instance, the consented yet partially implemented scheme is a material consideration in the assessment of this application.

Concern has been raised on the grounds that the independent assessors who carried out the light assessment did not access the properties within Trevor Square. This isn't a requirement when carrying out a daylight/ sunlight report as the results are generally created from a laser survey and computer generated results.

#### Daylight:

##### 2 Trevor Square

There are six windows within the rear of this property which are relevant for assessment and the technical analysis shows that five will meet the VSC criteria. The one exception is a first floor window (it is unclear as to what this room serves but it may be a bedroom given the curtains in the windows), which will experience a 27% reduction from the existing value. The absolute change in VSC to this window equates to just 2.9% which is not overly significant, however this exceeds guidance due to the low existing value of 10.8% compared to the BRE's target of 27%. The room retains an ADF of 1.09% which would be acceptable for a bedroom.

The results for the consented scheme versus this proposal are identical indicating that there is no loss of light

##### 3 Trevor Square

All of the windows within this property meet the VSC criteria when assessed against the existing situation and the consented scheme and is therefore the impact is acceptable.

##### 4 Trevor Square

Five out of seven windows relevant for assessment meet the BRE criteria. The two which do not pass are within the rear elevation of the rear extension and serve a secondary living room. The room also has a third window which faces away from the site and is unaffected by the scheme. These windows would experience a dramatic loss of light, even with the set back/ lightwell that has been recently introduced to the scheme. The results show that should the consented scheme be built, that the two windows would have a VSC of 0.10% and 0.19%. With the proposed development in place, the windows will achieve 0.06% and 0.39% respectively. In comparison to the consented scheme, such a small change would be completely imperceptible by the occupants and would have no effect upon the amenity of the room whatsoever. As such it may be concluded that there is no discernible difference between the daylight reaching these two windows when assessing the consented and proposed schemes and therefore the impacts for the application are, on balance, considered acceptable.

##### 5 Trevor Square

The property is located immediately opposite the consented scheme and therefore the consented versus the proposed baseline is particularly relevant for this property. The

analysis shows that nine of the ten windows relevant for assessment will experience less than a 20% alteration in VSC. The only window which fails is a window at first floor level which serves a study. The window will experience a 32% change from the consented scheme and will see its VSC reduce from 12.4% to 8.4%. This is below the BRE's 27% target. The ADF figures also show a reduction of 43% to this room. Given the room usage and on the basis of room proportionality the proposals are marginally considered acceptable. All the primary rooms within the rear of the property at lower ground, ground and at first floor, experience no discernible change in natural light between the consented and proposed schemes.

#### 6 Trevor Square

There are a total of 19 windows within the rear elevation which have been assessed, of which 16 meet the VSC criteria. Of the three which breach guidance, two serve the study/secondary living area at lower ground floor room in the rear closet wing extension and one window serves a kitchen at ground floor level. All three windows that are affected form part of a bay window which faces out towards the rear extension of 7 Trevor Square. The analysis shows that these windows already experience low existing values below the 27% target value suggested in the BRE guidelines. As a result of the proposed scheme, the three windows lose between 1.1% - 3.1% which technically exceeds guidance. As the lower ground is used as secondary living accommodation and as the ground floor kitchen is served by three other windows within the rear closet wing extension which all meet the VSC criteria, it is likely that there would be no material harm to this property.

#### 7 Trevor Square

Five of the eight windows meet the VSC criteria. Of the three which do not, they all have existing values of less than 6.5%. In all cases the reductions in VSC are very minor and this is unlikely to have a material effect upon the amenity of the rooms behind the windows. This is confirmed in the No Skyline results which show that five of the six rooms in the property meet the BRE criteria. The one exception is a bedroom at basement level (confirmation of this room has not be sought, and is based upon floorplans available to the City Council) which experiences a 25.8% change in the area of the room receiving direct skylight. This is only marginally beyond the BRE criteria and given that the losses relate to a basement bedroom, the losses are considered acceptable in this instance.

#### 8 Trevor Square

Of the four windows in the rear of this property which are relevant for consideration, three experience less than a 20% reduction from the existing value. The one exception is a kitchen window at basement level which experiences 23.2% alteration in VSC. The existing value is very low at 4.8% and whilst this room does fail the BRE test, it is unlikely that there would be any noticeable impact upon light and therefore the impact to this property is considered acceptable.

#### 9 Trevor Square

Thirteen windows were assessed and ten of these windows meet the VSC criteria. Of the three which do not, they relate to a basement level bedroom which is served by five windows (including skylights), two of which retain good levels of VSC which far exceed 27%. Furthermore, the bedroom will retain an ADF of 3.5% which is materially beyond the 1% BRE guidelines and therefore the retained daylight to this property is considered acceptable.

#### 10 Trevor Square

The technical analysis shows that the windows serving the ground floor kitchen and first floor living area meet the VSC criteria. The windows serving the bedroom accommodation at basement level exceed the 20% reduction in VSC which is permitted by the BRE Guidelines. The report states that these windows have existing values of just 8% which is appreciably below 27% BRE recommendation. The absolute change in VSC ranges from 1.85% to 2.92% and this is unlikely to materially affect the amenity of this room. This is confirmed in the ADF result which shows that the room will receive adequate levels above the BRE recommendations. Given that the main living accommodation is at ground and first floor level and on the basis of sufficient room proportionality, the impact to this property is acceptable.

#### 11 Trevor Square

Six windows within this property have been assessed and the results show that there will be no more than a 4% reduction in VSC to any of them. As such the impacts are compliant with the BRE criteria and are acceptable.

#### 11 Lancelot Place

There are three windows within the flank elevation of this property which face towards the Site. There is a window/ door at ground floor which serves a kitchen (this room has a second window which faces west and therefore away from the site which is unaffected by the development). There is a reduction in both the No Skyline and ADF to this room which breach the BRE criteria and therefore this room is unable to satisfy guidance. Given the room layout, the proposals are acceptable in this instance.

#### 8-10 Lancelot Place

The analysis takes into consideration the windows from basement/ ground to third floor (given the height of the proposed replacement building). One basement window (although it is unclear what this room serves) breaches the VSC criteria and experiences a 23% reduction from the existing value. Given that the loss is only 3% above the BRE guidance, it is unlikely that this would have a detrimental impact upon the amenity of those residents living within that property.

#### 199 Knightsbridge

All of the windows in this property meet the BRE criteria and are therefore considered acceptable.

#### Sunlight

It is only those windows that face within 90degrees of due south which are relevant for assessment and have been included within this technical study.

#### 6 Trevor Square

There are two rooms in this property which breach the Annual Probable Sunlight Hours (APSH) criteria, the first of which is a ground floor kitchen. Annual sunlight is reduced from 28%-22% which is only marginally below the 25% target and only fractionally below the 20% reduction permitted from the existing condition (21.4%). Winter sunlight is reduced from 4% to 3% which again only marginally exceeds the 20% reduction from the existing value and therefore the deviation from guidance noted here is not considered to be significant. The second room is the study/secondary living area at basement level. The

windows do not receive any winter sunlight which is unsurprising given its subterranean location. Annual APSH will be reduced from 19% to 8%. The losses, whilst regrettable are acceptable in this basement location and to this secondary living area of this property.

#### 7 Trevor Square

There are two rooms within the rear of this property which have windows that face south. It is unclear what these rooms serve. One room receives no sunlight during the winter months. It has been assessed that the annual sunlight is reduced from 10%-5% which only exceeds the BRE criteria by 1% (the BRE state that a reduction of 4% or less is unlikely to be noticeable) which is sufficiently close to the guidelines to be considered acceptable.

#### 8-10 Lancelot Place

There is one room at ground floor which experiences losses which exceeds guidance. Winter sunlight is reduced from 4%-3% which is unlikely to have a material effect upon the sunlight amenity enjoyed during this period. Annual APSH is reduced from 25%-19% which equates to a 24% relative reduction which is only slightly beyond the 20% reduction permitted by the guidelines. All of the remaining rooms within this large residential building meet the APSH criteria and therefore the overall impact to this building is considered acceptable.

To conclude, whilst there are a number of losses, many of these would occur should the 1995 permission be fully implemented, and this is a material consideration in the determination of this application. In general however, the losses will not be overly noticeable and in this dense urban location, with a site with significant constraints, the proposals are, on balance, considered acceptable.

#### **Sense of Enclosure**

The building to the north of the site, which will accommodate the two flats, is generally comparable to the existing building at 1 Trevor Walk and what could be built as part of the 1995 permission, in terms of its height. The bulk and massing of this building at ground floor level is no different to the existing situation. To the most northern part of the building, the bulk is increased at first (in part) and second floor and will be closer to the rear of 2 Trevor Square, as currently the roof of 1 Trevor Walk is pitched away from this property. It should be noted however, that there is a sheer wall at part of the first floor level adjacent the rear of 2 Trevor Square. The main rear elevations of these properties in Trevor Square are approximately 6m away from the proposed rear elevation, although these buildings do have varying extensions to the rear that bring the properties closer together. The proposals would 'square off' the development at this northern end and has been done so as to utilise the narrow part of the site as far as possible. This building envelope does incorporate setbacks at both first and second floor level from the rear boundaries of 2 and 3 5 Trevor Square. The proposed bulk and massing and the setbacks are considered to minimise the impact upon these Trevor Square properties as far as reasonably practicable and is therefore considered acceptable.

With regards to 4 Trevor Square, as an extension at first floor level has been built to this property right up to the boundary with the application site, the setbacks incorporated in the development are minimal at 0.5m (a revision to the originally submitted plans, where the rear elevation of the proposed development directly abutted the rear elevation of 4 Trevor Square). This allows some breathing space between the application site and the rear extension at first floor level and to provide a small lightwell which will provide natural

ventilation and some natural light to the windows within this extension. This element of the scheme will have significant impact up on the occupiers of 4 Trevor Square in that directly in front of these windows will be solid façade. The proposed building will also 'enclose' the existing roof terrace on this property. Given that this situation could arise now if the 1995 permission was completed it is not considered that the application could be refused on this basis.

In terms of the impact to 5 Trevor Square, the proposals will cause a great sense of enclosure and reduce the outlook from this property, as currently the views out of the rear windows of these properties are uninterrupted over the flat roof of the garages. As with 4 Trevor Square, given that this situation could arise now if the 1995 permission was completed it is not considered that the application could be refused on this basis.

6 Trevor Square will experience the increased height, bulk and massing, the least (out of the Trevor Square terrace) as directly to the rear of these properties is the 'gap' between the north and south buildings. It is acknowledged that in peripheral views, the occupiers of these properties will notice the new buildings, however given the existing buildings; what could be built as part of the 1995 permission; the setbacks incorporated into the upper levels of the replacement buildings and that the top floor of the 'house' building is incorporates glazing therefore appearing less 'solid', the proposals are not considered to unduly affect the amenity of the residents in these properties.

The proposed building to the south occupies the majority of the footprint at ground level, save for a small garden area to the rear of the house on the southern part of the site and a landscaped garden area between the two buildings. The building whilst larger at this level, will all be contained behind the existing boundary walls so will have limited impact upon neighbouring properties to the rear. At first floor level the proposed building will occupy a larger plan form than the existing building, and will abut the boundary wall to the north (with 7 Trevor Square), encroaches closer to the properties of Trevor Square by approximately 1m (when compared with the existing building) and extends further to the south, abutting 11 Lancelot Place by approximately 1.8m, replacing an existing gap. A buffer area between the rear elevation of the proposed building and the rear boundary with properties 8, 9 and 10 Trevor Square is retained at approximately 1m at the narrowest point (adjacent 8 Trevor Square) and between 3m and 8m, at the sites widest point adjacent 10 Trevor Square. The rear elevation of the development at this level will be solid brick cladding, cream in colour. At second floor level, is where the increased height and bulk will be noticed the most from the residents within 8, 9 and 10 Trevor Square. The proposed second floor level will be some 2.5m higher than the existing mansard roof of 15 Lancelot Place. This level does however has the greatest setbacks and will measure between 10m and 12.5m away from the main rear elevations of these properties. This second floor has been designed with some glazing so as to reduce the amount of 'solid' façade and to minimise the feeling of being 'enclosed'. It is considered that the proposals have been sensitively designed taking into account the site constraints and the closeness of the neighbouring properties and whilst the neighbours will experience a difference compared to the existing buildings, the increase in height and bulk is considered acceptable. It should further be noted that a number of properties are highly visible from the rear windows of the properties of Trevor Square, including 199 Knightsbridge and 10 Lancelot Place which are significantly greater in size and bulk than the proposed development and these development already compromise the resident's outlook.



**Privacy**

The issue of privacy and overlooking to neighbouring properties has been raised by many of the objectors, in terms of overlooking from rooms within the new development and from the proposed terraces.

The building has been well designed both internally and externally to limit the amount of overlooking from within the development to the neighbouring properties, notably to the rear in Trevor Square. The rear elevations of both buildings, are primarily 'solid' at ground and first floor with relatively small amounts of windows glazing, although at second floor of the southern building there is more glazing. Where there is glazing (to both buildings), these have been designed to be 'tall and narrow' and mainly obscure glazed, as generally the windows serve dressing rooms, bathrooms, discreet part of bedrooms and in the southern building a Buddha/ mediation room. Whilst the new development has increased in bulk and massing and is in parts closer to the properties in Trevor Square, compared to the existing, the proposals are not considered to result in any detrimental overlooking.

There are no terraces proposed to the house on the southern part of the site, only a ground floor garden. Concern has been raised that the main roof of this building will be used as a terrace, as originally this roof was annotated as a green roof. This was misleading and the applicant has confirmed that this roof is not to be used as a terrace. The internal floor plans do not show any access to this roof and therefore this is accepted. In the absence of any overlooking mitigation measures, a condition is recommended to ensure that this roof is not used as a terrace

The building to the north of the includes two terraces, one to the rear of the building at first floor level (5m<sup>2</sup>) and one at roof level, measuring 30m<sup>2</sup> (this terrace is communal). The first floor terrace is sited directly to the rear of 2 Trevor Square, some 3.5m from a first floor window. It is unclear as to what rooms the windows in the rear of this building serve, however in order to improve the relationship of this terrace to the neighbours this has been significantly reduced in size and set back from the parapet edge. An architectural screen has also been proposed to further limit overlooking to this property. Whilst the screen doesn't wrap around the whole terrace, given the small size of the terrace and the oblique views this would afford into the neighbouring properties of Trevor Square, the proposals are considered acceptable. The roof terrace, which will serve both flats, is set 1m back from the parapet edge and a large proportion of the terrace will be hidden in views from the properties in Trevor Square by the parapet wall/ lift overrun elevation. Solid planters are shown on the plans to restrict the use of the whole roof. This is acceptable.

In terms of overlooking to properties to the east in 10 Lancelot Place given the distance across the street, it is not considered that the proposals would result in any significant additional overlooking over what currently exists to warrant refusal.

Subject to conditions, the proposals are considered to be acceptable in terms of overlooking.

**Noise from the terraces**

It is not considered that the two terraces would result in unacceptable noise levels, detrimental to the amenity of neighbouring properties. The terraces will have a similar impact upon neighbours as the surrounding gardens/ terraces.

**Amenity of Proposed Units**

The proposed residential units have been well designed and allow for sufficient natural light and ventilation to the main living areas and bedrooms. The proposed accommodation at basement levels is considered acceptable in that these rooms serve the pool/ gym/ laundry rooms and car parking etc. It should be noted however that the rooms in the basement facing in the centre of the site, will receive some natural daylight from the ground floor landscaped garden roof lights.

**8.4 Transportation/Parking****Car Parking**

6 car parking spaces are provided within 1 space provided to the north of the site and 5 spaces provided via a car lift/stacker to the south of the site. Provided 1 car parking space is allocated to each residential unit, the number of car parking spaces is considered consistent with TRANS21 and TRANS23.

**Electric Car Charging Points for Residential Car Parking**

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. This is to be provided.

**Cycle Parking**

The London Plan Policy 6.9 requires one cycle parking space for a one bedroom residential unit and 2 spaces per residential unit of two or more bedrooms. The proposal provides two areas of cycle parking, with sufficient space for the required number of bicycles.

**Vehicle Access and Car Lift**

The proposal includes a single car lift to access the five car parking spaces in the southern building, within the basement. This is an increase of five car parking spaces via a single access point. The car lift/stacker arrangement may lead to extra vehicle movements or waiting in Lancelot Place, as vehicles wait for a car lift. This could lead to queuing on the highway obstructing other vehicles and creating localised congestion. The Highways Planning Guide indicates for ramps, that any barrier should be set back to allow a vehicle to wait off-street. The design of the car lift/stacker would mean if two vehicles did arrive at a similar time one would need to wait on the highway for a short period of time. While not ideal, as the stacker serves one family dwellinghouse and given the expected trip rate of the proposed development this would be a rare occurrence.

On balance, given the existing garages; that car parking is proposed onsite and that cycle parking will be provided, the proposals are not considered to result in be significant harm to the highway environment in Lancelot Place.

**Vehicle Crossover**

The proposal reduces the existing vehicle crossover from the width of the site to just the length required to provide access to the two car parking areas. This reduction in width of the crossover is welcomed and will reduce the conflict point with pedestrians.

However, to accommodate the southern vehicle access, changes to the on-street parking are required. The applicant has undertaken an exercise to demonstrate the on-street residential bays can be relocated without impacting on traffic flow or loss of bays. Broadly this layout is considered acceptable, subject to detailed design and the statutory Traffic Management Order process.

**Traffic Management Order Process (changing the on-street restrictions)**

The proposal requires significant changes to the existing on-street parking restrictions. These will be subject to the formal Traffic Management Order process. This is a separate legal process, involving consultation, under the Roads Traffic Regulation Act 1984. All costs associated with any changes will need to be covered by the applicant. The process can only be undertaken by the Council, as Highway and Traffic Authority.

**8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

**8.6 Access**

The buildings have level access from the street and internally, given that lifts are proposed within the two buildings, all the units are accessible to those with disabilities.

**8.7 Other UDP/Westminster Policy Considerations****Plant**

Plant is proposed within the basement areas to serve the development, including the swimming pool/ gym areas. The external supply and extract louvres are proposed within the building to the southern part of the site, to the rear at ground floor level. Environmental Health officers have assessed the acoustic report submitted with the application and consider that the plant is likely to comply with City Council noise policies ENV7 of the UDP and S31 of the City Plan and will not result in any noise disturbance to neighbouring properties.

**Refuse /Recycling**

Waste stores are indicated on the submitted drawings. The cleansing officer considers that larger stores are required, however given the proposal is for three residential units, these are considered acceptable.

**Trees**

The arboricultural officer has reviewed the application and has no objection to the loss of the existing trees on site, given that none of the trees in the site are subject to a TPO and that the site is not situated within a conservation area. It is recommended however that a condition to secure replacement tree planting and landscaping) is attached to any

permission be granted. Revised plans have been submitted to show sufficient space for these trees and adequate soil depths.

One of the objectors queried whether all the trees within the application site had been assessed in the arboricultural report. The case officer confirmed with the objector that all trees within the site have been referenced to within the submitted report.

### **Sustainability**

The proposals are of insufficient scale to require the provision of any environmental / sustainability features. Given the proposals are for a full demolition rebuild, the development will need to meet the requirements outlined within building regulations (following the closure of Code for Sustainable Homes system of quality control).

The proposals have been designed having regard to London Plan Policy 5.13 with respect to Sustainable Urban Drainage Systems.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

Not applicable to developments of this size.

### **8.12 Other Issues**

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

Comments have been received on the grounds that the investigation works, the hydrological assessment, water table details and details of ground movements are inadequate and that there are discrepancies with the submitted reports.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime

but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

From the 1 November 2015 applications which include basement excavation will be assessed in line with Westminster's Draft Basement Policy, which limits basement excavations under residential dwellings to a single storey. As this application was submitted in October, it will be assessed in line with previous policy and not the new basement specific policy. On this basis the principle of a part two/ part three basement, is considered acceptable.

**Construction impact:**

Considerable concerns have been received in relation to the impact from construction vehicles. This issue has been particularly exacerbated in this instance as an application for the redevelopment of 3-11 Lancelot Place has been submitted at the same time. Should consent be granted for both schemes, there is significant concern that the cumulative impact of construction vehicles will result in considerable disruption and disturbance to both local residents and businesses who use this road on a daily basis. It should also be noted that Harrods receive a considerable number of deliveries to their depot which is located just to the south of the site (reported to be 100-150 per day).

A Construction Traffic Management Plan (which has been revised to take into account some of the objectors concerns) has been submitted with the application, which sets out the potential impact of the proposed development on the area. This document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report notes the presence of the proposed development next door and that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by Westminster Highway's Licensing Officer, who confirms that the programme of work appears acceptable. Should permission be granted for both schemes and each scheme is implemented simultaneously, it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement. This may include Highways Licensing securing funding from the applicant to manage the development and to enforce against any breaches of contract.

Some of the objectors are aware of the City Council's Code of Construction Practice, in which the applicant funds the Council's Environmental Inspector to monitor the construction of the development. The proposals at 15 Lancelot Place/ 1 Trevor Walk are not considered of a sufficient scale to warrant this requirement. It should also be noted, that this application and the application at 3-11 Lancelot Place cannot be linked in any way in order to trigger this requirement, given these are two separate proposals relating to two sites in separate ownerships.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays. The applicant will also be advised by way of an informative suggesting the builders are part of the Considerate Constructors Scheme.

### **Neighbour Consultation**

Many of the objections received refer to inadequate neighbour consultation carried out by the applicant prior to submitting the application and that misleading and incorrect statements were included within the applicants Statement of Community Involvement. Whilst it appears that the applicants engagement with neighbours and locals business's was not as extensive as it could have been, on what was always going to be seen as a contentious application, this is not a statutory requirement and therefore not a reason to withhold permission.

### **Private matters**

Concerns have been raised that the 1995 extant permission has not shown up on residents land searches; that there are restrictive covenants on the existing gardens and that there are historic High Court rulings with regards to 'rights of lights'. The 1995 permission is shown on the City Council's planning records and therefore it is unclear why this apparently hasn't shown on land searched. However, this and the other matters raised are all considered to be private matters and are not material to the consideration of this application.

Comment is made by a number of objectors that there appears to be significant change of ownerships within the properties of Trevor Square and that this could lead to the 'redevelopment proposals' being submitted to the Council. Objectors have asked 'what can the City Council do about this?' Any application submitted to the Council is to be assessed on its own merits.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Building Control - Development Planning, dated 16 November 2015
3. Response from EH Consultation, dated 22 October 2015
4. Response from Cleansing - Development Planning, dated 26 October 2015
5. Response from Highways Planning Manager dated 3 February 2016.
6. Response from Highways Licensing Manager dated 10 February 2016.
7. Letter from occupier of 5 Trevor Square, dated 23 October, 28 October and 23 December 2015
8. Letter from occupier of 6 Trevor Square, dated 28 October and 12 November 2015
9. Letter from occupier of 11 Trevor Square, dated 29 October 2015
10. Letter from occupier of 10 Trevor square, dated 30 October, 9 November 2015 and 27 January 2016.
11. Letter from occupier of Robert Beeby Chartered Architects, 212 St Anns Hill, dated 2 November 2015
12. Letter from occupier of 212 St Anns Hill, dated 2 November 2015
13. Letter from occupier of Leinster Management Limited, Alma House, dated 5 November 2015
14. Letter from occupier of 8 Trevor Street, London, dated 6 November 2015
15. Letter from occupier of Peter Brett Associates, 16 Brewhouse Yard Clerkenwell, dated 6 November 2015
16. Letter from occupier of 9 Trevor Square, London, dated 7 and 10 November 2015
17. Letter from occupier of 10 Lancelot Place, London, dated 9 November 2015
18. Letter from occupier of 11 Trevor Square, London, dated 9 November 2015

19. Letter from occupier of 6 Montpelier Street, London, dated 10 November 2015
20. Letter from occupier of 8 Trevor Square, London, dated 11 November 2015
21. Letter from occupier of The Charlotte Building, 17 Gresse Street, dated 13 November 2015
22. Letter from occupier of 199 Knightsbridge - Apt.1.21/1.22, dated 16 November 2015
23. Letter from occupier of GA08 199 The Knightsbridge Apartments, dated 16 November 2015
24. Letter from occupier of The Knightsbridge Apartments, 199 Knightsbridge , dated 16 November 2015
25. Letter from occupier of Management Office, 10 Lancelot Place, dated 17 November 2015
26. Letter from occupier of G21, The Knightsbridge Apartments, 199 Knightsbridge, dated 17 November 2015
27. Letter from occupier of Apartment G.3, 10 Lancelot Place, dated 17 November 2015
28. Letter from occupier of Apartment 1.5, 10 Lancelot Place, dated 17 November 2015
29. Letter from occupier of Apartment 2.6, 10 Lancelot Place, dated 17 November 2015
30. Letter from occupier of Apartment 9.2, 10 Lancelot Place, dated 17 November 2015
31. Letter from occupier of Apartment 2.5, 10 Lancelot Place, dated 17 November 2015
32. Letter from occupier of Apartment 2.7, 10 Lancelot Place, dated 17 November 2015
33. Letter from occupier of Apartment 4.3, 10 Lancelot Place, dated 17 November 2015
34. Letter from occupier of Apt 511 ,Knightsbridge Apts, 199 Knightsbridge, dated 17 November 2015
35. Letter from occupier of Apartment 7.3, 10 Lancelot Place, dated 17 November 2015
36. Letter from occupier of The Knightsbridge, 199 Knightsbridge - Apt.5.09, dated 17 November 2015
37. Letter from occupier of Apartment 4.4, 10 Lancelot Place, dated 17 November 2015
38. Letter from occupier of Apartment 7.4, 10 Lancelot Place, dated 17 November 2015
39. Letter from occupier of Apartment 8.4, 10 Lancelot Place, dated 17 November 2015
40. Letter from occupier of Apartment 7.2, 10 Lancelot Place, dated 17 November 2015
41. Letter from occupier of Apartment 1.4, 10 Lancelot Place, dated 17 November 2015
42. Letter from occupier of 199 Knightsbridge - Apt.GA.08, dated 17 November 2015
43. Letter from occupier of 199 Knightsbridge - Apt.GA.08, dated 17 November 2015
44. Letter from occupier of Apartment 3.8/3.9, 10 Lancelot Place, dated 17 November 2015
45. Letter from occupier of Apartment 3.7, 10 Lancelot Place, dated 17 November 2015
46. Letter from occupier of Apartment 5.4, 10 Lancelot Place, dated 17 November 2015
47. Letter from occupier of Apartment 8.3, 10 Lancelot Place, dated 17 November 2015
48. Letter from occupier of The Knightsbridge Apartments, 199 Knightsbridge, dated 17 November 2015
49. Letter from occupier of Apartment 3.6, 10 Lancelot Place, dated 17 November 2015
50. Letter from occupier of Apartment 1.3, 10 Lancelot Place, dated 17 November 2015
51. Letter from occupier of Apartment 3.1, 10 Lancelot Place, dated 17 November 2015
52. Letter from occupier of 199 Knightsbridge - Apt.5.01, dated 17 November 2015
53. Letter from occupier of Flat 2.3, 10 Lancelot Place, dated 17 November 2015
54. Letter from occupier of Apartment 4.2, 10 Lancelot Place, dated 17 November 2015
55. Letter from occupier of Apartment 5.2, 10 Lancelot Place, dated 17 November 2015
56. Letter from occupier of Apartment 6.2, 10 Lancelot Place, dated 17 November 2015
57. Letter from occupier of Apartment 2.1, 10 Lancelot Place, dated 17 November 2015
58. Letter from occupier of Apartment 2.4, 10 Lancelot Place, dated 17 November 2015
59. Letter from occupier of Apartment 3.2, 10 Lancelot Place, dated 17 November 2015
60. Letter from occupier of Apartment 8.2, 10 Lancelot Place, dated 17 November 2015
61. Letter from occupier of Apartment 4.1, 10 Lancelot Place, dated 17 November 2015



62. Letter from occupier of Apartment 5.1, 10 Lancelot Place, dated 17 November 2015
63. Letter from occupier of Apartment 6.1, 10 Lancelot Place, dated 17 November 2015
64. Letter from occupier of Apartment 6.4 10 Lancelot Place, dated 17 November 2015
65. Letter from occupier of Berwin Leighton Paisner LLP, dated 18 November 2015
66. Letter from occupier of P.O. Box 83, Ordnance House, dated 19 November 2015
67. Letter from occupier of EM03, The Knightsbridge Apartments, dated 24 November 2015
68. Letter from Harrods dated 25 November 2015
69. Letter from occupier of Knightsbridge, dated 26 November 2015
70. Letter from occupier of Apartment 301, The Knightsbridge, dated 26 November 2015
71. Letter from occupier of 87-135 Brompton Road, Knightsbridge, dated 30 November 2015
72. Letter from occupier of Peter Brett Associates LLP, 16 Brewhouse Yard, dated 1 December 2015
73. Letter from occupier of Turley, 17 Gresse Street, dated 3 December 2015
74. Letter from occupier of Flat 5.06, The Knightsbridge Apartments, dated 8 December 2015
75. Letter from occupier of GA08 199 the Knightsbridge, dated 12 December 2015
76. Letter from occupier of 10.01, The Knightsbridge Apartments, dated 18 December 2015
77. Letter from occupier of Turley, 17 Gresse Street, dated 1 February 2016
78. Letter from occupier of 1 Trevor Square, dated 2 February 2016
79. Letter from occupier of 6 - 8 Montpelier Street, dated 3 February 2016

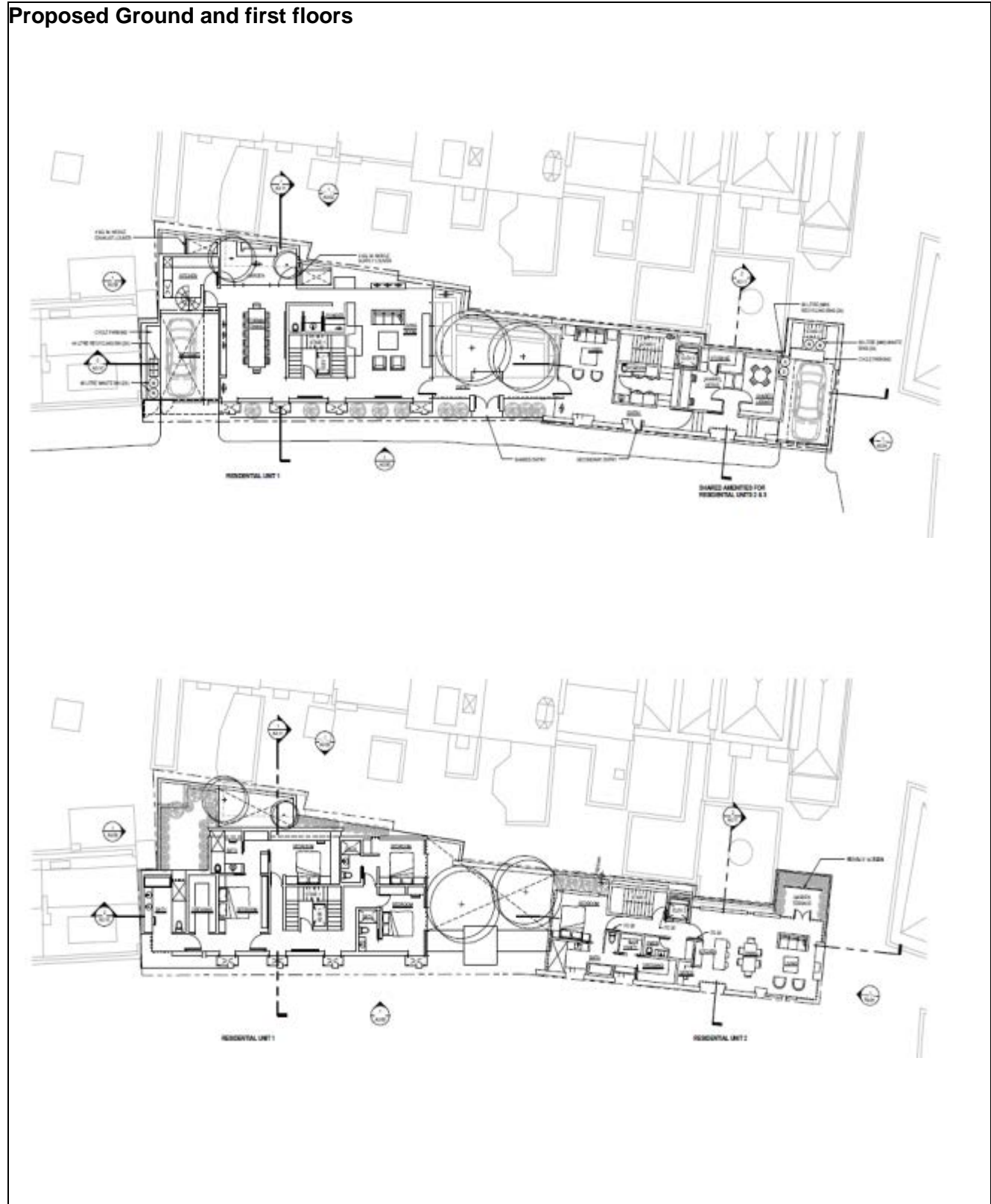
### **Selected relevant drawings**

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

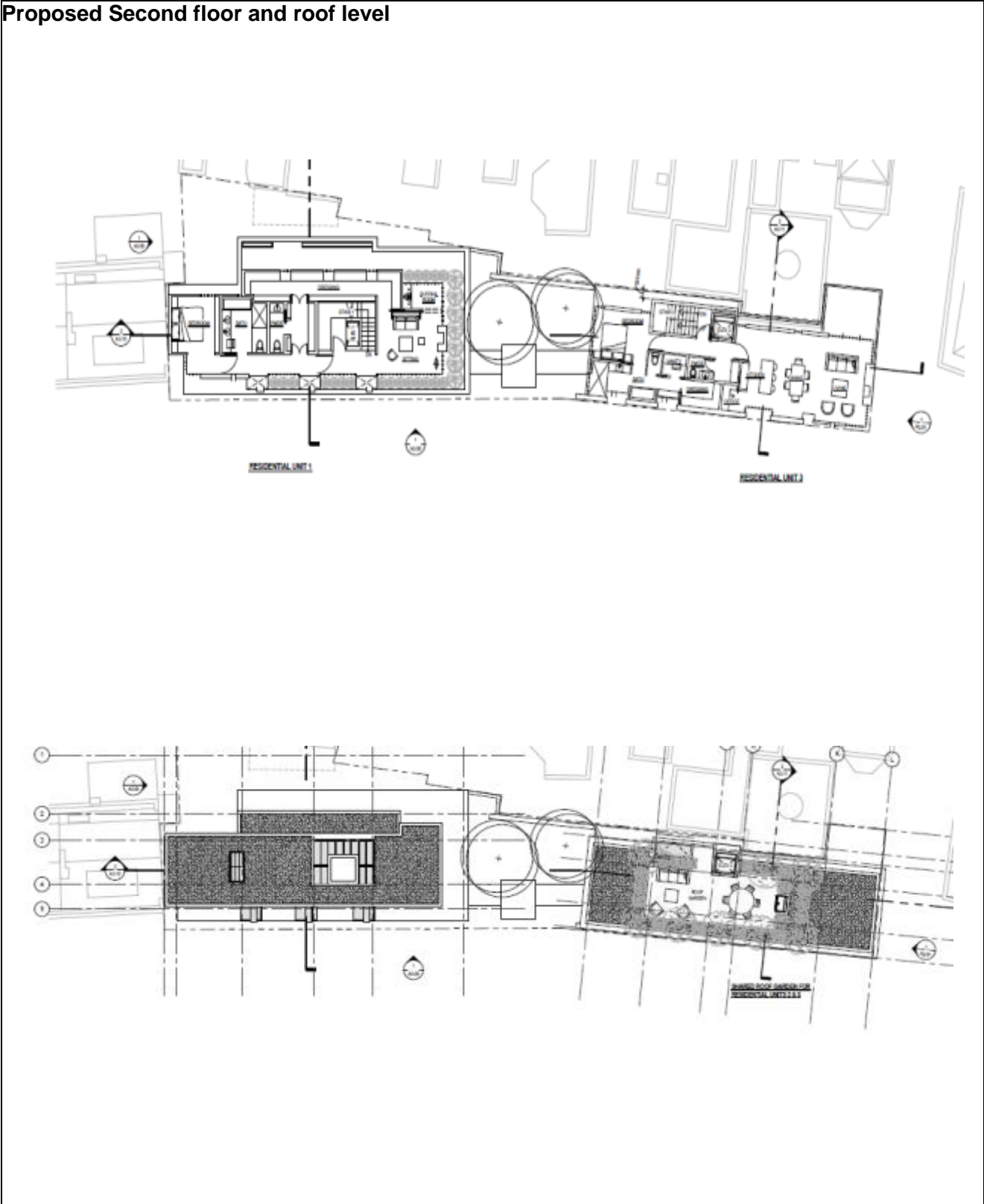
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

10. KEY DRAWINGS

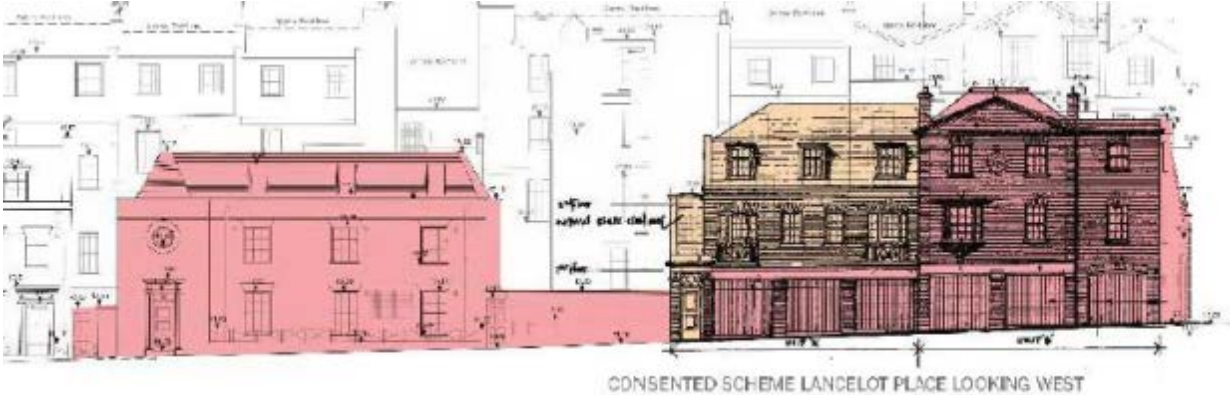
Proposed Ground and first floors



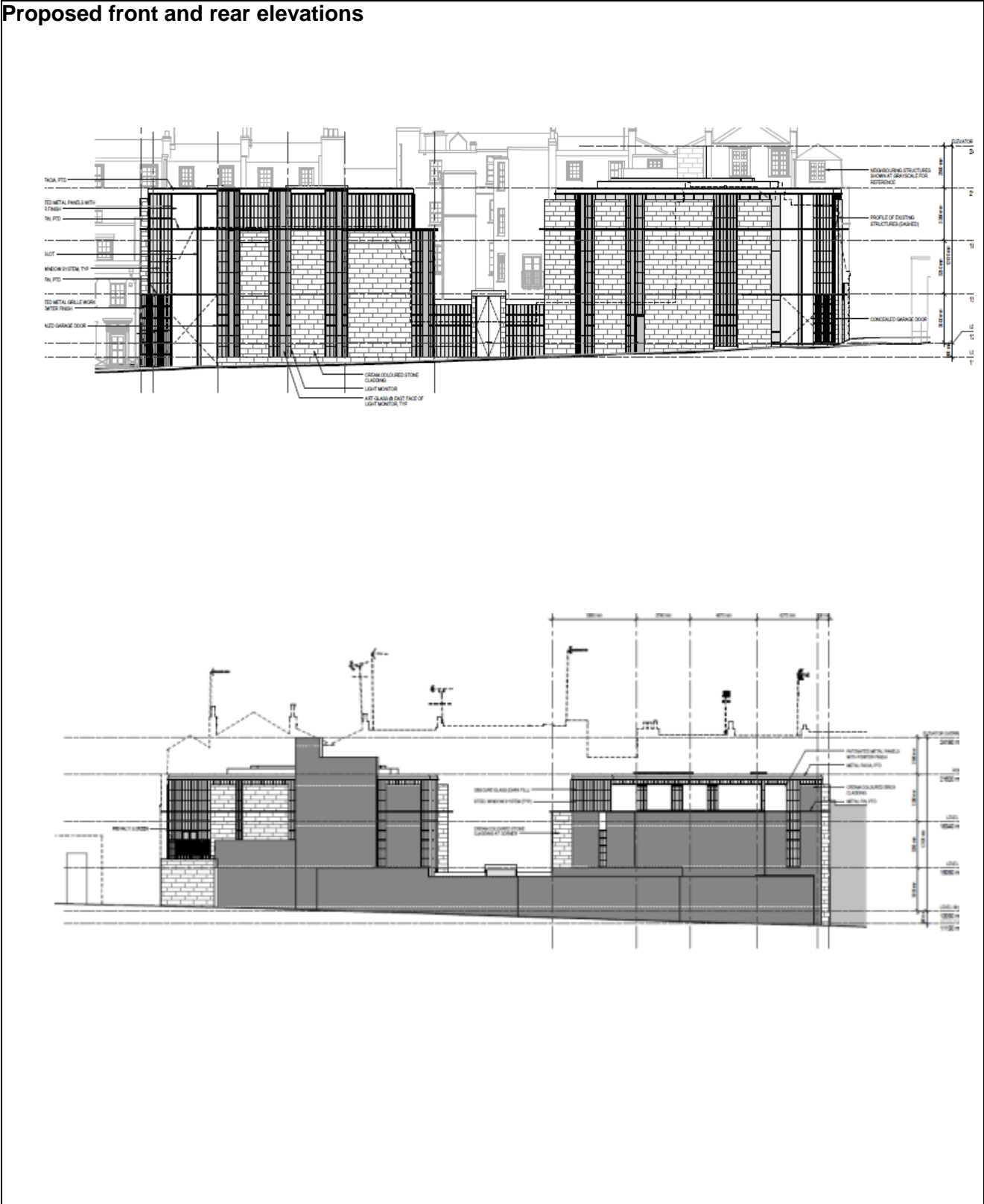
Proposed Second floor and roof level



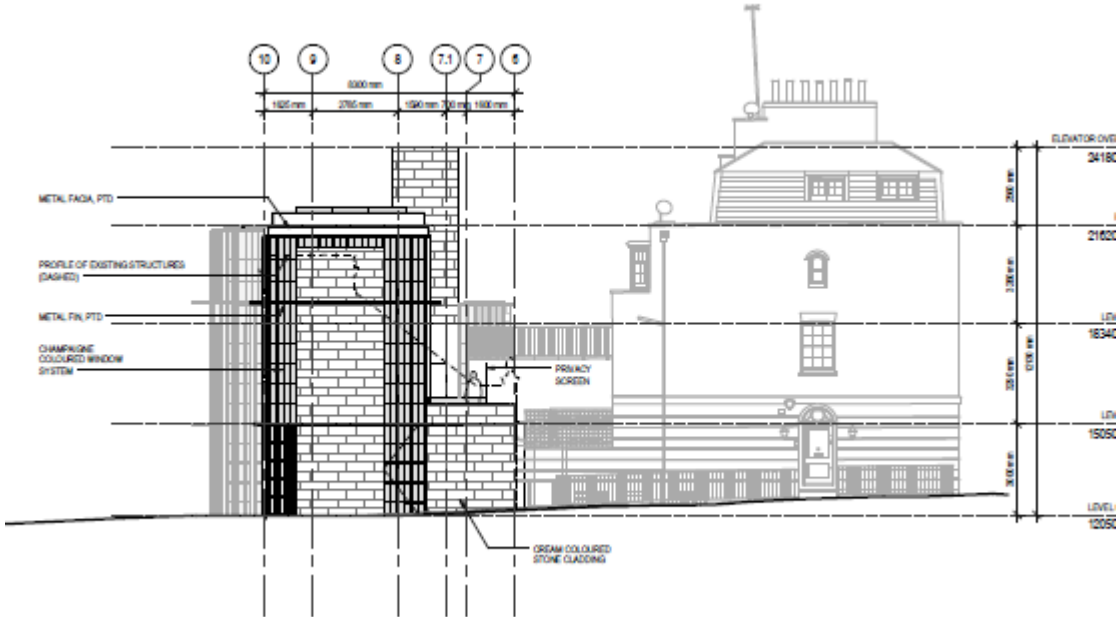
Existing and consented front elevations



Proposed front and rear elevations



Proposed side elevation and section



Visuals



**DRAFT DECISION LETTER**

**Address:** 15 Lancelot Place, London, SW7 1DR,

**Proposal:** Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, carparking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk).

**Plan Nos:** Site location plan;: A1.00, 1179: E1, E2, E3, E4, E5, E6 - E7, Building Elevation Positions; Building Elevation Positions E1-E7, Floor Plan Surveys, Drawings dated January 2016: A2.00, A2.01, A2.02, A2.03, A2.04, A2.05, A2.06, A3.00, A3.01, A3.02, A3.03, A3.10, A3.11, A1.40, A1.41, A1.42, A1.43, A1.44, A1.45, A1.46, A1.47, A1.48, A1.60, Covering Letter dated October 2015, Updated Letter 14 January 2016, Planning Statement dated October 2015, Design and Access Statement dated October 2015, Plant Noise Assessment dated 5 October 2015, Arboricultural Impact Assessment dated 5 October 2015, Energy Statement dated 5 October 2015, Daylight and Sunlight Report dated January 2016, Construction Management Plan Rev B dated December 2015, For Information Only: Structural Methodology Statement dated October 2015 Rev A, Desk Study and Ground Investigation Report dated September 2015.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

(a) all masonry panels to be built of brick rather than stone, the selection and specification of which to be agreed through the preparation of an on-site sample panel.

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. (C26UB)

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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

(a) windows and doors, including surrounding reveals / abutments (scale 1:5);  
(b) overall building profiles (scale 1:20);

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

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

Reason:

To 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

antennae on the roof terrace. (C26NA)

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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To protect the privacy and environment of people in neighbouring properties and to protect the appearance of the property and the character of area. This is as set out in S25, S28, S29, S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES1, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 The Construction Traffic Management Plan dated December 2015 shall be adhered to throughout the construction period.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 10 The obscure glass (as annotated) on the rear elevations shall be maintained as such and you must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 You must not use the roof of the building to the south of the site for sitting out or for any other other purpose unless we have given you our written approval beforehand. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 You must provide the waste store shown on drawing A2.00 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential properties. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 15 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 S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 17 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.

- 18 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 19 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs. 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 planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 20 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- 1) Highways alterations, including the alterations to on-street restrictions;
- 2) Maintenance and Management Plan for the car stacker.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 Under condition 20, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the the highways alterations required as part of the application and a maintenance and management plan regarding the car stacker as set out in the application documents. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 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)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 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, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 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.**

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.



# Agenda Item 3

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>3-11 Lancelot Place, London, SW7 1DR</b>		
<b>Proposal</b>	Demolition and redevelopment of Nos. 3-11 Lancelot Place to provide five single family dwellinghouses (Class C3) comprising two basement levels (plus sub-basement plant room), ground, first and second floor levels.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	High Point Estates Ltd		
<b>Registered Number</b>	15/10163/FULL	<b>Date amended/ completed</b>	30 October 2015
<b>Date Application Received</b>	30 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Adjacent to Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The application site is a terrace of five single family dwellings comprising ground and two upper floors located on the west side of Lancelot Place. The buildings are not listed but the application site is immediately adjacent to the Knightsbridge Conservation Area.

Permission is sought for the complete demolition of the existing dwelling houses and for the erection of five replacement dwelling houses comprising a sub-basement plant room, two basement levels, ground and two upper floors.

The key issues in this case are:

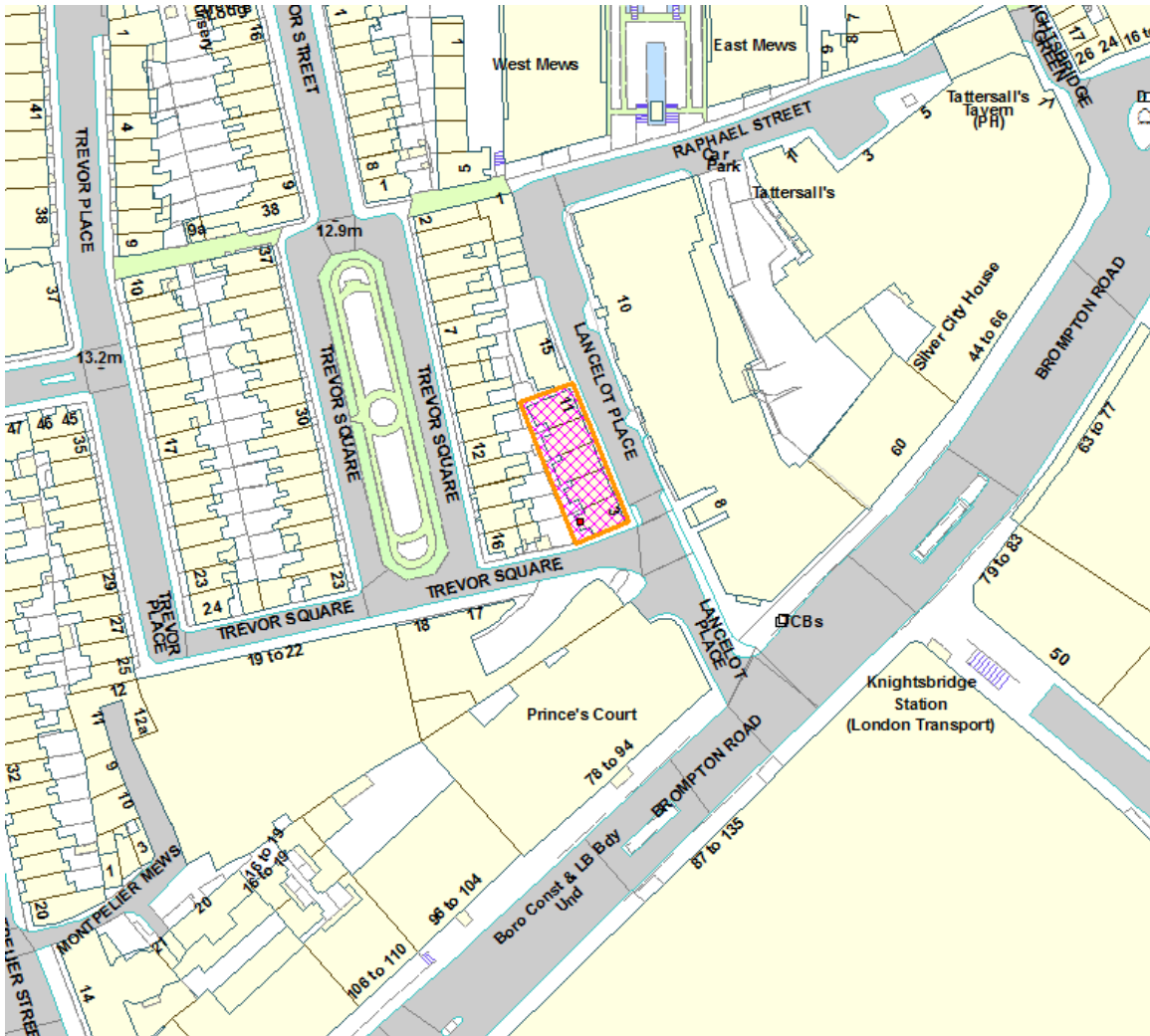
- \* The impact of the development on the character and appearance of the townscape and the setting of the adjacent Knightsbridge Conservation Area and neighbouring listed buildings;
- \* The impact of the development on the amenity of neighbouring properties;
- \* The impact of construction works on Lancelot Place.

A large number of objections have been received to the proposals on the grounds of amenity, design, basement excavation, construction impact and other matters. The Council is also considering a proposal for the redevelopment of a site at 15 Lancelot Place considered as Item 2 on this agenda. The objections raise particular concern of the potential cumulative impact of construction works should both redevelopment proposals be undertaken at the same time.

A Construction Traffic Management Plan (CTMP) has been submitted with the application which has been considered by Highways Licensing as acceptable at this stage. Finer details in relation to building works and construction traffic will be subject to detailed applications to Highways Licensing for approval.

The application is recommended for approval as it is considered that, subject to conditions, the proposed new dwelling houses comply with policies in our Unitary Development Plan (UDP) and City Plan: Strategic Policies.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View north up Lancelot Place



**View of rear elevation of application site (taken from 11 Trevor Square)**

## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION:

Comment that the replacement houses are an improvement on the existing but raise concerns in relation to their bulk, impact on houses to rear due to height, detailed design and its relationship with the Trevor Square properties. They also note that no details of waste have been provided and request that the proposed green walls at lower ground level are retained.

Comment in relation to the Construction Traffic Management Plan (CTMP) and the importance of considering the impact of the developments at both 3-11 Lancelot Place and the adjacent site at 15 Lancelot Place together. Request that a combined CTMP is secured by condition and is prepared in consultation with neighbours to reduce disruption.

### ROYAL BOROUGH OF KENSINGTON & CHELSEA:

No objection.

### HIGHWAYS PLANNING MANAGER:

No objection.

### CLEANSING:

No objection subject to waste and recyclable storage being provided as shown on the submitted plans.

### ENVIRONMENTAL HEALTH:

No objection subject to conditions to ensure that the internal noise levels are acceptable, for the plant equipment and in relation to noise transfer between the properties from the proposed lifts.

### BUILDING CONTROL:

No objection.

### HIGHWAYS LICENSING:

Any response to be reported verbally.

### ARBORICULTURAL OFFICER:

Proposals are likely to have a negative impact on a sycamore, an ash and a eucalyptus tree located within the rear gardens of Trevor Square adjacent to the site. The arboricultural report considered that these trees will survive the development, which is not considered likely by officers. It is recommended that an agreement is made between the developer and the owners of properties on Trevor Square for the removal of the trees. No objection is raised in principle to the loss of trees subject to an undertaking with the Council, outside of the planning process, to provide suitable replacements.

### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 207; No. of replies: 59

The 59 letters of representation raise objections on some or all of the following issues:

**Design:**

- The design of the buildings does not enhance or fit within the neighbourhood.
- The proposals add limited 'greening' to the area.

**Amenity:**

- Increased sense of enclosure and loss of light to surrounding properties due to additional bulk.
- Loss of privacy due to reduced gap between the Trevor Square and Lancelot Place properties.

**Construction works**

- Access to Lancelot Place during construction would be limited.
- Loss of Respark spaces during construction.
- Harrods depot to the south receives 100-150 deliveries a day which may be delayed due to construction vehicles. This is not adequately discussed within the submitted CTMP
- Insufficient information in terms of traffic management during construction.
- Noise and disruption from building works.
- The CTMP does not identify the vehicle types to allow WCC to model emissions from vehicles.
- Cumulative construction impact should the development at 15 Lancelot Place be undertaken at the same time.
- Publically accessible roads and pavements will need to be maintained by the developer as they will be utilised by the public.

**Basement:**

- The basement excavation may have a negative impact on the structural integrity of the adjacent listed buildings.
- The basements will impact on water flows and may result in flooding to adjacent properties.
- The basement excavation is in excess of the council's basement policy which only allows one basement level.
- The application was validated on 2 November and should be considered in line with revised basement policies.

**Other**

- Insufficient consultation with neighbours and stakeholders due to application being submitted in a rush.
- Safety concerns in relation potential accidents such as recent gas leaks at adjacent sites.
- The proposals will impact on trees within rear gardens of Trevor Square.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises an unlisted terrace of five dwelling houses. The site backs onto grade II listed houses on Trevor Square and the boundary with the Knightsbridge Conservation Area. The existing buildings appear to date from the 1950s, constructed in a neo-Georgian style, they comprise ground floor and two upper storeys. No 15 Lancelot Place adjoins the site to the north and is the subject of a separate planning application considered as Item 2 on this agenda. (see section 6.2).

The immediate townscape is of a mixed character and scale. The conservation area and listed buildings to the west are in residential use with buildings mainly dating from the early/mid-nineteenth century period. To the east and south the scale of development is substantially different, with larger buildings providing a mix of uses in predominantly late twentieth century buildings. As such the smaller buildings on the west side of Lancelot Place, including within the application site, can very much be viewed as the interface between the larger modern buildings to the east and the older and more modestly scaled properties to the west.

### 6.2 Recent Relevant History

3-7 Lancelot Place (excludes Nos. 9 and 11):

Permission refused in 2013 for the demolition and redevelopment of 3, 5, and 7 Lancelot Place to provide three dwelling houses comprising two basement levels, ground, first and second floors. The replacement buildings were considered unacceptable due to their bulk, height, detailed design and the impact on the character and appearance of the adjacent conservation area and due to the impact on the amenity of the adjoining property at 9 Lancelot Place. The subsequent appeal was dismissed.

3 Lancelot Place:

In 1991, permission was granted for the partial reconstruction of the house to include an additional mansard storey and rear extension.

In 1992, permission was granted for the amalgamation of Nos. 3 and 5 into one dwelling house. Subsequent to this, permission was granted for various alterations to the roof in connection with the use of No. 3 and No. 5 as a single house.

In 1993, permission was granted for rear extensions and roof alterations in connection with the continued use of three and five as two separate dwellings.

7 Lancelot Place:

In 1994, permission was granted for a roof extension with dormer windows and a new rear conservatory at ground floor level.

Subsequently, in December 1994, permission was then granted for a full width ground floor extension and first floor extension along with a revised mansard design to the roof extension.



**9 Lancelot Place:**

In 1995, permission was granted for a two storey rear extension with single storey conservatory extension.

**11 Lancelot Place:**

In 2013, permission was allowed at appeal for works including the excavation of a basement, creation of lightwells and erection of extensions. This application has not been implemented.

In 1998, permission was granted for the erection of a mansard roof extension.

**15 Lancelot Place**

Application submitted for the demolition and redevelopment of the existing buildings to provide two replacement buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking. This application is considered as Item 2 on this agenda.

**7. THE PROPOSAL**

The proposal is to demolish the existing five dwelling houses and replace them with five larger dwellings comprising a small sub-basement, two full basement levels, ground floor, first floor and a second floor set within a mansard roof.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

No change is proposed to the existing use as five single family dwellings. The proposals will result in a net increase in residential floorspace of 900sqm (GEA). Such a sum does not trigger any requirements in terms of affordable housing

**8.2 Townscape and Design**

The key design issue is whether the proposed dwelling houses are of appropriate design and architectural quality and whether they preserve the setting of nearby listed buildings and the Knightsbridge Conservation Area.

**Height, Bulk and Massing:**

In terms of height, the proposed new buildings are very similar to the existing buildings and would certainly complement the scale of the remaining buildings on this side of Lancelot Place. The main additional floorspace is created by the two basement storeys and by additional bulk at the rear of the site. Upon completion of the development the basement levels will have no visual impact beyond the proposed pavement lights to the front and the lightwell to the rear. It is considered that these features would have no adverse impact on the appearance of the building or the wider setting and as such are considered acceptable.

In terms of general massing, the proposed design, which features a mansard storey at second floor level, is considered acceptable.

The most perceptible change in scale is the additional bulk to the rear. The existing buildings measure approximately 7.5m from front to back with the two storey rear wings projecting a further 2.9m from the rear wall. With the replacement buildings, there are no rear wings and the distance from front to back is 10m. So, while the overall depth of development is largely the same (indeed the proposed scheme is 0.4m shallower), because the massing is not broken down by the rear wings, the new buildings do have greater bulk at the rear. This additional bulk is perhaps most readily appreciated in the new flank façade viewed from the south; and in the non-street level views from the properties to the rear in Trevor Square (which are listed buildings). While this additional bulk is clearly apparent, it is not considered that it causes harm in terms of the impact on the townscape, or upon the setting of the adjacent conservation area and listed buildings. The additional bulk that would be visible in the flank façade (and viewed from Lancelot Place), would be viewed as an isolated end wall, so the change in scale would not affect an established street pattern. While the flank facade can be seen in the context of the conservation area and the listed buildings in Trevor Square, the additional bulk would not compromise these views, and would not obscure any more of the rear of the listed terrace than has already been obscured by the various rear extensions which now notably characterises its rear elevation.

There are oblique views of the rear of the application site from Trevor Square and from the properties within Trevor Square. While the additional bulk in these views will be noticeable, with the new development appearing larger than the existing, as the proposals would represent a wholesale redevelopment of the application site once complete this would not appear out of place. The resulting additional bulk is not considered to be such that it would merit refusal on design or heritage setting grounds.

**Detailed Design:**

The proposed new buildings adopt a consistent modern terrace design approach, principally constructed in red brick with reconstituted stone detailing, painted metal windows and a standing-seam metal mansard roof. It is an overall generally comfortable composition although some design issues do remain. Some of these are recommended to be resolved through amending conditions, but overall the issues are not considered to harm the amenity of the area, or the setting of the listed buildings and conservation area.

The doors and windows, including the dormers, would be distinctly modern in character and larger than traditional windows for small-scaled houses such as this. These are perhaps a little over-sized, and the proposed stone clad dormers would appear particularly out of place at that level and contextually wrong for a modest terrace of this scale.

The designs of the flank elevation and roof form to the southern end of the proposed terrace (fronting the junction with Trevor Square) are similarly unresolved. The blind windows are considered to be oversized and excessive in number, with an odd inclusion of small lancet windows at first and second floor levels. An amending condition is proposed to deal with this.

Meanwhile, the roof is an awkward compromise between a traditional mansard roof form (which otherwise characterises the proposed design) and a traditional double-pitched

gable end. However this does not in itself cause it to be poor design or cause harm to the neighbouring listed buildings or conservation area.

The concerns raised from the Knightsbridge Association to the additional bulk and detailed design of the new houses and from neighbours who consider that the proposals would not enhance or fit in with the surrounding area and that they do not introduce adequate greening to the area are noted. However for the reasons set out above it is considered that the proposals would preserve the setting of the adjacent conservation area and listed buildings, and would represent a good quality new design which would complement the character and appearance of the surrounding areas.

Subject to the amendments proposed to be secured by condition, these design issues are not such that they would represent poor design, nor would they cause the new terrace to have a negative impact on the setting of the conservation area or listed buildings when compared to the design-neutrality of the existing terrace

As such the proposal is considered to accord with City Plan Policies S25 and S28, and with UDP Policies DES 1, DES 4, DES 9 and DES 10. The proposals would also comply with the guidance given by the NPPF, Sections 7 and 12, and by the City Council's SPG 'Design Matters in Westminster'.

The site is immediately adjacent to 15 Lancelot Place, which is the subject of a separate application for redevelopment for three new dwellings. Whilst the consideration of this application might reasonably bear in mind the design interactions between the two sites, and in particular the cumulative impact on the setting of the listed buildings and conservation area, each proposal has been assessed and should be determined on its own merits. It should also be noted that the adjacent application site (which includes both 15 Lancelot Place and 1 Trevor Walk) benefits from an extant, partly implemented permission for complete redevelopment which could lawfully still be completed, whereas this application site does not.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP and S29 of Westminster's City Plan: Strategic Policies aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents to the east and west of the site as a result of the increased depth of the replacement buildings (as discussed in section 8.2) and the increase in height by approximately 1.1m compared to the existing buildings.

#### **Sunlight and Daylight**

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the affected residential properties in Trevor Square and Lancelot Place.

The assessment notes that of the 87 windows tested, 4 windows (2 each at 13 and 15 Trevor Square) will experience an adverse impact as a result of the development in line with the VSC criteria (Vertical Sky Component). The BRE guide states that development

which results in reduction by 20% or more will have an adverse impact. The assessment indicates that 13 Trevor Square will experience a reduced VSC to a basement living room of 29.3%, 30.8% and 1.4% (average of 20.5%) and 15 Trevor Square will experience a reduced VSC of 22.8%, 23.9% and 12% (average reduction of 19.6%) also to a basement living room. Due to this breach, a further study of the daylight distribution within the main habitable rooms has been undertaken. The report confirms that all rooms pass the criteria as set out within the daylight distribution method of assessing daylight.

It is worth noting that permission has been granted for alterations to 13 Trevor Square, which is currently being implemented, which includes the provision of a rear extension with additional rooflights, meaning that the impact in terms of daylight may not be as severe. These rooflights will provide additional light to the rear rooms within the property. Records indicate that the most affected windows to No 15 serve a family room/dining room. Given the VSC criteria has only just been breached to this property and as the proposals pass the criteria in terms of daylight distribution to the properties, it is not considered that refusal on these grounds could be sustained.

### **Sense of Enclosure**

The rear building line is to be unified so that it is flush at both ground and first floor levels. The second floor mansard is to increase in depth to sit over the full depth of the building. The main impact in terms of sense of enclosure is therefore the increased depth to the mansard, the increased bulk at first floor level and the increase in height of the terrace by approximately 1.1m.

The worst affected property in terms of sense of enclosure is likely to be No 13 Trevor Square, as this property has extended the furthest into the rear garden. This property is currently being altered with new rear additions which benefit from large rooflights and a fully glazed side infill, which will give this space a considerable openness.

At the northernmost end of the site the space between the main rear elevation of Trevor Square and the development site narrows. An officer site visit to No.11 indicated that the main rooms at both ground and first floor levels are dual aspect with windows facing both the front and rear. It is not considered that the existing habitable rooms on these levels will experience such a significant increase in terms of sense of enclosure to justify a refusal.

The mansard has been traditionally designed with a pitched roof and inset dormers set back from the building line, limiting its impact. The increased bulk at first floor level is not considered to be significant, given the existing mass of the building. Whilst this increased bulk will be apparent in views from the rear rooms along the Trevor Square, it is not considered that this will result in an increased sense of enclosure sufficient to justify refusal.

Given the separation from the application site by the road, it is not considered that the properties opposite the site (on the east side of Lancelot Place) will experience a significant impact as a result of the proposed development.

**Privacy**

Objections have also been received from adjoining residents on the grounds of overlooking. It is considered the most sensitive part of the site in this respect is the rear elevation, where the proposals include windows and Juliet balconies at first floor level and windows in the rear of the extended mansard at second floor level. The rear of properties on Trevor Square which back onto the application site will be most affected by these new windows. Given that there are windows in the rear elevation of the existing properties at first and second floor levels at approximately the same distance away as the proposed rear elevation there is already mutual overlooking. In relation to the new windows at second floor window which serve the mansard level, as these windows serve bathrooms and are set closer to the properties on Trevor Square than the existing windows at this level, a condition is recommended for these windows to have obscure glazing and to be fixed shut. Subject to this condition and given the existing mutual overlooking, the proposals are considered to be acceptable in terms of privacy.

**8.4 Transportation/Parking**

An objection has been received on the grounds that the proposed enlarged dwelling houses will increase highways stress. There is no off street parking spaces serving the existing dwellings. Whilst it would be desirable to have off street parking with any new development, it is not considered that the parking situation would be made significantly worse as a result of the replacement dwelling houses.

The plans indicate that cycle parking is to be provided at basement level. A condition is recommended to ensure that this cycle parking is provided.

**8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

**8.6 Access****8.7 Other UDP/Westminster Policy Considerations****Noise:**

The environmental health officer has requested for further details to be submitted to confirm that the proposed lift will not cause disturbance to adjacent occupiers as a result of noise and vibration from the proposed lifts. A condition is recommended to secure this information.

**Plant:**

The applicant has submitted a noise survey as part of the application in relation to noise from mechanical plant installed within the basement and ventilated to the rear of the properties. The noise report indicates that the units are likely to be inaudible at the nearest residential premises over the proposed operational period. Environmental Health has no objections to the proposal subject to standard City Council noise conditions. Subject to these conditions it is considered the units will not result in a loss of residential amenity.

**Refuse /Recycling:**

A condition is recommended to secure details of waste and recyclable materials as shown on the submitted plans.

**Trees:**

The proposals will potentially impact on three trees located in the rear gardens of properties on Trevor Square; a sycamore, an ash and a eucalyptus tree. As the trees are located within a conservation area they are protected. The applicant has confirmed that they currently seek to retain the trees. Westminster tree officers do not consider the loss of the trees to be contentious, indeed they indicate the ash and the sycamore trees are likely to need to be removed at some point in the future due to their close proximity to the surrounding residential properties. Should the trees be required to be removed as a result of the development, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

**Biodiversity:**

The proposals include the provision of green walls within the rear basement lightwells. An objection has requested that these be secured by condition. It is not considered that such features can be insisted upon and will be at the discretion of future occupiers if they are to be installed / retained.

**Sustainability:**

The proposals are of insufficient scale to require the provision of any environmental / sustainability features. Given the proposals are for a full demolition rebuild, the development will need to meet the requirements outlined within building regulations.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

**8.10 Planning Obligations**

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

**8.11 Environmental Impact Assessment**

Not applicable to developments of this size.

**8.12 Other Issues****Basement:**

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

Comments have been received on the grounds that the investigation works, the hydrological assessment and details of ground movements are inadequate.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this

report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

From the 1 November 2015 applications which include basement excavation will be assessed in line with Westminster's Draft Basement Policy, which limits basement excavations under residential dwellings to a single storey. As this application was submitted on the 30 October, it will be assessed in line with previous policy and not the new basement specific policy. On this basis the principle of a double basement, with small sub-basement plant room is considered acceptable.

**Construction impact:**

Neighbouring occupiers have raised considerable concerns in relation to the impact from construction vehicles and in particular in relation to the cumulative impact from the development site at 15 Lancelot Place. Neighbours are concerned that the construction impact will be exacerbated if both schemes are granted permission and constructed at the same time. Harrods has raised a specific concern relating to access to their depot to allow for a large number of daily deliveries. The concerns of the neighbouring residents and businesses are understandable, particularly given the potential cumulative impact of both developments proceeding at the same time.

The applicant has submitted a Construction Traffic Management Plan (CTMP) with the application. The topics covered in the CTMP relate the timetable and programming of works, management and neighbour liaison, site logistics and environmental impacts. The document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report specifically notes the presence of the proposed development next door and that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by Westminster Highway's Licensing Officer, who confirms that the programme of work appears acceptable. Should permission be granted for both schemes and each scheme is implemented simultaneously, it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement. This may include Highways Licensing securing funding from the applicant to manage the development and to enforce against any breaches of contract. A condition is recommended to ensure that the development is carried out in accordance with the CTMP at all times. On this basis it is not considered that a refusal on construction impact, including the cumulative impact, could be justified.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between



08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays. The applicant will also be advised by way of an informative suggesting the builders are part of the Considerate Constructors Scheme.

## 9. BACKGROUND PAPERS

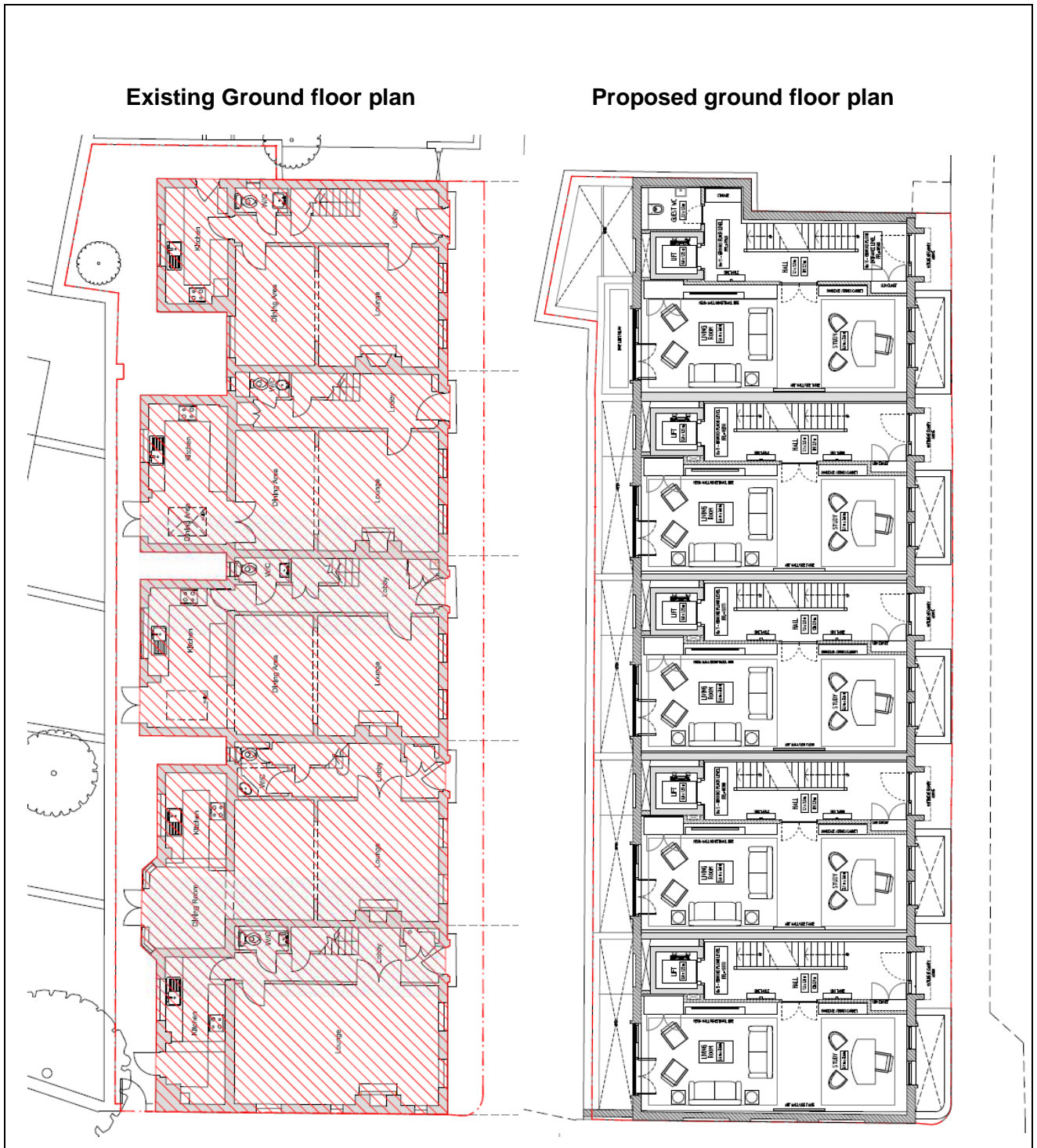
1. Application form
2. Responses from Knightsbridge Association, dated 16 December 2015, 22 & 29 January 2016.
3. Response from Royal Borough of Kensington & Chelsea, dated 10 December 2015
4. Response from Highways Planning - Development Planning, dated 2 December 2015
5. Response from Cleansing - Development Planning, dated 1 December 2015
6. Response from EH Consultation, dated 2 December 2015
7. Response from Building Control - Development Planning, dated 14 December 2015
8. Response from Arboricultural Section - Development Planning, dated 27 January 2016
9. Letter from occupier of 16 Trevor Square, London, dated 5 February 2016.
10. Letter from occupier of 123 the Knightsbridge, London, dated 8 December 2015
11. Letter from occupier of 199 Knightsbridge, London, dated 12 December 2015
12. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
13. Letter from occupier of Flat 606, The Knightsbridge, 199 Knightsbridge, dated 11 December 2015
14. Letter from occupier of Apartment G3, 10 Lancelot Place, dated 11 December 2015
15. Letter from occupier of 11 Trevor Square, London, dated 14 December 2015
16. Letter from occupier of Apartment 9.2, 10 Lancelot Place, dated 11 December 2015
17. Letter from occupier of Apartment 4.4, 10 Lancelot Place, dated 11 December 2015
18. Letter from occupier of Apartment 3.2, 10 Lancelot Place, dated 11 December 2015
19. Letter from occupier of Apartment 5.1, 10 Lancelot Place, dated 11 December 2015
20. Letter from occupier of 10 Lancelot Place, London SW7 1DR, dated 16 November 2015
21. Letter from occupier of 10 Lancelot Place, London, dated 9 December 2015
22. Letter from occupier of Apartment 3.8, 10 Lancelot Place, dated 11 December 2015
23. Letter from occupier of Apartment 3.9, 10 Lancelot Place, dated 11 December 2015
24. Letter from occupier of Flat GA11, 199 Knightsbridge Apartments, dated 8 December 2015
25. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
26. Letter from occupier of The Knightsbridge, 199 Knightsbridge # 5.14, dated 7 December 2015
27. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
28. Letter from occupier of 13 Trevor Square, London, dated 25 January 2016
29. Letter from occupier of Apt 121, The Knightsbridge Apartments, 199 Knightsbridge, dated 11 December 2015
30. Letter from occupier of 10 Lancelot Place, London, dated 10 December 2015
31. Letter from occupier of Apartment 1.3, 10 Lancelot Place, dated 11 December 2015
32. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
33. Letter from occupier of 199 Knightsbridge - Apt.G.15, London, dated 11 December 2015
34. Letter from occupier of 199 Knightsbridge - Apt.5.09, London, dated 11 December 2015
35. Letter from occupier of Apartment 3.6, 10 Lancelot Place, dated 11 December 2015
36. Letter from occupier of Apartment 7.2, 10 Lancelot Place, dated 11 December 2015
37. Letter from occupier of 199 Knightsbridge - Apt.122, London, dated 11 December 2015
38. Letter from occupier of Apartment 8.3, 10 Lancelot Place, dated 11 December 2015

39. Letter from occupier of Apartment 6.2, 10 Lancelot Place, dated 11 December 2015
40. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
41. Letter from occupier of Apartment G4, 10 Lancelot Place, dated 11 December 2015
42. Letter from occupier of Apartment G2, 10 Lancelot Place, dated 11 December 2015
43. Letter from occupier of Apartment 5.2, 10 Lancelot Place, dated 11 December 2015
44. Letter from occupier of Apartment G1, 10 Lancelot Place, dated 11 December 2015
45. Letter from occupier of Apartment 7.3, 10 Lancelot Place, dated 11 December 2015
46. Letter from occupier of Knightsbridge, London, dated 25 November 2015
47. Letter from occupier of 87-135 Brompton Road, , dated 27 November 2015
48. Letter from occupier of 10.01, The Knightsbridge Apartments, dated 18 December 2015
49. Letter from occupier of Apartment 2.7, 10 Lancelot Place, dated 11 December 2015
50. Letter from occupier of The Knightsbridge Apartments, 199 Knightsbridge, dated 17 November 2015
51. Letter from occupier of Apartment 1.4, 10 Lancelot Place, dated 11 December 2015
52. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
53. Letter from occupier of Turley, 17 Gresse Street, dated 7 December 2015
54. Letter from occupier of Apartment 2.6, 10 Lancelot Place, dated 11 December 2015
55. Letter from occupier of Flat 607, The Knightsbridge, 199 Knightsbridge, dated 11 December 2015
56. Letter from occupier of 6 - 8 Montpelier Street, London, dated 16 December 2015
57. Letter from occupier of Apartment 4.14 Knightsbridge Apartments, 199 Knightsbridge, dated 12 December 2015
58. Letter from occupier of 199 Knightsbridge, London, dated 11 December 2015
59. Letter from occupier of Apartment 6.5, 10 Lancelot Place, dated 11 December 2015
60. Letter from occupier of Apartment 6.1, 10 Lancelot Place, dated 11 December 2015
61. Letter from occupier of Apartment 4.2, 10 Lancelot Place, dated 11 December 2015
62. Letter from occupier of Apartment 4.1, 10 Lancelot Place, dated 11 December 2015
63. Letter from occupier of 10 Trevor square, London, dated 27 January 2016
64. Letter from occupier of 10 Trevor square, London, dated 30 November 2015
65. Letter from occupier of Apartment 6.4, 10 Lancelot Place, dated 11 December 2015
66. Letter from occupier of Apartment 5.4, 10 Lancelot Place, dated 11 December 2015
67. Letter from occupier of Apartment 7.4, 10 Lancelot Place, dated 11 December 2015
68. Letter from occupier of Apartment 4.3, 10 Lancelot Place, dated 11 December 2015

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

10. KEY DRAWINGS





Existing south elevation



Proposed south elevation



**DRAFT DECISION LETTER**

**Address:** 3 Lancelot Place, London, SW7 1DR,

**Proposal:** Demolition and redevelopment of Nos. 3-11 Lancelot Place to provide five single family dwelling houses (Class C3) comprising two basement levels (plus sub-basement plant room), ground, first and second floors levels.

**Plan Nos:** Construction Traffic Management Plan dated October 2015; Acoustic Assessment Report by PC Environmental; (01)001 B; (01)100 B; (01)101 B; (01)102 B; (01)103 B; (01)200 B; (01)201 B; (01)202 B; (01)600 F; (01)601 E; (01)602 F; (01)603 G; (01)604 G; (01)605 G; (01)606 E; (01)607 B; (01)700 L; (01)701 F; (01)800 B.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not carry out demolition work unless it is part of the complete development of the site for which we have given planning permission. You must carry out the demolition and development without interruption and according to the drawings we have approved.

Reason:

To maintain the character and appearance of the area as set out in S28 of Westminster's City

Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007.

- 4 The Construction Traffic Management Plan dated October 2015 shall be adhered to throughout the construction period.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 The glass that you put in the windows in the rear elevation of the second floor must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have 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. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 795(01)600 Rev F and 795(01)601 Rev E. You must clearly mark them and make them available at all times to everyone using the residential properties. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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 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.

- 10 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.

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.

- 11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 12 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 10 and 11 of this permission. You must not occupy any of the dwellinghouses until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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 material 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) windows, doors, and rooflights, including surrounding reveals (scale 1:5);
  - (b) railings / balustrades (scale 1:10);
  - (c) parapet profile, dormers and bay windows (scale 1:10).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- (a) revised design of dormers to be amended to metal-clad (not reconstituted stone);
  - (b) revised design of south elevation, to omit window blanks from ground floor level, and improve design of inset lancet windows to first and second floors.

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. (C26UB)

## 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted

Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

**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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 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](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.
- 7 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 8 The noise report required by condition 12 should include details to confirm that the proposed lifts will be sufficiently insulated to prevent noise or vibration transfer between the buildings.
- 9 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.**

- 10 The trees within the rear gardens of Trevor Square are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, 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:
- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

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Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	12 Bourdon Street, London, W1K 3PG,		
<b>Proposal</b>	Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.		
<b>Agent</b>	Grosvenor		
<b>On behalf of</b>	Grosvenor		
<b>Registered Number</b>	15/10035/FULL 15/10036/LBC	<b>Date amended/ completed</b>	14 January 2015
<b>Date Application Received</b>	28 October 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>
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## 2. SUMMARY

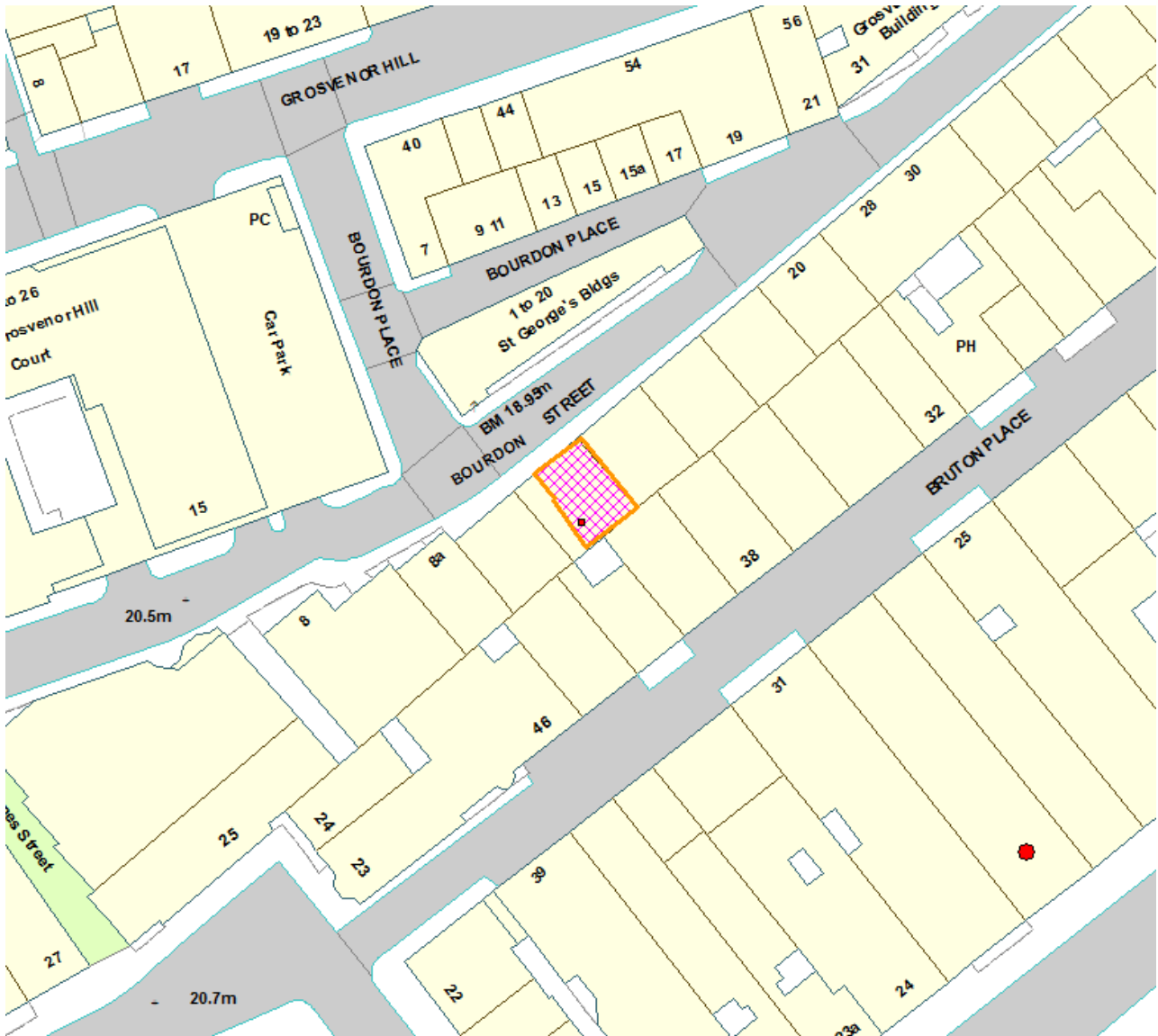
<p>The application site comprises a Grade II listed mews building dated 1889-1900. The site is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is not located within a Stress Area. The existing unit is in use as a commercial garage (Class B8) with residential accommodation on the upper floors.</p> <p>Planning permission and listed building consent are sought for the use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>- The impact of the proposed A1 retail unit and the cumulative impact of this proposal and the consented commercial development in proximity to the site (No. 20 Bourdon Street) on the amenity of the occupants of the adjoining residential properties in terms of disturbance;</li> <li>- The impact of the proposed internal and external alterations on the special interest of No. 12 Bourdon Street; and</li> <li>- The impact of the proposed external alterations on the character and appearance of the Mayfair</li> </ul>
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### Conservation Area.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the special interest of No. 12 Bourdon Street. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

### **3. LOCATION PLAN**





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#### 4. PHOTOGRAPHS



12 Bourdon Street Front Elevation (Door Open)



12 Bourdon Street Front Elevation (Door Closed)



12 Bourdon Street (Floor)



12 Bourdon Street (Internal)

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR WEST END

Objections received from two Ward Councillors on the following grounds:

- Concerns of local residents;
- Character of the residential street should not be for a connecting thoroughfare between the commercial activities on Davies Street and Bond Street;
- Increased footfall; and
- The loss of garage space.

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

To be reported verbally

### CLEANSING

No objection subject to condition.

### HIGHWAYS PLANNING

No objection subject to condition

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54

Total No. of replies: 15

No. of objections: 15 plus one petition with eight names received on the following grounds:

- Detrimental to the character of the listed building and conservation area;
- Increase traffic volumes;
- Pedestrian safety;
- Cumulative effect of retail development changing the character of the street;
- Operational noise (e.g. moving supplies internally) ;
- Exacerbate existing levels of footfall, deliveries, vermin and antisocial behaviour;
- Setting a precedent for the redevelopment of other garages in the solely residential mews;
- Air pollution;
- Potential for increased illegal parking;
- Proposed shopfront is not in keeping with the land uses within the conservation area

Press Advertisement / Site Notice: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

12 Bourdon Street is a Grade II listed late 19th Century mews building in a terrace of similar mews buildings. The application site is located in the Mayfair Conservation Area, on the southern side of Bourdon Street. The building comprises a ground and two upper floors; however, the application relates to the eastern garage at ground floor level only. The property lies within the Core Central Activities Zone but is outside the West End Special Retail Policy Area. At present the unit is being used a commercial garage (Class B8) for business and employee use.

## 6.2 Recent Relevant History

No relevant history (but see land use section below).

## 7. THE PROPOSAL

The proposal seeks permission for the use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation as listed below:

- Alterations to the existing garage doors to enable them to be accommodated internally during retail trading;
- Installation of internal glass door, fixed behind the existing garage doors;
- Installation of a WC to the rear of the unit; and
- Refurbishment and maintenance of existing heritage features.

The application has been submitted by the freeholder. They envisage that the premises, subject to permission, will be used as an art gallery; however, no specific occupier has been identified to date.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of Garage

The application site's planning history has been investigated to check whether there are any planning conditions which tie the parking to the residential units or seek to retain the commercial parking.

Planning permission was granted in 1997 for the residential unit located on the upper floors and associated vehicle parking located within the western garage but omits any reference to the eastern garage. There is no additional planning history tying the use of the garage any other residential use or commercial use. Information has been submitted in the form of leases to demonstrate the long term commercial use of the unit.

There is currently no policy that protects the loss commercial garages, therefore it is considered that it would be unreasonable to withhold planning permission on this basis.

#### Proposed Retail Use

Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan: Strategic Policies promote the introduction of new retail floorspace within the CAZ and CAZ frontages. Therefore the use of the ground floor for retail purposes is considered acceptable in land use terms. Although the application site is not located on a designated shopping frontage it is considered that the introduction of a use open to visiting members of the public will enhance the character and function of this part of central London. It should be noted that planning permission was granted for a ground floor retail unit (Class A1) at no. 20 Bourdon Street in January 2015.

#### Cumulative Impact/ Conservation Area

Objections have been raised relating to the cumulative impact of commercial development on the character of the street and the conservation area as a whole. The site is located

within the core CAZ. In line with Policy S1 of the City Plan, the Council will encourage a mix of uses consistent with its vitality, function and character. Appropriate CAZ uses include offices, shopping, entertainment, cultural, social and community and residential which can coexist within the same building, street or localities. As such the proposal is an identified appropriate use, it is considered to contribute towards the vitality of the CAZ providing the site does not affect the amenity of the neighbouring occupiers discussed in section 8.3 below.

### Land Use Summary

Having regard to the above, the principle of the Proposed Development is therefore considered to be in accordance with the UDP and the City Plan and considered acceptable in land use terms.

## **8.2 Townscape and Design**

12 Bourdon Street is mews building of 1889-1900 in the Mayfair Conservation Area. It was listed at Grade II in 2002. It is one of a row of 10 former stables with accommodation above.

The interior has an exceptional level of preservation of the turn of the century fittings. In particular, the channelled brick floor, tiled walls, and surviving doors with massive cast iron hinges, marked Cottam and Company London.

The original stable fabric has been adapted for motor car garaging, probably soon after construction (this row would have been one of the very last purpose built stable mews in London). This manifests through the removal of the stalls, and the insertion of an inspection pit. While these changes were damaging to the original stable fit-out, they form part of the evolution of the site and are of historic interest in their own right.

The principal heritage impacts of the scheme on the listed building are:

1. The insertion of a WC at the rear of the building;
2. The demounting of the timber doors from their hinges and installation of a sliding door apparatus; and
3. The insertion of secondary glass doors behind the original doors.

The impact of the scheme on the character and appearance of the Mayfair Conservation Area is the changed appearance of the building when the doors are open during trading hours.

The applicant's heritage statement concedes that without particularly careful design, the proposals will cause harm to the special interest of the listed building. They also make the case that there is a public interest benefit in opening the building to the public – better revealing the heritage significance of the interior.

The applicant makes the argument that the proposed works are self-supporting, non-intrusive and reversible. This is accepted in the case of the new door structure, but is not clear in the case of the proposed WC. This involves the construction of a new wall, and will require the insertion of new services – hot and cold water and a waste pipe. The application does not contain sufficient information to assess the impact on the historic fabric of these elements.

### Insertion of a WC

The insertion of the WC is acceptable in plan form terms. A condition will be necessary to control the route of water /waste pipes, and the method of construction of the wall to minimise impacts on historic fabric.

### Demounting of Timber Doors

The demounting of the timber doors from their original hinges is the most contentious part of the proposal in listed building terms. The new sliding arrangement will inevitably have an impact on the appearance of the doors when closed, despite the retention of the hinge straps. If the application is approved, a condition will be required showing the detail of the sliding mechanism and its relationship to the hinges.

### Glass Doors

The insertion of the new glass doors is acceptable, subject to a condition requiring details showing that the installation will have no impact on historic fabric.

### Future works

The applicants consider that the unit can be offered to a lessee as specified in the application drawings, and that further works will not be necessary to operate the building as a shop. If a future tenant requires works beyond the installation of freestanding furniture, a further listed building consent application will be required.

The application does not provide for signage for the proposed shop unit. This would need to be carefully considered. A projecting sign in this location may well be unacceptable. The glass transom would be the most suitable location for shop signage.

### Character of the conservation area

Outside of business hours the appearance of the unit will be almost identical to the existing arrangement. During trading hours, with the outer doors open there will clearly be a changed appearance, though this is not considered to be harmful to the character of the conservation area.

The changed use of the building will also have an impact on the character of the conservation area. Bourdon Street is a quiet mews with a service and residential character. Currently, Bourdon Street has no other retail premises thus the introduction of a shop unit will introduce a more commercial character (during trading hours).

This is not considered to be particularly harmful to the character of the conservation area. One other unit in the mews (number 20) already has consent for a change of use to retail and there are numerous other examples of mews in Mayfair with mixed residential and retail. The mews has historically had some commercial uses, and much of the garaging is understood to be commercial, rather than residential.

### Public Benefit

The applicants argue that there is a public benefit in opening up a private garage in to a public use. It is considered that there is indeed a minor public benefit, but that this in itself is not considered sufficient to overcome harmful works. A further public benefit would arise from the making good of the damage to the stable brick floor, and careful repair of the tiling where necessary. Taken together, it is considered that these works would balance the

harm to the door hinges. The applicant has agreed to undertake these works and they will be secured by condition.

### 8.3 Residential Amenity

The application has been considered in the context of policies ENV6 and ENV13 of the Unitary Development Plan 2007 and S29 and S32 of the adopted City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise, disturbance and impact of structure.

The proposal includes vents above the door; however, these are fresh air vents only. There is no other mechanical engineering or structure which would detract from the existing resident's amenity included within this proposal.

Objections have been raised due to concerns of potential noise as a result of moving stock internally and people talking. Due to the small size of the proposal, it is envisaged that any increase in noise will be negligible. It should be noted the retail with residential occupants on the upper floors happily coexist throughout Westminster and within the Mayfair Conservation Area.

It is likely that the premises will open from 08:00-20:00 Monday to Saturday and 11:00 – 18:00 on Sunday. As the occupier is not yet known, the Applicant is not willing to accept a condition restricting opening hours. It should be noted that there is no condition imposed on the permitted retail unit at no. 20 Bourdon Street.

### 8.4 Transportation/Parking & Waste

#### Parking

The garage is associated with commercial use. The proposed use as a retail unit is unlikely to have a significant impact on on-street car parking in the surrounding controlled parking area due to the size of the unit. Parking is available at the NCP on Grosvenor Hill if customers wish to arrive by car.

#### Servicing

TRANS20 requires off-street servicing. No off-street servicing is provided for the development. It is proposed that servicing takes place via the main entrance on Bourdon Street in accordance with a daily delivery schedule. It is anticipated that the majority of deliveries will be made by small/medium sized vans and these are limited to short waiting times to allow for loading/unloading. The applicant has stated that servicing will take place between the hours of 08:00 to 20:00 Monday to Saturday and 12:00 - 1800 on Sundays and Bank Holidays.

The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

The applicant has stated that they will utilise WCC waste collection service which currently collect. One rubbish collection per day (general waste: Monday to Friday:

06:00 to 08:00 and recycling waste on Friday: 08:00 – 14:00). Utilising the WCC service ensures that there is no increase in refuse vehicle movements as a result of the proposed development.

#### Waste

The applicant has stated that refuse, glass and recycling will be stored internally within the building to the rear; however, this has not been illustrated on the submitted drawings. As such, a drawing showing the location where waste will be permanently stored for the lifetime of the operation of the retail unit will be secured by a condition, ensuring that waste will not be stored on the public highway

#### Objections

Objections have been raised in location to increased traffic volumes, highway safety, air pollution, potential for illegal parking and vermin.

Due to the small size of the shop, it is not considered that there will be a significant increase in traffic volumes (both pedestrian and vehicular traffic) which submission indicates would increase accidents, and increase air pollution thus this objection cannot be supported.

There is no evidence to support objections that the proposal would increase illegal parking there this objection cannot be supported.

As detailed above, the Applicant will be required to submit drawings showing the waste storage location which shall be made available for the lifetime of the development. An additional condition ensuring waste storage on the highway will not be permitted. This, in addition to the frequency of waste collection proposed will limit the potential to increase vermin.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

The existing level access to the premises will be maintained. Pedestrian access to the site will be provided via the Bourdon Street as existing.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.



## 8.9 Planning Obligations

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

## 8.10 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a scheme of this size.

## 8.11 Other Issues

### Crime and security

Objections have been submitted due to the potential of increased crime and reduced security as a result of the introduction of the proposed retail unit. It is considered that the presences of an occupied retail unit may increase passive surveillance on the adjacent publically accessible street thus there is the possibility that existing levels of crime may reduce. There is no evidence to support that the proposal would result in a change in levels of crime therefore this objection cannot be supported.

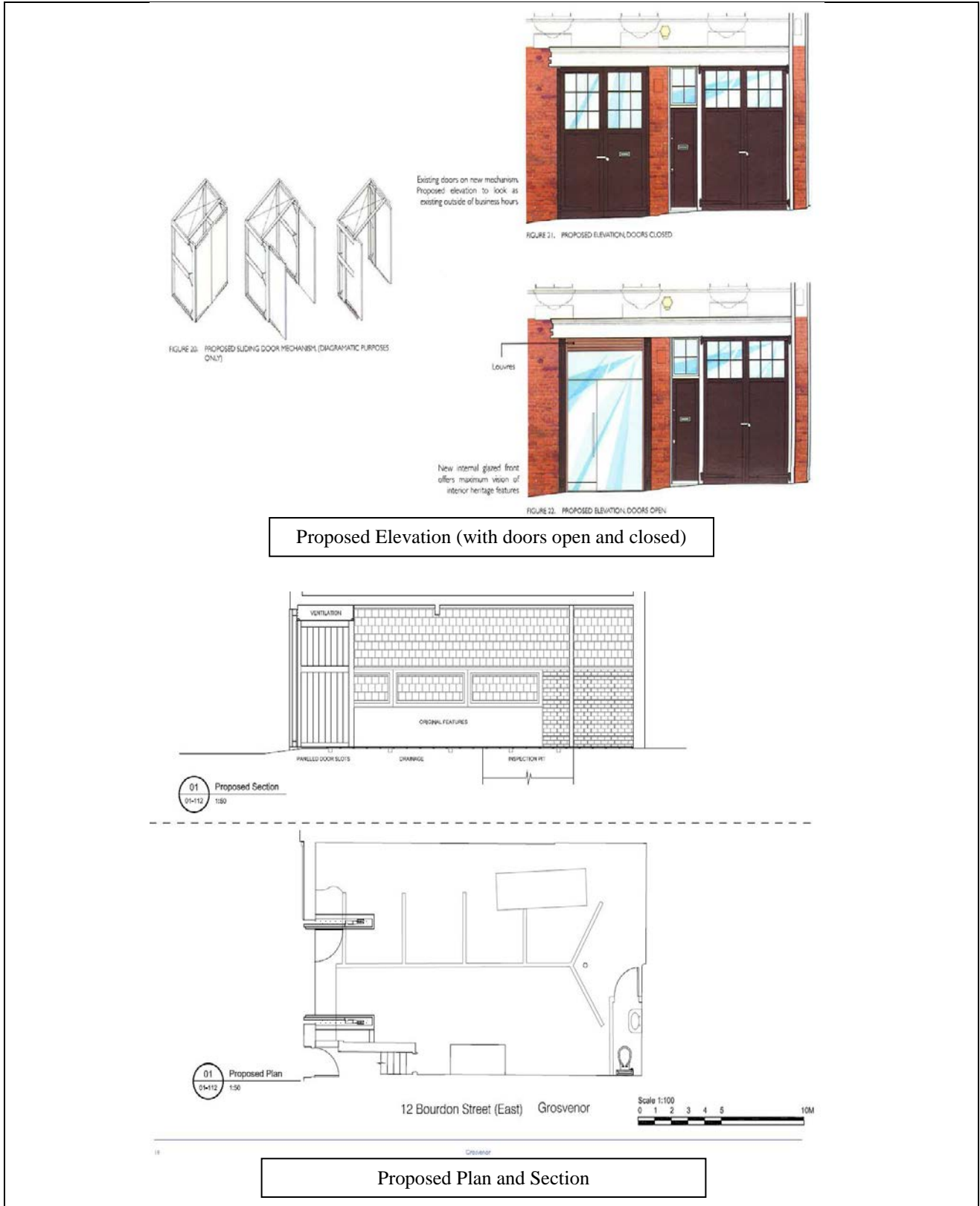
## 9. BACKGROUND PAPERS

1. Application form
2. Emails from Councillor Roberts, dated 25 November 2015
3. Email from Councillor Church, dated 30 November 2015
4. Response from Highways Planning - Development Planning, dated 30 November 2015
5. Response from Cleansing - Development Planning, dated 2 December 2015
6. Letter from occupier of Flat 5 Grosvenor Hill Court, 15 Bourdon Street, dated 26 November 2015
7. Letter from occupier of 12A Grosvenor Hill Court, 15 Bourdon Street, dated 14 December 2015
8. Letter from occupier of 17 St Georges Buildings, Mayfair, dated 5 December 2015
9. Letters from occupier of 14 bourdon street, London, dated 24 November 2015 and 14 December 2015
10. Letter from occupier of 6 St Georges Buildings, Mayfair, dated 12 December 2015
11. Letter from occupier of 14 St Georges Buildings, Bourdon Street, dated 2 December 2015
12. Letter from occupier of 5, Grosvenor Hill Court, 15 Bourdon Street, dated 11 December 2015
13. Letter from occupier of 32 Bourdon street, London, dated 3 December 2015
14. Letter from occupier of Flat 18 Grosvenor Buildings, Bourdon Street, dated 11 December 2015
15. Letter from occupier of Flat 3, 10 Bourdon Street, London, dated 4 December 2015
16. Letter from occupier of flat 2, 15 bourdon street, Grosvenor hill court, dated 15 December 2015
17. Letter from occupier of Apartment 2, 10 Bourdon Street, dated 16 December
18. Letter dated 24 November 2015 (details withheld)
19. Letter dated 12 December 2015 (details withheld)
20. Letter dated 14 December 2015 (details withheld)
21. Petition from Bourdon Street & Grosvenor Hill Residents Group, dated 10 December 2015.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAMIAN LAVELLE ON 020 7641 5974 OR BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS



**DRAFT DECISION LETTER (FULL)**

**Address:** 12 Bourdon Street, London, W1K 3PG,

**Proposal:** Use of the ground floor as a retail unit (Class A1) and alterations to the ground floor front elevation.

**Plan Nos:** Images 3950173, 3950178, 3950180

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site prior to occupation. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times. You must not use the waste store for any other purpose.

**Reason:**

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 No waste shall be left on the highway

**Reason:**

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of drawings of the following parts of the development - changes to the cast iron garage door hinges. You must not start any work on these parts of the development until we have approved what you have sent us.

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 The works hereby approved do not include any shop signage. Signage on the glass doors is likely to be acceptable. Signs on the exterior of the building are likely to be contentious.
- 3 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)
- 4 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)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 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)
- 8 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

**DRAFT DECISION LETTER (LBC)**

**Address:** 12 Bourdon Street, London, W1K 3PG,

**Proposal:** Alterations to the ground floor front elevation and internal alterations arising from proposed change of use to retail.

**Plan Nos:** Images 3950173, 3950178, 3950180

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - 1) sliding door mechanism, 2) glass door installation, 3) water and waste servicing routes for WC. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not disturb existing original features including tiling, ironmongery, fireplace or sinks. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of drawings, samples and a method statement of the following parts of the development; reinstatement of damaged and missing floor and wall tiles . You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings, samples and method statement. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 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 proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that shop signage will require an advertisement consent application. A projecting sign or fascia sign may not be acceptable in this location. The glass transom is the most suitable location for shop signage.

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# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Morley House, 314-322 Regent Street, London, W1B 3BB,</b>		
<b>Proposal</b>	Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at part ground and basement floors and 44 residential dwellings at first to seventh floor levels, with ground floor entrance and ancillary residential at part basement; erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	The Crown Estate		
<b>Registered Number</b>	15/07483/FULL 15/07484/LBC	<b>Date amended/ completed</b>	21 December 2015
<b>Date Application Received</b>	13 August 2015		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Regent Street/East Marylebone		

## 1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree with the applicant's request that:

a) 442 sqm of the residential accommodation hereby approved can be used to provide the residential accommodation arising from the commercial redevelopment of 5-9 Cork Street and 12-14 New Bond Street (instead of already approved residential accommodation at 13 and 15 Maddox Street), with the conversion works at Morley House to commence within 12 months of occupation of the Cork Street development unless either:

i) The Council approves a different location for this residential floorspace within the Regent Street or St James's Estates, or

ii) The £1.941 million payment in lieu has been made (this being the payment in lieu of the residential requirement arising from the approved scheme of development at Cork Street, based on the current adopted Council formula).

b) the remaining residential accommodation hereby approved can be used to address Westminster's mixed use policy requirements that may arise from future commercial development schemes (effectively a residential 'credit') subject to the following parameters:

- i) The credit would last for seven years from the date of the grant of planning permission for the residential redevelopment of Morley House;
- ii) The credit can be used in relation with not more than five individual commercial redevelopment schemes;
- iii) The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/ or the freeholder of the site this relates to;
- iv) The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

c) As well as the residential credit to offset commercial increases elsewhere, the Council will factor the proposed loss of office floorspace at Morley House into any calculations that establish a residential requirement arising from other future commercial schemes.

2. Subject to 1. above, grant conditional permission and conditional listed building consent subject to

a) a Deed of Variation to the legal agreement for 5-9 Cork Street and 12-14 New Bond Street based on the criteria set out above, including a financial contribution of £383,000 towards the Council's affordable housing fund to compensate for the delay in providing the residential accommodation, (index linked and payable on commencement of this development);

b) a legal agreement to secure the following:

- i) A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
- iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
- iv) Monitoring costs of £500 for each of the above clauses.

3. If the Deed of Variation and S106 legal agreement has not been completed within two months, then:

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

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

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

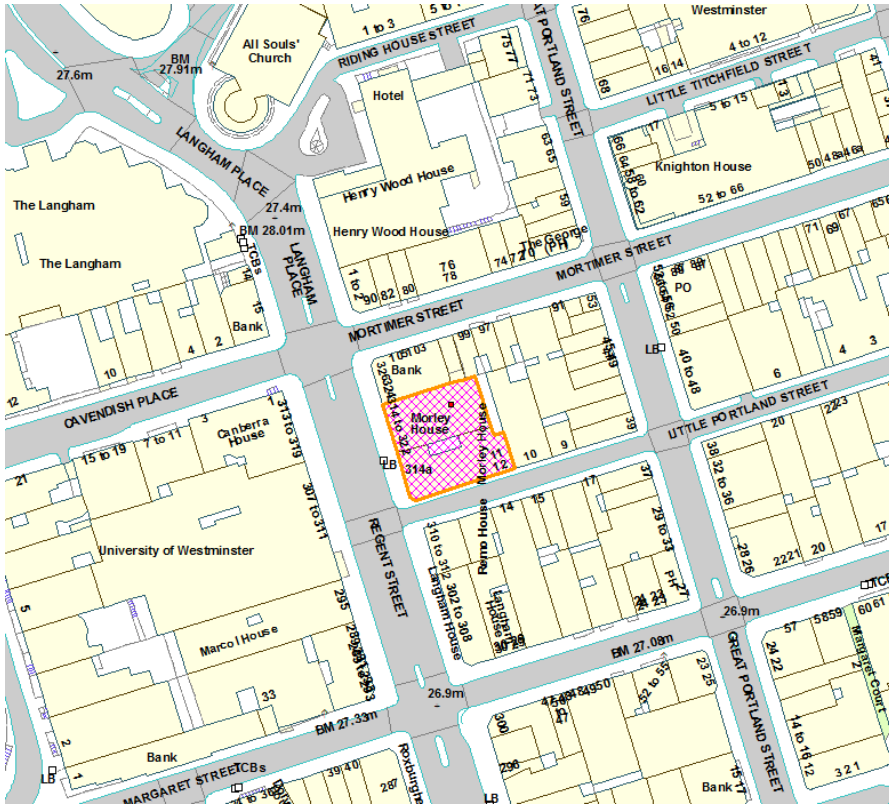
The application site is located at the top end of Regent Street and dates from the 1920s. It is listed but the main interest is with the street facades. Currently used as shops on the ground floor and offices above, the proposal is to redevelop the site behind retained facades, provide replacement retail accommodation on basement and ground floor and replace the outdated offices with 44 residential units.

The key issues are considered to be:

- the land use implications of replacing the offices with residential accommodation, in particular the applicant's request that the residential is treated as a 'credit';
- the lack of affordable housing provision on-site or off-site;
- the historic building implications of redeveloping behind the retained facades.

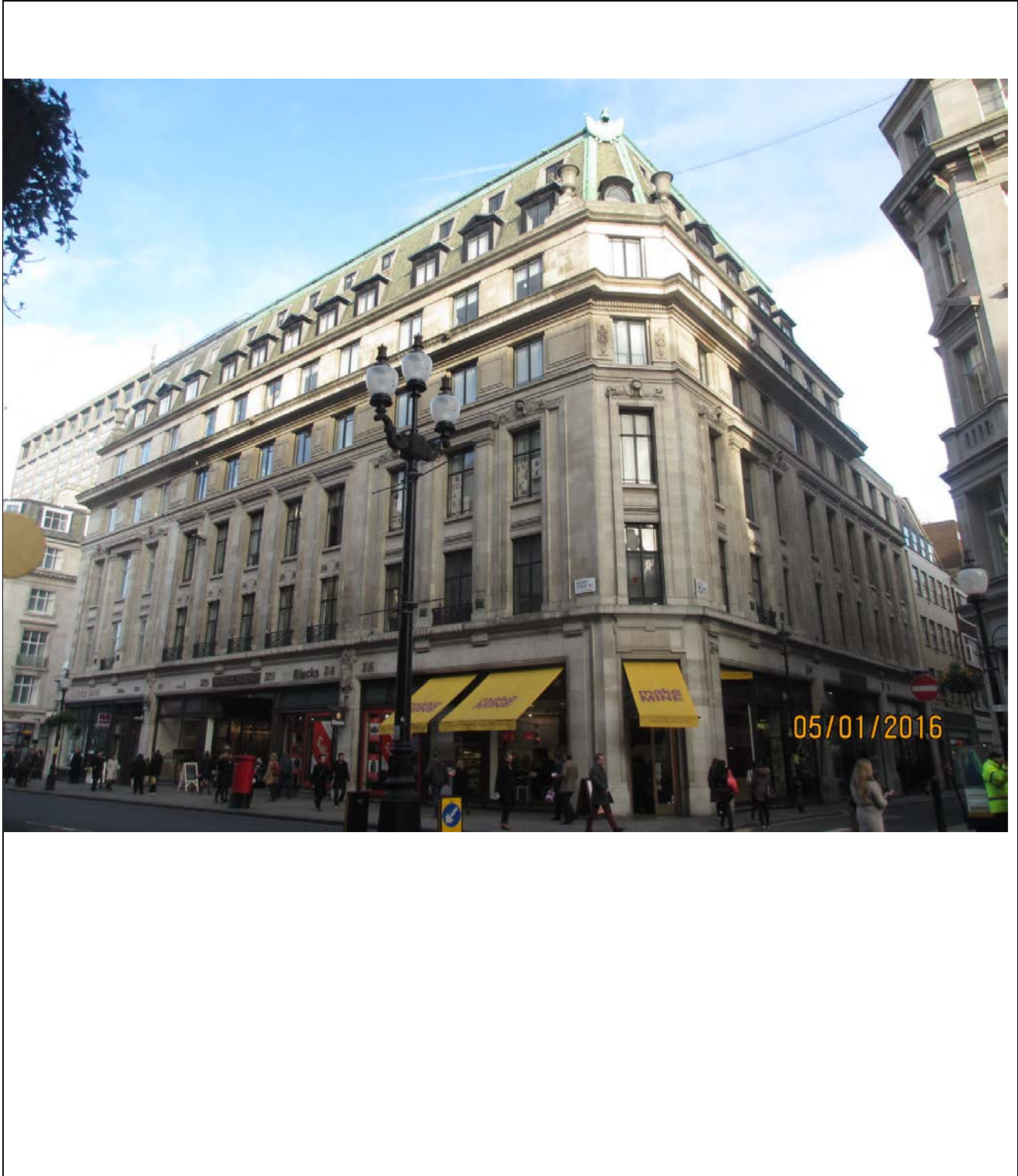
The Committee's views are sought on the applicant's request for the residential credit; subject to that the proposal is considered to be acceptable for the reasons set out in the main report.

## 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Initial comment that they would like to see the retention of the marble columns in the ground floor entrance hall; following amendment of the application to ensure this, they have now issued the Authorisation for the Council to determine the application.

### GEORGIAN GROUP

Any response to be reported verbally.

### VICTORIAN SOCIETY

Any response to be reported verbally.

### TWENTIETH CENTURY SOCIETY

On the basis that the proposal envisages little visible change to the exterior of the building, the Society considers that it will have no detrimental effect on the appearance of the conservation area;

consider it unfortunate that it has not been considered viable to retain and refurbish the listed building in its original form but acknowledge that the main significance of the listed building lies in its exterior elevations as part of the Regent Street master plan; commends the proposals for retaining the majority of the bronze shop fronts but regrets the loss of one of the recessed entrances on Little Portland Street and would like to see this retained in the proposal.

### COUNCIL FOR BRITISH ARCHAEOLOGY

Object on the grounds of loss of historic fabric and harm to the significance of the listed building/heritage asset.

### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

### BUILDING CONTROL

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Objection to lack of car parking for the proposed flats; no objection to cycle parking provision, waste provision or servicing.

### ENVIRONMENTAL HEALTH

No objection subject to standard conditions and informatives.

### MAJOR REDEVELOPMENTS AND INFRASTRUCTURE

Recommend that the development is subject to a Site Environmental Management Plan and an Environmental Inspectorate contribution of £33,000 per annum.

**DESIGNING OUT CRIME**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:**

No. Consulted: 280:

Total No. of replies: 1, raising objections on grounds of noise, pollution and security risks during construction and reductions to daylight and sunlight. In the event that permission is granted, request that work restrictions take account of the residential accommodation in Albany House, 324 Regent Street, which adjoins the application site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

This application site is located on the corner of Regent Street and Little Portland Street. It comprises basement, ground and six upper floors and is used for retail and office purposes. Dating from the 1920s as part of the rebuilding of Regent Street, the building is within the Regent Street Conservation Area and is listed Grade II (though there is little internally that is of architectural or historic interest). The site is within the Core Central Activities Zone.

**6.2 Recent Relevant History**

None.

**7. THE PROPOSAL**

The application proposes demolition behind the retained façades on Regent Street and Little Portland Street and redevelopment to provide an eight storey building comprising retail space (Class A1) at basement and ground floor levels and 44 residential flats (Class C3) on the upper floors. The scheme includes the rebuilding of the mansard roof storeys

Two retail units will be provided across basement and ground floors, one of which will be accessed from Regent Street and the other will be accessed from both Regent Street and Little Portland Street.

The proposed residential accommodation of 44 units comprise 2 x studio flats, 19 x 1 bedroom flats, 15 x 2 bedroom flats and 8 x 3 bedroom flats.

No car parking is proposed at the site. A total of 73 cycle parking spaces are proposed at basement level (68 for residential occupiers and 5 for employees of the retail units). A communal combined heat and power (CHP) system and PV panels are proposed to satisfy the energy needs of the development. Dedicated waste/recycling facilities will be provided at basement level to support the retail space and residential accommodation proposed.

Servicing will take place along Little Portland Street and a new servicing entrance will be provided to facilitate the proposed arrangements.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal can be summarised as follows:

Land Use	Existing floorspace (sqm GEA)	Proposed floorspace (sqm GEA)	Difference (sqm GEA)
Retail (A1)	1,008	1,317	+309
Office (B1)	4,660	-	-4,660
Residential (C3)	-	4,807	+4,807
Plant	241	194	-47
<b>Total floorspace</b>	<b>5,909</b>	<b>6,318</b>	<b>+409</b>

#### Loss of office use

The application will result in a net loss of 4,660 sqm of B1 office floorspace within the Core CAZ. There are currently no specific policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace.

Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.' Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The current applications were submitted in August 2015, and therefore are not subject to consideration under the interim measures or emerging policies. However, the applicant



has now asked that the proposed residential accommodation is used to offset commercial developments elsewhere, discussed in the next section.

### **Use of residential accommodation as part of mixed use requirements**

UDP policy COM 3 allows relocation of uses subject to certain criteria, and UDP policies COM 2 and CENT 3 both allow residential accommodation (required to offset increases in mixed commercial and office developments) to be provided at off-site locations.

The applicant is asking that the residential accommodation proposed in the current application is used as an 'offset' in two different ways. One is to provide residential accommodation required as part of a commercial development in Cork Street/New Bond Street. This scheme (known as 'Cork Street Mews'), is being implemented by the Pollen Estate, provides new office and retail floorspace. The project is due for completion in Spring 2017. The section 106 Agreement currently requires the provision of residential accommodation at 13-15 Maddox Street prior to the occupation of Cork Street Mews.

The Crown Estate has recently acquired 13-15 Maddox Street as part of a programme of strategic acquisitions and do not wish the future use of this property to fetter potential development proposals at that site. As such, the Crown Estate is seeking to deliver an alternative solution, namely the proposed scheme of development at Morley House, for meeting the Cork Street Mews residential obligation.

The Cork Street Mews development, based upon the adopted policy, gives rise to the need to deliver 442sqm (GEA) residential floorspace, (albeit the Maddox Street scheme provides 838sqm GEA). The applicant has therefore provided a draft deed of variation which requires the conversion works at Morley House to commence within 12 months of occupation of the Cork Street development unless either:

- i) The council approves a different location for this residential floorspace within the Regent Street or St James's Estates
- ii) The £1.941 million payment in lieu has been made (this being the payment in lieu of the residential requirement arising from the approved scheme of development at Cork Street, based on the current adopted WCC formula).

The draft deed also removes the existing requirement to provide residential floorspace at 13-15 Maddox Street prior to occupation of the Cork Street Mews development. Given the significant delay in proving that residential accommodation, the applicant has offered to compensate for this by making a contribution towards the Council's affordable housing fund. The contribution would be £383,000, which is equivalent to one affordable housing unit.

The Committee is therefore asked to consider whether this alternative proposal is acceptable.

Secondly, the applicant would also like to use the residential floorspace proposed under this current application for Morley House to address Westminster's mixed use policy requirements that may arise from future commercial development schemes. In advance of the adoption of revisions to Westminster's City Plan: Strategic Policies, which deal with

the matter of residential 'credits', The Crown Estate is seeking clarification as to the parameters for utilising this proposed residential floorspace for such purposes and are suggesting that Morley House is used as a credit subject to the following parameters:

- a) The credit would last for seven years from the date of the grant of planning permission for the residential redevelopment of Morley House;
- b) The credit can be used in relation with not more than five individual commercial redevelopment schemes;
- c) The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/ or the freeholder of the site this relates to;
- d) The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

The total residential floorspace proposed under this current planning application is 4,807sqm. As the applicant wishes to use 442sqm (GEA) of this proposed residential floorspace to satisfy the mixed use policy requirement arising from the approved scheme of development for 5-9 Cork Street and 12-14 New Bond Street, this therefore leaves 4,365sqm (GEA) of proposed residential floorspace to be used to offset commercial increases at future, unspecified developments.

In addition to using the approved residential as a credit, the applicant would also like the Council to agree that the proposed loss of office floorspace at Morley House can be used to offset any notional residential requirement arising from other future unspecified commercial schemes. The proposed office loss at Morley House totals 4,660sqm GEA (although 442sqm of this floorspace has been factored into the above referenced calculation of the Cork Street/ New Bond Street residential requirement).

The Planning Applications Committee is therefore also asked to consider whether the applicant's request to use the proposed new residential accommodation and loss of offices can be utilised in the way set out above and in the recommendation.

### **Retail use**

Two retail units are proposed at basement and ground floor levels – one accessed solely from Regent Street and the other (provisionally shown with two entrances) from Little Portland Street and the corner of both streets. The proposals would provide a net increase of 309 sqm of retail floorspace, which is welcomed.

Although this part of Regent Street is not a designated shopping frontage, both the UDP and City Plan seek to protect the retail role and function of CAZ. UDP Policy SS4 states that 'development schemes should provide at least the same amount of retail floorspace as was there before, and should provide for at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street', which is considered to be the case in these proposals.

## Residential use

Policy H 3 of the UDP encourages the provision of more housing, specifically part (A) “The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ”. Policy S14 of ‘Westminster’s City Plan: Strategic Policies’ also seeks to optimise housing delivery and states residential use is the priority across Westminster, except where specifically stated. Furthermore, S14 specifies that

- “The Council will work to achieve and exceed its borough housing target set out in the London Plan”
- “Residential use is the priority across Westminster except where specifically stated”, and
- “The number of residential units on development sites will be optimised.”

The supporting text notes that “Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives. Housing densities should reflect the densities set out in the London Plan. City Management policy will address housing densities to be applied to development sites in different parts of the city.”

London Plan Policy 3.3 seeks to increase housing supply; Policy 3.4 states that new developments should optimise housing output. In principle, the development of the site for residential use is therefore considered to be acceptable.

Strategic policy S14 seeks to optimise housing delivery, depending on the number and size of the proposed flats. Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units providing three or more bedrooms. The proposed 44 residential units comprise the following mix: 2 x studio flats (5%), 19 x 1 bedroom flats (43%), 15 x 2 bedroom flats (34%), and 8 x 3 bedroom flats (18%). Whilst the 18% provision of family sized units falls below the 33% policy requirement, in this central location with little amenity space for children in the vicinity of the site, this aspect of the proposals is considered to be acceptable.

In terms of size, all units meet or exceed (but not excessively) the minimum required by the national technical housing standards. The two studio units are the minimum 39 sqm; the 1-bedroom units range from the minimum of 50 sqm to 57 sqm; the 2-bedrooms (minimum standard is 60 sqm) range from 71 – 100 sqm; and the 3-bedroom (minimum standard is 74 sqm) mostly range from 104 – 123 sqm, with one of the duplexes measuring 152 sqm. Given the physical constraints of the site, this is considered to achieve an acceptable balance between size of unit and optimising housing delivery. The size of the units comply with the Mayor of London’s Housing Standards Policy Transitional Statement and a Draft Interim Housing SPG.

The amenity of the flats is generally considered to be acceptable. Some of the proposed flats at the rear are single aspects but it is considered that they will receive adequate levels of daylight. The design of the new building will ensure adequate internal noise levels for all the new flats whilst providing mechanical ventilation. Ten of the proposed units will

have small outside terraces and subject to no amenity issues for the adjacent block of flats (see below) the provision of this amenity space is welcomed.

### **Affordable housing**

UDP Policy H 4 states that the Council expects affordable housing to be provided as part of housing developments on sites of 0.3 hectares or more, where there are 10 or more additional dwellings and in other cases which would have been equivalent to either of these criteria but fall below these thresholds because of the exceptional size of the units or the phasing of development. The policy requires affordable housing to be provided on site as part of the development, except where the applicant can satisfactorily demonstrate that the affordable housing cannot be designed for transfer to, or management by, a registered social landlord or other appropriate body. The amount of affordable housing required will be assessed in accordance with criteria such as location within the City of Westminster but the Council will take into account whether there would be particular costs associated with the development of the site, or the provision of affordable housing would make it difficult to meet other planning objectives that need to be given priority in developing the site.

Policy S16 of the City Plan differs from the UDP policy in that it introduces new criteria triggering affordable housing requirements - an increase in residential floorspace of 1,000m<sup>2</sup> or more (in addition to 10 or more additional units). The policy requires the affordable housing to be provided on-site, but where this is not practical or viable, cascade options allow for it to be provided off-site in the vicinity of the development site or possibly beyond the vicinity of the site. The supporting text to this policy notes that financial contributions towards the Council's affordable housing fund in lieu of affordable housing provision is an option that the Council will only accept if the cascade options have been thoroughly explored and proved impractical or unfeasible. The relevant London Plan policy concerning affordable housing provision is Policy 3.12.

The current proposal provides a total of 4,807 sqm (GEA) of additional residential floorspace. The policy requirement is that 25% (or 1,202 sqm) of this should be provided as affordable housing (or approximately 15 units based on a standard size of 80m<sup>2</sup> per unit). The applicant has put forward arguments that it would not be appropriate or practical to provide on-site affordable housing: they argue that the provision of affordable housing on site would require a separate access and stair core but this cannot be provided because of the constrained site and access. It is also stated that a second residential core would have an adverse impact on the floor plate and the retail accommodation, making it undesirable in this prime retail location, as well as design implications for the appearance of the building.

Despite the applicant's extensive land holdings they have also argued that having reviewed its portfolio in the vicinity of the site, it is not in a position to bring forward an associated scheme for affordable housing within the timescales as envisaged for the development of this scheme.

The applicant's arguments are noted and the inability to provide any affordable housing is regrettable. However, the applicant is offering the alternative of a commuted payment: the policy compliant contribution would be £5,734,000 and the applicants are offering the full amount, which is welcomed. This would be secured with a legal agreement.

## 8.2 Townscape and Design

The proposal is for redevelopment behind retained facade, and like most Regent Street buildings there is little of special interest internally. The main interest of the building is in its street facade, and this included, in this case, the shopfronts. The proposed demolition is considered acceptable.

The external alterations include a roof extension for plant, on Regent Street, which matches that approved at the north end of the building. This will be barely visible from street level. At the rear is a vertical extension for residential use. This is slightly incongruous sitting on top of the mansard but it is set back from the top of the mansard, clad in Westmoreland slate to match the mansard, and will not be seen readily in street views.

Many of the shopfronts are original and important, and will be retained. The Regent Street frontage includes recessed entrance. The proposal is to retain the returns, which enclose the recessed area, but install a new shopfront on Regent Street to enclose these within the building. The recessed entrance doors and screen appear to be modern, and will be removed.

On Little Portland Street the shopfronts are retained, but with some repositioning and modification. The recessed entrance is moved to the eastern bay with the addition of bronze security doors at the front of the recess. This is an unusual proposal but it replaces the existing ugly gates, and provides a way in which the historic fabric is retained and the entrance is protected from anti-social behaviour. Surviving elements in the eastern bay will be relocated to the west.

The proposed works are considered acceptable in urban design and conservation terms and Historic England agree, subject to the retention of the marble clad columns framing the Regent Street entrance to the staircase. This should be controlled by condition. The Twentieth Century Society has expressed concerns about the proposals for the shopfronts but it is considered that the proposals have addressed these issues to an acceptable degree. Full details will be reserved by condition. The objection from the Council for British Archaeology to loss of historic fabric is noted but for the reasons outlined above, this objection is not considered to be sustainable.

The scheme is considered to comply with the City Council's urban design and conservation policies, including DES 1, DES 5, DES 6, DES 9 and DES 10.

## 8.3 Residential Amenity

There has been one objection from residents living in a flat in Albany House, 324 Regent Street; this building is immediately next to the application site and three of the flats in this building face the rear of the application site, with two of them being single aspect. It is not clear which flat the objectors occupy and they have not responded to a written request to visit their premises. They have objected on grounds of noise, pollution and security risks during construction and reductions to daylight and sunlight.

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant

has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The assessment demonstrates that the loss of daylight to adjoining properties will generally be within the recommended guidelines. One of the windows in Albany House (serving a second floor living room in a duplex apartment) will experience a loss of daylight that marginally exceeds the recommended 20% (maximum loss of VSC – 21.97%) but this is considered to be acceptable. The same living room will experience an annual loss of sunlight also slightly exceeding the recommended 20% (of 20.7%) but maintains annual sunlight levels of 23, which is considered to be good in this location. No other residential windows will suffer a material loss of light and the objections to loss of daylight and sunlight are therefore not considered to be sustainable.

It is not considered that the proposals will cause any significant worsening in terms of loss of privacy to neighbouring residents through overlooking, nor increased sense of enclosure, any worse than the existing situation. There is already a degree of overlooking between the application site and the adjoining flats in Albany House and it is not considered that the conversion of the former from office to residential will be materially worse. Screens will be provided for those terraces that might lead to potential overlooking.

#### **8.4 Transportation/Parking**

The Highways Planning Manager has objected to the proposals because no car parking is provided for the new flats and there will be increase the demand for on-street car parking in the area. Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will

result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent **night time** parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 56%. TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 18%.

However, the evidence of the Council's most recent **daytime** parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 89%. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

The Highways Planning Manager acknowledges that the site has a high level of public transport accessibility, but also notes that households within the West End Ward with one or more cars is 29% (2011 Census figures). Whilst this is lower than the borough average the above figures indicate that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy. Therefore the development is not consistent with TRANS23 and will add to existing on-street parking stress overall.

Whilst noting the Highways Planning Manager's concerns, it is considered that the overall benefits of the scheme outweigh the lack of car parking. To help address this issue, the applicant has agreed to provide lifetime (25 years) car club membership for the future residential occupiers. This would be secured as part of the legal agreement.

With regard to the other highway matters, it is not considered that the retail use will have a significant impact on on-street car parking in the area. The scheme incorporates cycle parking: the London Plan requires 1 cycle parking space per 175m<sup>2</sup> of A1 with the threshold set at the first 100m<sup>2</sup> requiring 2 spaces. 4 Sheffield stands are proposed which will provide 8 spaces. One cycle parking space is required per 1-bed residential dwelling and two for all other sized units. 68 cycle parking spaces are proposed which meets the requirements.

TRANS20 requires off-street servicing for the retail use. No off-street servicing is provided for the development, but this is the same as the existing situation and it is acknowledged that provision of this in the new building would have major design implications. The site is located within a Controlled Parking Zone, which allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site and given the size of the extension it is not expected that there will be a significant increase in servicing traffic associated with the site.

A condition requiring a clear Servicing Management Plan should be included if the retail use is to be a food retailer. A1 food store use of this overall size may generate different levels/type of servicing which would have an adverse impact on the highway network and therefore additional details will be required to ensure the proposal is consistent with S42 and TRANS20.

Suitable waste storage for both the retail and residential aspect of the proposal is indicated on the submitted plans.

### **8.5 Economic Considerations**

The general economic benefits of the development are noted.

### **8.6 Access**

The applicant has confirmed that the existing shopfronts will be refurbished with level thresholds, which is an improvement over the existing stepped arrangement. Level access will also be provided for the residential entrance on Little Portland Street. Lift access is then provided for the upper part of the development.

### **8.7 Other UDP/Westminster Policy Considerations**

The proposal includes an area of plant at roof level. This has been assessed by Environmental Health, who have no objection to it subject to standard conditions controlling noise levels, etc.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant's energy statement demonstrates that the proposed new construction will incorporate sustainable design and construction measures, including a communal combined heat and power unit and photovoltaic panels at roof level. There will be an overall 40.9% carbon reduction, which is welcomed.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. There is a strip of sedum roof around the perimeter of the roof, which is also welcomed.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 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.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans “according to their degree of consistency” with the NPPF. Westminster’s City Plan: Strategic Policies was adopted by Full Council on 13<sup>th</sup> November 2013 and is fully compliant with the NPPF. 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 NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

The City Council’s approach to and priorities for planning obligations are set out in its Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make 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, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for

developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
- iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
- iv) Monitoring costs of £500 for each of the above clauses.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

### **8.11 Environmental Impact Assessment**

Not applicable in this case.

### **8.12 Other Issues**

The one objection from the neighbouring residents has expressed concern about the noise and disturbance during the construction period. Although not a valid planning consideration, the applicant has agreed to sign up to the Code of Construction Practice, which would be monitored by the Council's Environmental Inspectorate. This is welcomed and is considered to address the objectors' concerns as far as reasonable possible.

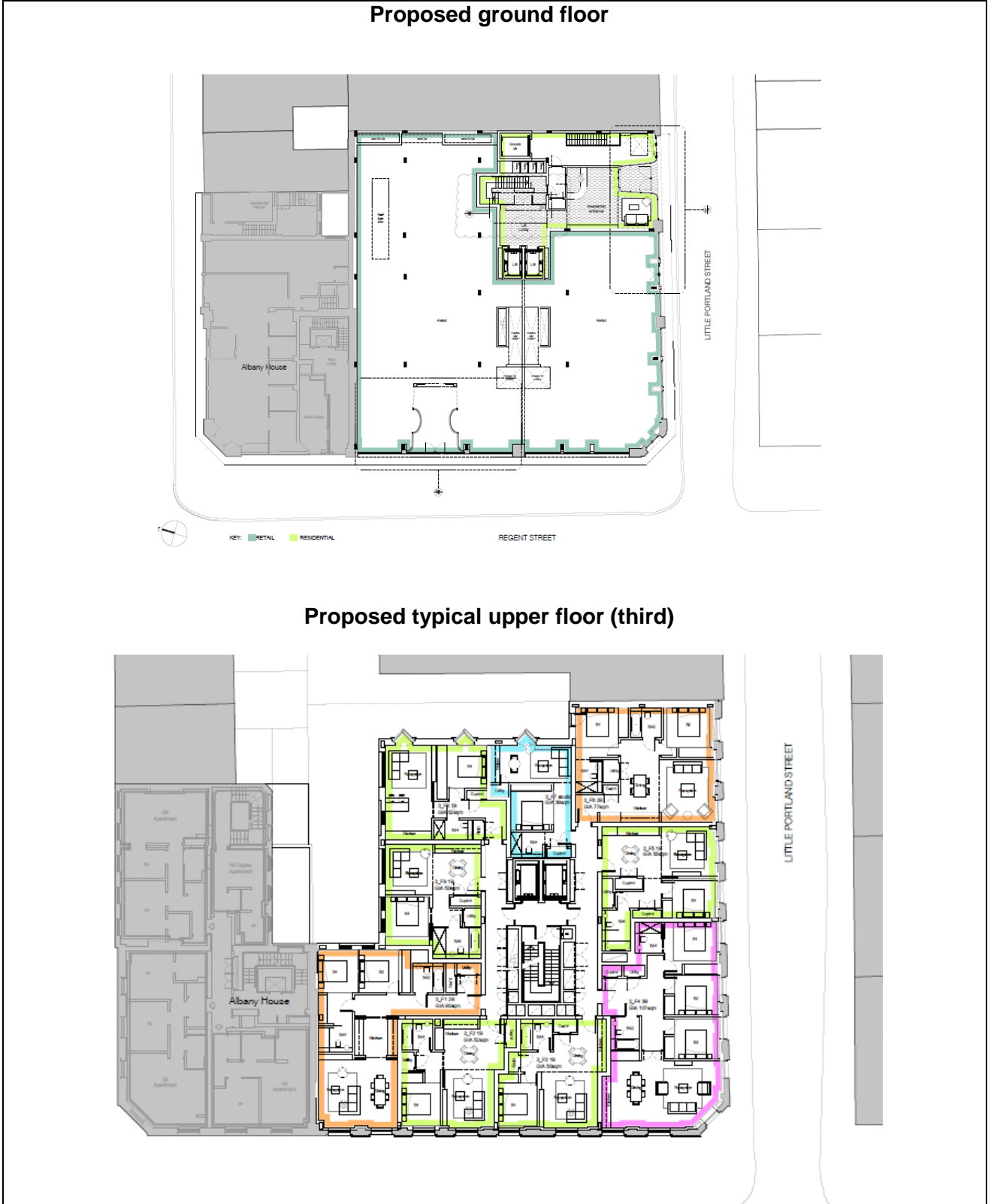
## 9. BACKGROUND PAPERS

1. Application form and letters from CBRE dated 29 January 2016 and 3 February 2016
2. Letters from Historic England dated 28 September 2015
3. Memo from the Highways Planning Manager dated 2 November 2015
4. Memos from Environmental Services, dated 2 October 2015 and 8 December 2015
5. Letter from the Twentieth Century Society dated 23 September 2015
6. Email from the Council for British Archaeology dated 14 October 2015
7. Letter from occupier of Flat 15, 324 Regent Street, dated 2 October 2015

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS



### Proposed Regent Street elevation



### Proposed Little Portland Street elevation



**DRAFT DECISION LETTER (FULL)**

**Address:** Morley House, 314-322 Regent Street, London, W1B 3BB

**Proposal:** Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at part ground and basement floors and 44 residential dwellings at first to seventh floor levels, with ground floor entrance and ancillary residential at part basement; erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.

**Plan Nos:** PL001A (Location Plan); PL109A, PL110B, PL111A, PL112A, PL113A, PL114B, PL115B, PL116A, PL117B, PL118A,, PL140B, PL141B, PL142B, PL143B, PL170A, PL171A, PL600A, PL601A, PL602A, PL603A, PL750A, PL751A, PL752A and PL753A; Design and Access Statement dated August 2015.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -
  1. All alterations to the shopfronts
  2. Proposed reuse of the two existing marble columns in the Regent Street staircase

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 The existing detailing at roof level shall be replicated in the rebuilt roof.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: the recessed shopfront entrance at the western end of the Little Portland Street frontage shall be retained and reinstated within the new Little Portland Street frontage.

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. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 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 S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must provide the waste store shown on drawing PL109A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the shops and flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 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 August 2015 before you use the building. (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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 11 You must install 1.8m high privacy screens (made of frosted glass) to the fourth and fifth floor terraces, as shown on the approved drawings, before occupation of any of the flats hereby approved. The screens must then be permanently maintained.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)



- 12 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 13 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 S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must provide the sedum roof before you start to use any part of the development, as set out in your application. You must then not remove this feature. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 15 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application: the combined heat and power (CHP) system and the photo-voltaic panels at roof level. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 16 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 17 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.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 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:
  - i) A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
  - ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
  - iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
  - iv) Monitoring costs of £500 for each of the above clauses.
- 3 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. (150AA)

- 4 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.

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, 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:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

**DRAFT DECISION LETTER (LBC)**

**Address:** Morley House, 314-322 Regent Street, London, W1B 3BB

**Proposal:** Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at ground and basement floors and 44 residential dwellings at first to seventh floor levels. Erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.

**Plan Nos:** PL001A (Location Plan); PL109A, PL110B, PL111A, PL112A, PL113A, PL114B, PL115B, PL116A, PL117B, PL118A,, PL140B, PL141B, PL142B, PL143B, PL170A, PL171A, PL600A, PL601A, PL602A, PL603A, PL750A, PL751A, PL752A and PL753A; Demolition drawings: PL209A, PL210B, PL211A, PL212A, PL213A, PL214A, PL215A, PL216A, PL217A, PL240B, PL241A, PL242A, PL270A and PL271A; Design and Access Statement dated August 2015.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

1. All alterations to the shopfronts
2. Reuse of the two existing marble columns (in the Little Portland Street entrance lobby)

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 The existing detailing at roof level shall be replicated in the rebuilt roof.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

The recessed shopfront entrance at the western end of the Little Portland Street shall be retained and reinstated within the new Little Portland Street frontage.

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. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Regent Street Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 8 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Regent Street Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 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 proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	18 Wells Street, London, W1T 3PG,		
<b>Proposal</b>	<p>1. Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and a duplex residential unit (Class C3) on the fifth and sixth floor. Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.</p> <p>2. Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of part basement and ground floor levels as retail accommodation (Class A1) and part basement, ground and the first to sixth floor levels as five residential units (Class C3). Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.</p>		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Berners-Allsopp Estate		
<b>Registered Number</b>	1. 15/09880/FULL 2. 15/09878/FULL	<b>Date amended/ completed</b>	22 October 2015
<b>Date Application Received</b>	22 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

1. Refuse planning permission - loss of residential and non-compliance with the mixed use policy.
2. Grant conditional permission.

## 2. SUMMARY

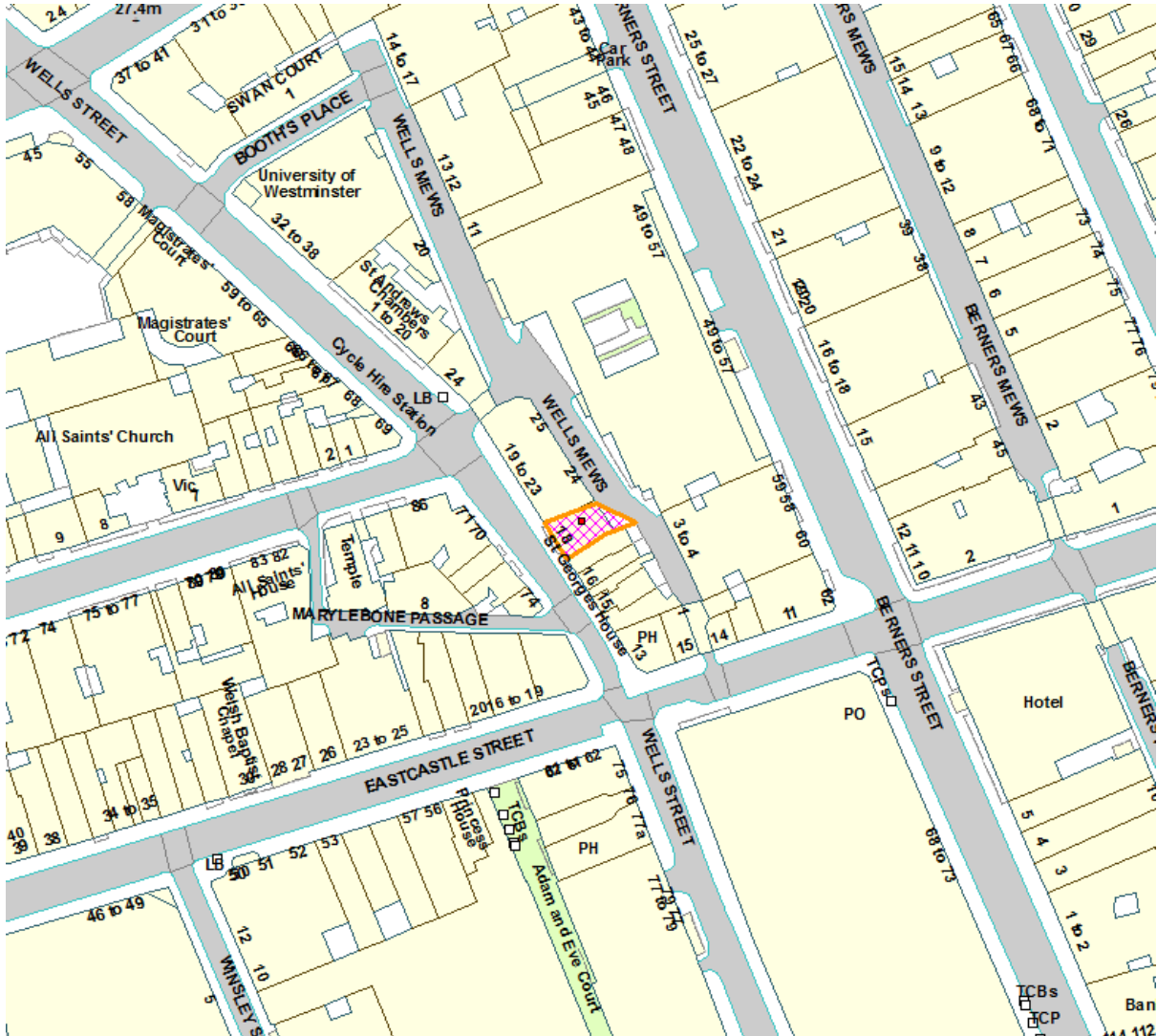
The application relates to an unlisted building situated within the East Marylebone Conservation Area. The building comprises retail use over the basement and ground floor and office use on the three floors above. Permission was granted in April 2015 for the demolition of this building and erection of a

building comprising lower ground, ground and five upper floors and use of the lower floors for retail use and four residential units over the upper floors. This permission was connected to a site on Berners Street where there was an uplift of commercial floorspace over 200m<sup>2</sup> and a loss of residential (two units). These proposals were policy compliant.

The applicant has submitted two applications, both of which include the demolition of the existing building and erection of building comprising lower ground, ground and six upper floors. The design of the building for both applications is the same, however the land use proposals differ. Application 1) proposes to use the first to fourth floors for office purposes and a residential flat over fifth and sixth floor levels. Application 2) proposes to use the first to sixth floors as five residential flats. Both of these applications would be linked to the approved Berners Street scheme. Application 2) is policy compliant, as the uplift in approved commercial floorspace is matched by the residential increase. Application 1) is not policy compliant, as the uplift in commercial is not matched by the residential increase. The applicant has offered to pay a policy compliant contribution, but instead of this payment being directed to the affordable housing fund, they want it to be directed to public realm. There is no policy justification for this. Application 1) also results in the loss of one residential unit.

Application 1) is therefore recommended for refusal and Application 2) is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### Application 1

#### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

#### ENVIRONMENTAL HEALTH

No objection

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

No. Consulted: 52

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### Application 2

#### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

#### ENVIRONMENTAL HEALTH

No objection

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

No. Consulted: 52

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This is an unlisted building comprising basement, ground and three upper floors which is in use as a shop on the two lower floors and offices on the floors above. At roof level there is a large plant room, which has a similar floor-to-ceiling height to the floors below, although it does not occupy the whole of the roof area.

To the rear of the site is Wells Mews where there is an entrance to the NCP car park within the mews.

The nearest residential properties are located to the south above the public house on the corner of Eastcastle Street and Wells Street.

The building is located within the East Marylebone Conservation Area.

## 6.2 Recent Relevant History

### 18 Wells Street

Planning permission granted on 10 April 2015 for the demolition of the existing building and erection of a building comprising lower ground, ground and first to fifth floor levels. Use of the part basement and ground floor levels as retail accommodation (Class A1) and part basement, ground and the first to fifth floor levels as four residential units (Class C3). Installation of plant at rear ground floor level and at main roof level with associated screening and the creation of terraces / balconies at first to sixth floor levels.

### 41-44 Berners Street

Planning permission granted on 10 April 2015 for the demolition of 41-44 Berners Street and erection of a mixed use development comprising basement, ground and first to seventh floor levels. Creation of lightwells at the front and rear of the property and creation of terraces / balconies at first to seventh floor levels. Triple / alternative use of the part basement and part ground floors as retail / restaurant / showroom uses and use of the first to seventh floor levels as office accommodation (Class B1). Installation of plant with associated screening at main roof level.

The above applications were linked as part of a land use swap to ensure that the existing residential floorspace/units and the commercial uplift at 41-44 Berners Street were offset at 18 Wells Street. This application was policy compliant and therefore there was no financial contribution.

## 7. THE PROPOSAL

Two applications have been submitted, and these are alternative schemes to that granted permission in April 2015. The applicant wishes that these applications are linked to 41-44 Berners Street. Both applications propose the demolition of the existing building and the erection of a building comprising lower ground, ground and first to sixth floor levels, the installation of plant and associated screening at rear ground floor levels and at main roof level and the creation of terraces/balconies at first to sixth floor levels. The design of the proposed scheme is the same as that previously approved, with the exception of the erection of a sixth floor extension.

The difference between the applications relates to the land use proposals. The applicant is seeking an alternative scheme at 18 Wells Street to that granted permission in April 2015. It is therefore important to set out the approved combined land use figures for the approved Berners Street scheme and the current proposals. These are set out in the below table.

**Approved 2015 land use table for 41-44 Berners Street and 18 Wells Street.**

<b>Use</b>	<b>Existing</b>	<b>Approved</b>	<b>+/- difference</b>
Residential	160	720	+560
Offices	2606	3071	+465
Retail	75	140	+65
Showroom	573	0	-573
Flexible retail/restaurant/showroom	0	507	+507
<b>Total commercial</b>	<b>3254</b>	<b>3718</b>	<b>+464</b>

This was a policy compliant scheme where the uplift in commercial floorspace was matched by the uplift in residential floorspace.

Application 1) proposes to use the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and a duplex residential unit (Class C3) on the fifth and sixth floor. The offices and residential elements of the scheme will share the same entrance.

**Application 1) and the approved 41-44 Berners Street land use table.**

<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>+/- difference</b>
Residential	160	323	+163
Offices	2606	3551	+945
Retail	75	130	+55
Showroom	573	0	-573
Flexible retail/restaurant/showroom	0	507	+507
<b>Total commercial</b>	<b>3254</b>	<b>4188</b>	<b>+934</b>

Application 2) proposes to use part basement and ground floor levels as retail accommodation (Class A1) and part basement, ground and the first to sixth floor levels as four residential units (Class C3).

**Application 2) and the approved 41-44 Berners Street land use table.**

<b>Use</b>	<b>Existing</b>	<b>Proposed</b>	<b>+/- difference</b>
Residential	160	805	+645
Offices	2606	3071	+465
Retail	75	140	+65
Showroom	573	0	-573
Flexible retail/restaurant/showroom	0	507	+507
<b>Total commercial</b>	<b>3254</b>	<b>3718</b>	<b>+464</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Offices

The sites are located within the Core Central Activities Zone, to where new offices are directed by City Plan Policy S18 and UDP Policy COM1. Therefore, an increase in office floorspace in this location is acceptable in principle.

#### Mixed use

UDP Policies CENT3 and COM2 and City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, with the particular aim of including residential accommodation. It is a requirement that any increase in commercial development (especially offices) in excess of 200m<sup>2</sup> should be matched by residential provision.

Application 1) (together with the approved scheme at 41-44 Berners Street) proposes an increase in commercial floorspace of 934m<sup>2</sup> and an uplift of residential floorspace of 163m<sup>2</sup>. This does not comply with the policies set out in the UDP and City Plan. The applicant has stated that the emerging mixed use policy places much greater emphasis upon retaining employment opportunities and this application will comply with that emerging policy. The new mixed use policies do not have any weight when determining planning applications, and therefore it is considered that this application should be assessed against current policies within the UDP and City Plan.

Policy COM2 states that where housing cannot be achieved, an appropriate financial contribution to the City Council's affordable housing fund is likely to be sought.

The uplift in commercial floorspace is 934m<sup>2</sup> which equates to £1,533,574. The applicants have agreed to make this payment, but instead of this being directed to the affordable housing fund, they want it to be directed towards public realm in Berners Street. It is the applicant's intention to carry out public realm works to Berners Street and there have been initial discussions with the City Council. At the current time there is not an approved public realm scheme for Berners Street and these works are not listed as a priority project. Notwithstanding this, there is no policy justification for this approach and the application is recommended for refusal as it does not comply with the mixed use policy.

Application 2) results in an increase in commercial floorspace of 464m<sup>2</sup> which would be exceeded by the uplift of 645m<sup>2</sup> residential floorspace, thereby complying with UDP Policy CENT3.

The planning permission at 41-44 Berners Street is linked to consented scheme at 18 Wells Street by Grampian condition. In the event the applicant wishes to implement Application 2) the Grampian condition would have to be varied to reflect the new application.

#### Residential

City Plan Policy S14 aims to protect all residential land. There are two existing residential units at 41-44 Berners Street (160m<sup>2</sup>). Application 1) provides one residential unit over the fifth and sixth floor levels (323m<sup>2</sup>). There is an increase in residential floorspace, but



the proposals result in the loss of one unit which does not comply with S14. The application is recommended for refusal on these grounds.

The proposed housing at Application 2) would provide four 2-bed and one 3-bed units – a proportion of 20% family sized dwellings which is less than the 33% normally required to meet UDP Policy H5. However, given the small number of units proposed in the overall scheme and that neither of the flats currently provided at 41-44 Berners Street is family sized, the mix is considered acceptable. All the flats would comply with the minimum dwelling space standards as set out in the London Plan and the National Technical standards.

At 163m<sup>2</sup> and 645m<sup>2</sup> the additional residential floorspace created in both applications does not require the provision of any affordable housing, being less than 1,000m<sup>2</sup>.

In Application 2) the residential entrance at ground floor level is separate from the retail entrance and this is considered acceptable. However, Application 1) does not propose separate entrances for the office and residential. This means that the residential and offices will share the same entrance. The City Council requires where physically possible that separate access to residential and commercial uses is provided. This is not an ideal situation and as this is a new build development separate entrances should have been designed within the new building. However, there is no policy requirement to ensure the entrances are separate and the City Council could not sustain a reason for refusal on these grounds.

### **Retail**

The protection and enhancement of retail shopping provision is supported under City Plan Policy S21 and UDP Policy S4. There is an existing retail unit at 18 Wells Street, which will be replaced and enlarged in the proposed development.

## **8.2 Townscape and Design**

The design of the building has been approved previously except for the roof levels now proposed. The massing of both schemes is the same. The top two floors and plant area are set back progressively from the Wells Street frontage to reduce their visual impact.

The proposed height and bulk are considered acceptable in the context of the taller building immediately to the north. The proposed building will make an acceptable transition between the latter building and the lower buildings to the south. This complies with UDP design and conservation policies, including DES 4 and DES 9.

## **8.3 Residential Amenity**

Planning permission has already been granted (April 2015) for two additional storeys to the existing building and extending the building line forward on Berners Mews up to the site boundary at ground to fifth floor level.

The current proposals would add an additional storey at sixth floor level plus a roof top plant room, which would make it one floor higher than the extant permission. The nearest residential property is located on the corner of Eastcastle Street and Wells Street which is at sufficient distance to not be materially affected by the proposed development.

The proposed bringing forward of the building line at ground to sixth floor on the Wells Mews frontage would have no amenity implications as there are no residential properties opposite. The rear terraces are also considered acceptable in amenity terms.

#### **8.4 Transportation/Parking**

There would be no car parking provision. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for one space in Application 1) and five spaces in Application 2). As per the previous application as the two existing flats would be at 41-44 Berners Street would be lost, there is no net gain in residential units in Application 1) and the net gain is three residential flats in Application 2) meaning that the car parking deficiency is three spaces. It is not considered that the deficiency of three spaces is so great that refusing permission on these grounds would be justified.

Cycle parking is proposed at basement level for both applications. This will be secured by condition for Application 2).

#### **8.5 Economic Considerations**

Any economic benefits generated are welcomed.

#### **8.6 Access**

Level access is provided for the retail unit for both applications, and for the residential/office entrance. Lift access is then provided for the upper part of the development.

#### **8.7 Other UDP/Westminster Policy Considerations**

Not applicable.

#### **8.8 London Plan**

The proposal is not considered to raise any London-wide strategic planning matters.

#### **8.9 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.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the

framework. The City Council is now required to give due weight to relevant policies in existing plans “according to their degree of consistency” with the NPPF. Westminster’s City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. 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 NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works.

As set out above, the applicants wish to make a contribution towards the provision of public realm rather than a contribution to the affordable housing fund. There is no policy justification for this and this would not comply with the CIL Regulations.

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

Not applicable.

## **9. BACKGROUND PAPERS**

Application 1

1. Application form
2. Response from Environmental Health, dated 9 November 2015

Application 2

1. Application form
2. Response from Environmental Health, dated 9 November 2015

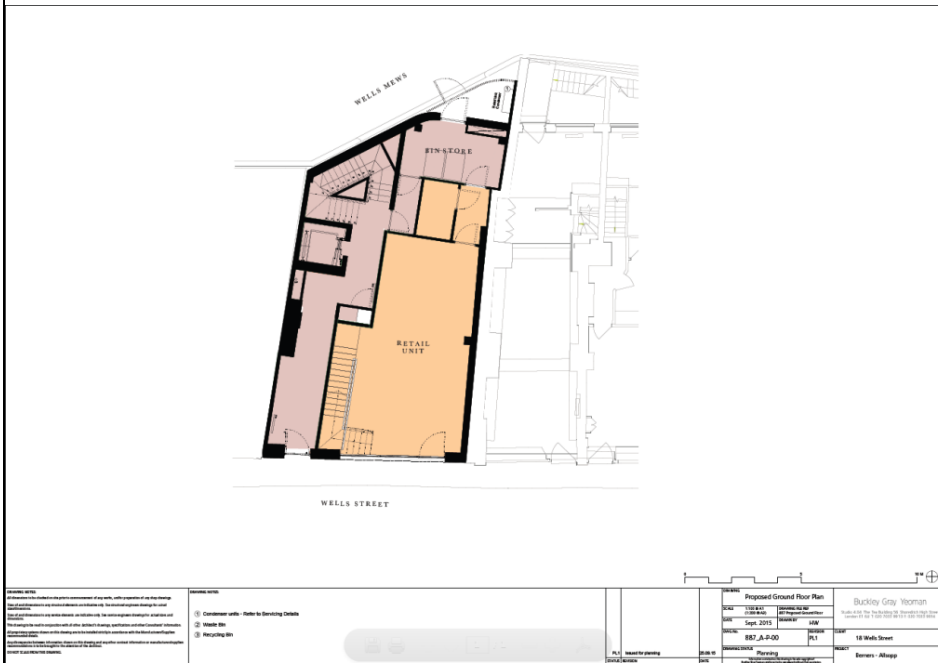
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

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

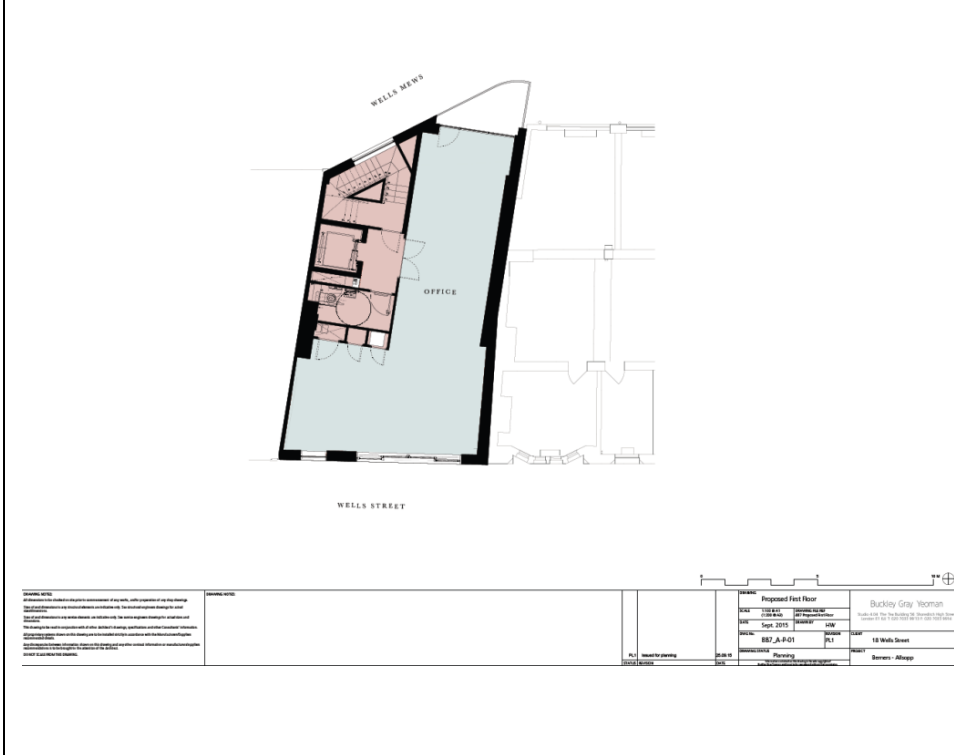
10. KEY DRAWINGS

Application 1 – retail, office and residential scheme

Proposed Ground Floor



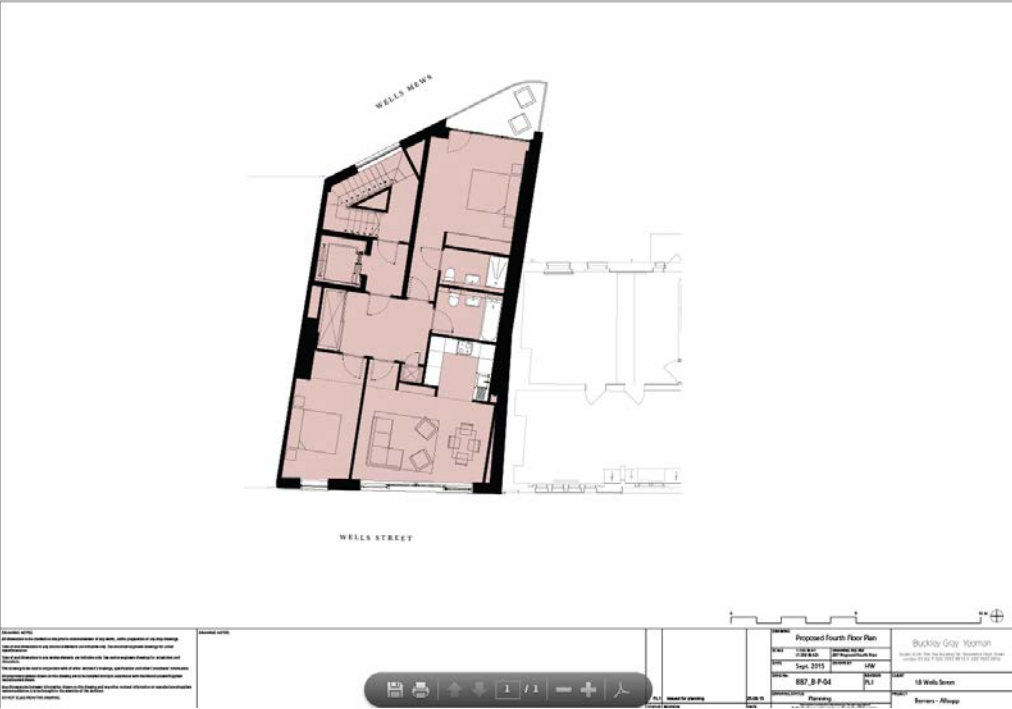
Proposed First Floor



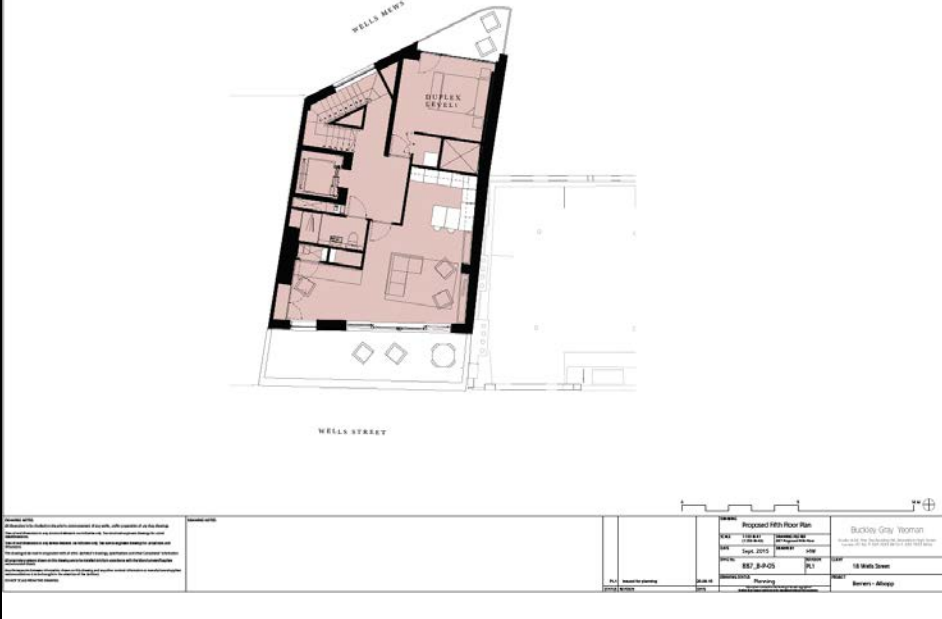




Proposed fourth floor plan



Proposed fifth floor



### Applications 1 and 2 - Proposed front and rear elevations



Front

<p><b>GENERAL NOTES</b></p> <p>1. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p> <p>2. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p> <p>3. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p>	<p><b>LEGEND</b></p> <p>① Masonry Brickwork</p> <p>② Metal Paneling</p> <p>③ Timber Window casings</p> <p>④ Concrete Stone</p> <p>⑤ Glass Brick</p> <p>⑥ Cladding</p> <p>⑦ Paint Finish</p>	<p><b>2D Color Coding</b></p>	<p><b>PROPOSED WEST ELEVATION</b></p> <p>DATE: 10/14/2015          TIME: 10:00 AM          BY: [Redacted]          PROJECT: 887_B-EW          SHEET: 01          DRAWING: [Redacted]</p>	<p><b>BUCKLEY GRAY WOMAN</b></p> <p>18 WALK STREET          BOSTON, MA 02111</p>



Rear

<p><b>GENERAL NOTES</b></p> <p>1. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p> <p>2. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p> <p>3. Elevation is shown for informational purposes only. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.</p>	<p><b>LEGEND</b></p> <p>① Masonry Brickwork</p> <p>② Metal Paneling</p> <p>③ Timber Window casings</p> <p>④ Concrete Stone</p> <p>⑤ Glass Brick</p> <p>⑥ Cladding</p> <p>⑦ Paint Finish</p>	<p><b>2D Color Coding</b></p>	<p><b>PROPOSED EAST ELEVATION</b></p> <p>DATE: 10/14/2015          TIME: 10:00 AM          BY: [Redacted]          PROJECT: 887_B-EW          SHEET: 01          DRAWING: [Redacted]</p>	<p><b>BUCKLEY GRAY WOMAN</b></p> <p>18 WALK STREET          BOSTON, MA 02111</p>



**DRAFT DECISION LETTER (APPLICATION 1)**

**Address:** 18 Wells Street, London, W1T 3PG,

**Proposal:** Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and a duplex residential unit (Class C3) on the fifth and sixth floor. Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.

**Plan Nos:** 887\_A-DE--LG PL1, 00 PL1, 01 PL1, 02 PL1, 03 PL1, 04 PL1, RF PL1, 887\_EX-E-EW PL1, 887\_EX-E-EE PL1, 887\_A-P-LG PL1, 00 PL1, 01 PL1, 02 PL1, 03 PL1, 04 PL1, 05 PL1, 06 PL1, RF PL, 887\_A-S\_AA PL1, 887\_A-EW PL1, 887\_A-EE PL1

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

Reason:

- 1 Your development would lead to a reduction in the number of residential units which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery. We do not consider that the circumstances of your case justify an exception to our policy.

Reason:

- 2 Your proposal would result in a commercial uplift which is not match by an increase in residential floorspace. This would not comply with Policies COM2 and CENT 3 of our Unitary Development Plan that we adopted in January 2007 and Policy S1 of the Westminster's City Plan: Strategic Policies that we adopted in November 2013

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 You are advised that there is no planning justification to allow for an affordable housing contribution to be directed to a public realm payment. Furthermore, this would not comply with the CIL Regulations.

**DRAFT DECISION LETTER (APPLICATION 2)**

**Address:** 18 Wells Street, London, W1T 3PG,

**Proposal:** Demolition of the existing building and erection of a building comprising lower ground, ground and first to sixth floor levels. Use of part basement and ground floor levels as retail accommodation (Class A1) and part basement, ground and the first to sixth floor levels as five residential units (Class C3). Installation of plant and associated screening at rear ground floor levels and at main roof level. Creation of terraces/balconies at first to sixth floor levels.

**Plan Nos:** 887\_A-DE--LG PL1, 887\_A-DE--00 PL1, 887\_A-DE--01 PL1, 887A-DE--02 PL1, 887\_A-DE--03 PL1, 887\_A-DE--04 PL1, 887\_A-DE--RF PL1, 887\_EX-E-EW PL1, 887\_EX-E-EE PL1, 887\_B-P-00 PL1, 887\_B-P-01 PL1, 887\_B-P-02 PL1, 887\_B-P-03 PL1, 887\_B-P-04 PL1, 887\_B-P-05 PL1, 887\_B-P-06 PL1, 887\_B-P-RF PL, 887\_B-S\_AA PL1, 887\_B-EW PL1, 887\_B-EE PL1

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 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. Front façade - typical details
  2. Rear façade - typical details

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 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 S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 6 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 7 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.

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the balustrade to the front fifth and sixth floor level to be positioned behind the parapet wall

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. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or  
(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the East Marylebone Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 10 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the East Marylebone Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 11 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 S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 12 **Pre Commencement Condition.** Notwithstanding the details submitted in the Construction Management Plan dated September 2015, this is not considered sufficient, therefore a detailed CMP must be submitted.

No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 14 (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 retail use 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 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 retail use 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 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 15 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. You must not start work on the relevant part of the development 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 building. (C14EC)

**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
  
- 2 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.**
  
- 3 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)

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



<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Site 1: 11-14 Grafton Street and 163-164 New Bond Street, London, W1;</b> <b>Site 2: Crowdean House, 26 Bruton Lane, London W1</b>		
<b>Proposal</b>	Site 1: Demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level.  Site 2: Use of part ground, first, second and third floors of 26 Bruton Lane to create 3 residential units (Class C3) and replacement of windows at ground to third floor.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Grafton Estate No. 1 (Nominee 1)		
<b>Registered Number</b>	Site 1: 15/08189/FULL 15/08190/LBC Site 2: 15/08341/FULL	<b>Date amended/ completed</b>	24 August 2015
<b>Date Application Received</b>	24 August 2015		
<b>Historic Building Grade</b>	Site 1 – The shopfront at 14 Grafton Street is listed Grade II Site 2 - Unlisted		
<b>Conservation Area</b>	Sites 1 and 2 - Mayfair		

## 1. RECOMMENDATION

<p>Site 1:</p> <p>1. Grant conditional permission and conditional listed building consent, subject to a legal agreement to secure the following:</p> <p>i) The dismantlement and re-instatement of the listed "Wartski" shopfront;</p> <p>ii) Provision of the residential accommodation at Crowdean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;</p> <p>iii) The provision of car parking spaces for Crowdean House in the basement of 11-14 Grafton Street;</p> <p>iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;</p> <p>v) Management and maintenance of the car lift;</p> <p>vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the</p>
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New Bond Street frontage, subject to them not being removed as part of any separate public realm works;

vii) Monitoring costs of £500 for each of the above clauses.

2. If the S106 legal agreement has not been completed within two months, then:

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

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

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

Site 2:

Grant conditional permission.

## 2. SUMMARY

Site 1 is a prominent building on the north side of Grafton Street (with a frontage on New Bond Street) that dates from the early 1970s. Whilst the building as a whole is not listed, one of its shopfronts is. The building is occupied as shops, offices and residential, and the proposal is for the redevelopment of the site to provide a new building with replacement accommodation for the same mix of uses. To offset the increase in commercial floorspace, the application at site 2 proposes a change of use from offices to residential.

The key issues are considered to be:

- The land use implications, in particular the loss of offices at site 2;
- The design of the new building, including the proposals for the reinstatement of the listed shopfront.

Notwithstanding the objections that have been received, the proposals are considered to be acceptable for the reasons as set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

11-14 Grafton Street



11-14 Grafton Street/163-164 New Bond Street



The 'Wartski' shopfront, 14 Grafton Street



26 Bruton Lane



## 5. CONSULTATIONS

Site 1:

### HISTORIC ENGLAND

Have issued the authorisation for the council to determination the listed building application for the shopfront;

### TWENTIETH CENTURY SOCIETY

Strong objection to the on the grounds of substantial harm to the listed shopfront at No. 14 and that the loss of the entire building will detrimentally affect both the listed shopfront and the conservation area "by reducing the architectural diversity and severing a historical connection with the chronology of evolution of building forms in the area"

### COUNCIL FOR BRITISH ARCHAEOLOGY

No objections in principle; comment that the tower and drum feature on the corner of Bond Street form a corner feature of some merit although the detail could be simplified, and that the elevation facing Albemarle Street should be amended so that it is properly appreciated as an entity in longer views.

### GEORGIAN GROUP

Any response to be reported verbally.

### VICTORIAN SOCIETY

Any response to be reported verbally.

### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

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

No objection

### HIGHWAYS PLANNING MANAGER

No objection in principle but comment on overprovision of car parking, some doors shown as opening over the highway, the need for electric vehicle charge points and maintenance of the car lift, and issues of servicing [subsequently amended with a revised servicing management plan].

### ENVIRONMENTAL HEALTH

Confirm that the plant should operate in accordance with the Council's required noise levels but request that a supplementary acoustic report is required by condition.

### ARBORICULTURAL OFFICER

Comment on the need to safeguard the three trees on the New Bond Street frontage and secure costs for the pruning measures requested by the applicant.

### ENVIRONMENTAL INSPECTORATE

Recommend that the development is subject to a Site Environmental Management Plan and an Environmental Inspectorate contribution of £28,000 per annum.

### BUILDING CONTROL

Any response to be reported verbally.

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

No. Consulted: 151; Total No. of replies: 1

An objection from a nearby commercial occupier on grounds of disruption during building works (including adverse impact on availability of parking and stopping spaces), and that the size and nature of the proposed development is out of keeping with the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Initial concerns about lack of adequate information assessing the insulation between the proposed flats and the approved pub use on the ground floor; following submission of additional information confirm no objection.

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

No. Consulted: 53; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

Both sites lie within the Core Central Activities Zone and the Mayfair Conservation Area. Site 1 comprise basement parking (accessed at the rear from Barlow Place), seven retail (A1) units at ground floor level, offices at first to third floor level and residential accommodation at fourth floor level (comprising two flats). The main building on Grafton Street dates from the early 1970s and includes a shopfront (known as the 'Wartski' shopfront) at No. 14 which is listed Grade II. 163 New Bond Street is originally dates from the late eighteenth century (though much altered) and is unlisted.

Site 2, near the top of Bruton Lane (next to the Coach and Horses public house) is a small modern office building comprising ground and three upper floors. It is currently vacant.

The surrounding area comprises commercial uses, including the world famous Bond Street, with some residential uses. Permission was granted in 2015 for the redevelopment of the adjoining site at 8-10 Grafton Street and 22-24 Bruton Lane for demolition of all existing buildings and redevelopment to provide a six storey building (plus three storey basement) on Grafton Street comprising dual/alternative retail, restaurant or office use at ground and basement and office use above on Grafton Street and an 11 storey building on Barlow Place comprising car parking and residential storage at basement levels, dual/alternative retail or restaurant use at ground floor, and residential use at first - tenth floors containing 15 residential units. That scheme includes provision of open space and landscaping in Barlow Place.

**6.2 Recent Relevant History**

There is no relevant planning history for site 1. At site 2, permission was granted in March 2014 for use of the ground floor as a drinking establishment (Class A4), in connection with the existing public house (Coach and Horses) at 5 Bruton Street. This was subject to a condition that customers shall not be permitted within the public house premises before 10.00 or after 00.30 Monday to Saturday and 12.00 or after 00.00 on Sundays.

## 7. THE PROPOSAL

Planning permission is sought for the complete demolition and redevelopment of the Grafton Street/New Bond Street site to provide a new building comprising 2 No. basement levels, a lower ground, lower ground mezzanine, ground and part five/part six upper floors (including roof level plant). The new building would provide car and cycle parking and refuse storage at basement level 2 (the parking accessed from a car lift in Barlow Place), retail accommodation from basement 1 up to part 2<sup>nd</sup> floor, with alternative retail/office use at part second floor level, office use at third and fourth floors, and residential accommodation at fifth and part sixth floor levels, including a plant area at sixth floor level.

The replacement residential accommodation comprises two 2-bedroom flats (as existing). Access would be shared with the office entrance, which is the same as existing.

The land use changes can be summarised in the table below:

Land Use	Flexible use 2 <sup>nd</sup> floor – <u>office</u> maximised			Flexible use 2 <sup>nd</sup> floor – <u>retail</u> maximised		
	Existing	Proposed	Difference	Existing	Proposed	Difference
	GEA (sqm)			GEA (sqm)		
<b>Retail (Class A1)</b>	1,372	2,251	+879	1,372	2,434	+1,062
<b>Office (Class B1(a))</b>	1,982	1,511	-471	1,982	1,328	-654
<b>Residential (Class C3)</b>	570	782	+212	570	782	+212
<b>Total</b>	<b>3,924</b>	<b>4,544</b>	<b>+620</b>	<b>3,924</b>	<b>4,544</b>	<b>+620</b>

At site 2, there is a change of use of part ground, first, second and third floors from offices to residential (193 sqm), to provide 3 x 1-bedroom flats. There are no external alterations.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Offices and Retail use

The proposal for site 1 is for redevelopment that replaces the existing uses on the site, albeit with some changes in the amounts of floorspace. The scheme includes flexible use of part of the second floor to be used as either A1 retail or B1 offices. Under both options there would be a



loss of offices but this is more than offset by an alternative commercial use, namely the retail accommodation.

Site 1 is located within the Core Central Activities Zone, and within the West End Special Retail Policy Area and the New Bond Street properties are on the Primary Shopping Frontage. The protection and enhancement of retail shopping provision is supported under City Plan Policies S6, S7 and S21 and UDP Policies SS 3 and S 4. The increase in retail floorspace at the expense of office floorspace is therefore considered to be acceptable. The indicative layout shows two large retail units replacing the existing seven units, which in this prime location is considered to be acceptable.

### **Mixed use**

UDP Policies CENT3 and COM2 and City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, with the particular aim of including residential accommodation. It is a requirement that any increase in commercial development (especially offices) in excess of 200m<sup>2</sup> should be matched by residential provision.

The increase in commercial floorspace at site 1 is 408 sqm. That scheme includes the creation of replacement residential accommodation on the upper floors of the building, with an increase from 570 sqm to 782 sqm. The increase in commercial floorspace is therefore partially offset by the 212 sqm increase in residential floorspace.

In order to offset the rest of the commercial increase (196 sqm), the applicants have submitted the application for site 2. This would involve a change of use of 193 sqm of offices to residential use: taking account of the loss of offices at that site, the overall proposals means that the increase in commercial floorspace is more than matched by the proposed residential accommodation.

With regard to the loss of offices at site 2, interim measures (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

In this case, because the proposed loss of offices at site 2 is part of a package to address other policy requirements, it is considered to be acceptable. Furthermore, the applications were submitted before the deadline of 1<sup>st</sup> September 2015.

### **Residential**

City Plan Policy S14 aims to protect all residential land, and optimise the number of units on a site. There are two existing residential units at 11-14 Grafton Street and these are to be replaced and the overall floor area increased. The existing units comprise one 2-bedroom and one 3-bedroom; the proposal is for 2 No. 2-bedroom units. UDP Policy H5 normally requires 33% family-sized accommodation, which is not possible with only two units. The loss of a family-sized unit is regrettable but given the location, is on balance considered to be acceptable. All the flats would comply with the minimum dwelling space standards as set out in the London Plan and the National Technical standards and the proposed units are not considered to be unduly large. It is accepted that the constraints of the site make it difficult to provide a better layout that would enable the creation of more units.

The existing residential accommodation has a shared access with the offices. The proposal provides a separate residential entrance, accessed from Barlow Place. This is an improvement

which is welcomed, albeit that Barlow Place has yet to be improved as part of other developments.

The three residential units proposed at site 2 are considered to provide an acceptable level of amenity. These flats would also comply with the minimum dwelling space standards as set out in the London Plan and the National Technical standards.

At 782 sqm and 193 sqm the additional residential floorspace created in both applications does not require the provision of any affordable housing, being less than 1,000m<sup>2</sup>.

## 8.2 Townscape and Design

11-14 Grafton Street dates from the early 1970s to a design by Richard Seifert & Partners. Despite the acclaimed status of that practice, this building is considered to be wholly out of character with the historic character and appearance of the street and surrounding conservation area, and detrimental to the setting of neighbouring listed buildings in Grafton Street and New Bond Street. Its sole redeeming feature is the grade II listed shopfront belonging to Wartski. The site also includes 163 New Bond Street which is a remnant of the Grafton Street scheme designed by Sir Robert Taylor and built in the late eighteenth century. The street façade is much altered, but the interior contains a fine staircase and some decorative plaster cornices. Historic England is currently considering the applicant's request for a certificate of immunity from listing.

In heritage asset terms, notwithstanding its negative contribution to the conservation area, the building forms the setting of the Wartski shopfront and this is noted by the Twentieth Century Society who also consider the building to be a non-designated heritage asset, i.e. of architectural/historic merit. The shopfront is to be dismantled and re-erected in the new development which has been designed to accommodate it without modification. While its setting of the shopfront will be different, there is no objection to the change in its current form. The new building will still be a clearly modern design into which the shopfront will neatly fit without any obvious stylistic clash. Furthermore, the new building's simple architectural detail and restrained palette of materials will not visually compete with the shopfront which will maintain its setting. The proposal in this regard will maintain the setting of the shopfront and retain its historic and architectural interest. On this basis the objection from the Twentieth Century Society is not considered to be sustainable. Furthermore, Historic England has not raised objection to the proposals and has issued authorization for the Council to determine the listed building application.

The proposed development is divided in to two blocks facing Grafton Street with a return facade to New Bond Street. The corner features a drum tower which is to include public art, and there is a modest bit of expression given to the rooftop on the axis of Albemarle Street. The proposed facing materials are unspecified types of brick and stone. The scheme represents a modest improvement to the appearance of Grafton Street, but the New Bond Street façade and tower are incongruous and sit uncomfortably amongst the more richly detailed and small-scale Georgian facades; this is particularly apparent on the Proposed Elevation drawing 1486-21-0012 for example. The Council for British Archaeology has also commented on aspects of the design which they consider to be unresolved, and a nearby commercial occupier has objected on the grounds that the size and nature of the proposed development is out of keeping with the area.

Overall, the proposed development is considered to have a neutral impact on the character and appearance of the Mayfair Conservation Area and the setting of neighbouring listed buildings including the Wartski shopfront. On this basis it is, on balance, recommended for approval.

The scheme incorporates metallic spandrels into the corner drum; this is considered to be acceptable in principle and is subject to a condition.

Apart from the provision of double glazing, there are no external alterations no at site 2.

### 8.3 Residential Amenity

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

The nearest existing residential accommodation is at 160 New Bond Street and 1 Barlow Place, but the applicants have also assessed the impact on the approved but unimplemented residential accommodation at 22-24 Bruton Street. The assessment demonstrates that there will be no material loss of amenity to these properties. No objections have been received on these grounds.

The proposals at site 2 do not give rise to any amenity consideration.

### 8.4 Transportation/Parking

#### **Car parking - Commercial & Residential**

The Highways Planning Manager advises that it is considered that in terms of people arriving and departing site 1 using car as the chosen mode of transport are not likely to be high. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels in the area is expected to be minimal.

Replacement parking is to be provided at basement level, accessed by a car lift in Barlow Place. One car parking space for each of the commercial units is provided within the basement which is compliant with TRANS22. These spaces should be primarily made available to any disabled members of staff. One car parking space for each of the two residential units in site 1 are to be provided, with three additional spaces for the proposed residential units at site 2 – these will be secured as part of the legal agreement.

This means five spaces are provided for all the residential units and two are for the commercial uses. The Highways Planning Manager has expressed concern that as eight spaces in total are proposed, there is an over provision by one space of that required under TRANS22 and TRANS23. He advises that one space should be removed from the garage parking area. However, as the existing basement has parking for 12 vehicles, overprovision of one space is considered to be acceptable.

#### **Electric Vehicle Charge Points**

A 20% provision for electric vehicle charging points is required by London Plan for the basement car park. These facilities will be secured by condition.

#### **Car Lift**

To prevent the car lift from falling into disrepair and the associated parking becoming unusable, maintenance of the lift will need to be secured, and this will be done as part of the legal agreement.

#### **Servicing – Commercial**

No off-street servicing is provided. Whilst there is a basement car parking, this will be accessed from a car lift with a narrow entrance (due to the configuration of the rear of the site in Barlow Place). It is therefore accepted that servicing from the basement car park is not feasible. The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection or laundry

vehicle. These will service this property in a similar fashion to the existing use and nearby properties.

A non-food retail use has a potentially for a slightly higher level of servicing requirement than the proposed offices. A draft Service Management Plan (SMP) has been submitted with measures that will help to minimise the impact of servicing on the public highway. The SMP contains measures that will help to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

A condition should be imposed to ensure the A1 units do not become food retail, as such a use can often create servicing problems. Servicing (where it occurs on-street) often disrupts traffic flow, obstructs pavements and creates noise problems for surrounding residents (both the movement of goods between vehicle and store and the noise of the vehicles themselves). It is also proposed that a condition be imposed that requires tenants to comply with the SMP.

#### **Cycle Parking – Commercial & Residential**

The London Plan requires 1 space per 1 bed residential unit and 2 for all other sizes. For the retail use the London Plan requires 1 space for every 250 sqm for the first 1,000 sqm and thereafter 1 space per 1,000 sqm; given the size of the proposal five spaces are required for the retail. Office use requirements are 1 space per 90 sqm, which equates to 17 spaces for the proposed floor area. The overall on-site requirement for commercial cycle parking is 22 spaces.

36 spaces are proposed within the basement of site 1, which is more than adequate. Ideally a separate secure cycle parking area should be provided for the residential units as opposed to the communal arrangement that has been shown, but given the secure nature of the basement parking level, the current proposal is acceptable.

#### **Waste Storage – Commercial & Residential**

Without storage areas waste can be left on the public highway for long periods of time. However a waste storage area is provided for all proposed uses which is welcomed.

### **8.5 Economic Considerations**

Any general economic benefits generated are welcomed.

### **8.6 Access**

The existing site has a number of stepped entrances. It is the applicant's intention to develop the site providing level access to the car park area via the car lift and then a residential lift to the flats. Level access will also be provided for the residential entrance in Barlow Place, with a lift serving solely the fifth and sixth floors. Level access will also be provided for the two retail units and the office accommodation.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Plant**

The proposal includes an area of plant at roof level. This has been assessed by Environmental Health, who have no objections to the proposals subject to conditions.

#### **Trees**

There are two trees immediately in front of the New Bond Street frontage of the site, on the public highway which is pedestrianized at this part of Bond Street. The applicant has requested limited pruning works to these trees; as they are owned by the City Council, the applicant has agreed to pay for these works to be carried out by a contractor appointed by the Council. This expense will be secured as part of the legal agreement. A separate condition will require details of tree protection to be submitted before any works commence on site.

### **Biodiversity and Sustainability**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant's energy statement demonstrates that the proposed new construction will incorporate sustainable design and construction measures, and that CO2 reductions will amount to 20% lower than a Part L 2013 compliant development. A combined heat and power (CHP) unit was considered but rejected as there will be a very low domestic hot water demand. The design of the commercial elements has sought to maximise their environmental performance, with the retail units designed to achieve a 'Very Good' rating and the offices an 'Excellent' rating under the BREEAM New Construction 2014 scheme, which is considered to be acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. There is a strip of green roof around the perimeter of the roof at sixth floor level, which is welcomed.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

The City Council's approach to and priorities for planning obligations are set out in its Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make 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, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy

contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) The dismantlement and re-instatement of the listed "Wartski" shopfront;
- ii) Provision of the residential accommodation at Crowndean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;
- iii) The provision of car parking spaces for Crowndean House in the basement of 11-14 Grafton Street;
- iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;
- v) Management and maintenance of the car lift;
- vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the New Bond Street frontage, subject to them not being removed as part of any separate public realm works;
- vii) Payments towards Crossrail of £18,304 and/or £27,983 (depending on the flexible use of part second floor), subject to the Mayoral CiL payment;
- viii) Monitoring costs of £500 for each of the above clauses.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

## **8.11 Other Issues**

There has been one objection from the occupier of a nearby commercial property, concerned about the noise and disturbance during the construction period, including impact on the availability of parking and adverse impact on traffic movements. Although not a valid planning consideration, the applicant has agreed to sign up to the Code of Construction Practice, which would be monitored by the Council's Environmental Inspectorate. This is welcomed and is considered to address the objectors' concerns as far as reasonably possible.

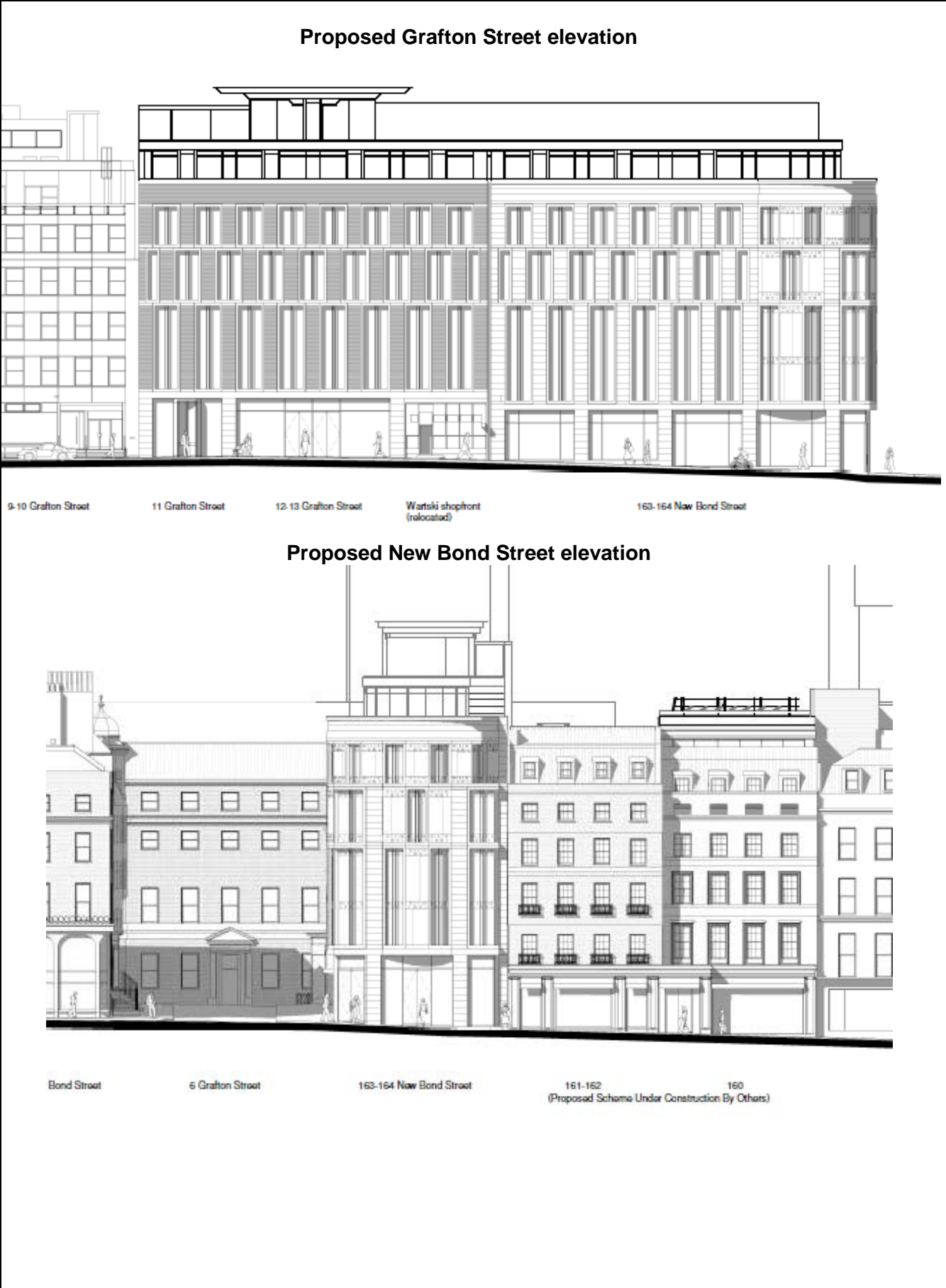
## 9. BACKGROUND PAPERS

1. Application form
2. Responses from Residents Society Of Mayfair & St. James's, dated 28 and 29 September 2015
3. Responses from Environmental Services (Premises Management), dated 24 and 30 September 2015 and 3 February 2016
4. Response from Historic England (Listed Builds/Con Areas), dated 22 September 2015
5. Letter from occupier of Bond Street House, 14 Clifford Street, dated 5 October 2015
6. Letter from the Twentieth Century Society dated 7 October 2015
7. Response from the Council for British Archaeology dated 14 October 2015
8. Memoranda from the Highways Planning Manager dated 25 November 2015
9. Memorandum from the Arboricultural Manager dated 9 November 2015

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

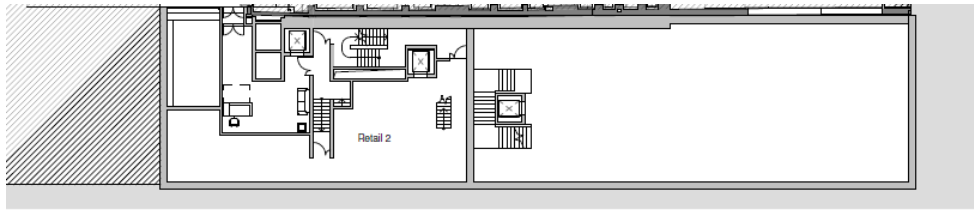
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS

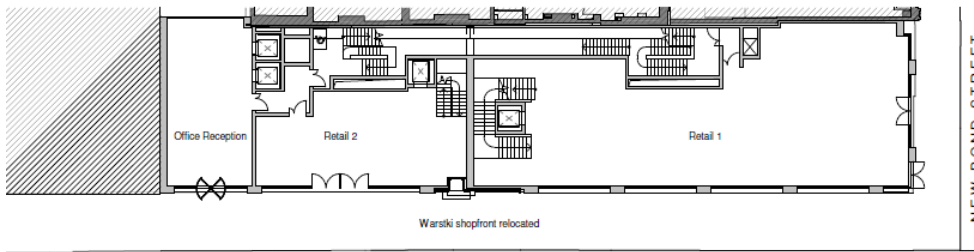




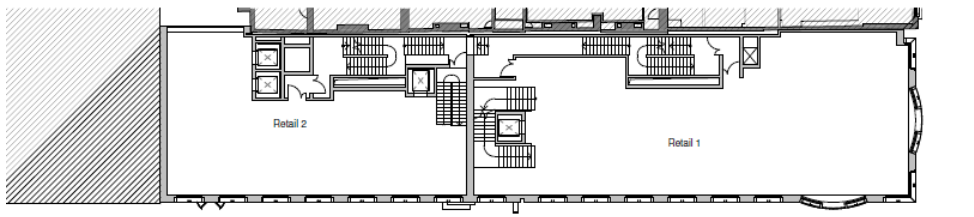
### Proposed plans (sample)



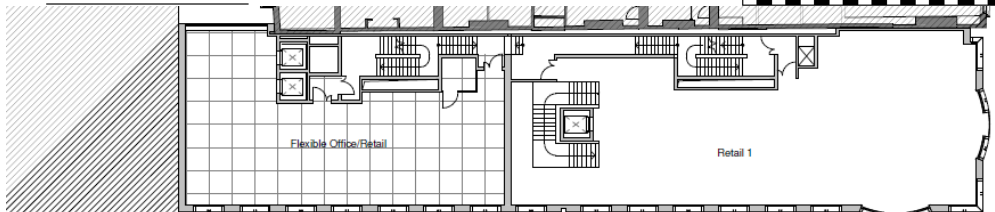
LG. Mezzanine



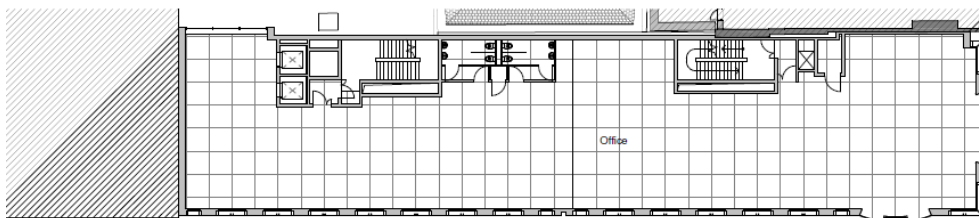
Ground Floor



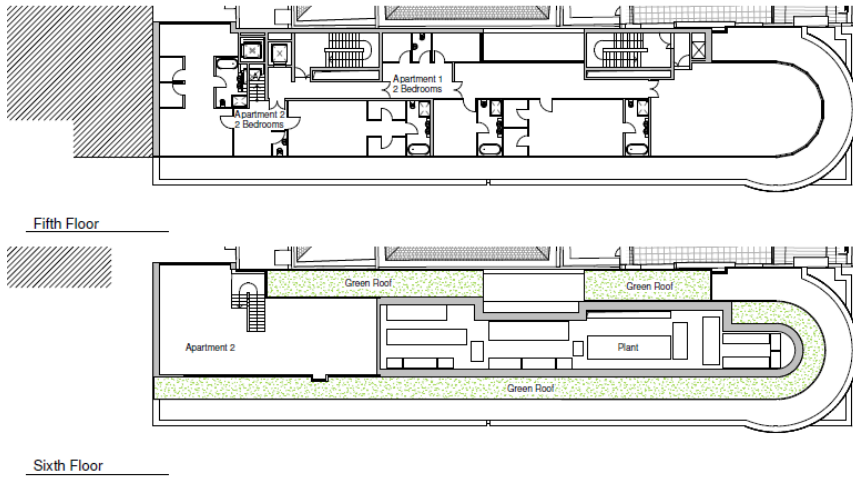
First Floor



Second Floor



Third Floor



**Proposed plans, 26 Bruton Lane**



**DRAFT DECISION LETTER (FULL)**

**Address:** 11-14 Grafton Street, London, W1S 4EW,

**Proposal:** [SITE INCLUDES 163-164 NEW BOND STREET] Demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level. (Land-use swap with Crowndean House, 26 Bruton Lane)

**Reference:** 15/08189/FULL

**Plan Nos:**

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (including details at scale 1:10) of the following parts of the development -

- i) typical example of each new window type;
- ii) the new shopfronts;
- iii) the public art.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 The residential flats hereby approved must be fitted out and made ready for occupation before either the retail or office uses can commence.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets COM 2 and CENT 3 of our Unitary Development Plan that we adopted in January 2007 and S14 of Westminster's City Plan: Strategic Policies adopted November 2013. (R07AB)

- 10 You must provide each car parking space shown on the approved drawings; one space shall be provided for each of the two flats in the residential part of this development, three shall be provided for the three flats in the linked application at Crowdean House, 26 Bruton Lane [secured as part of the legal agreement] and the remaining spaces shall only be used for the parking of vehicles of people working in the office and/or retail part of the development.

Reason:

To provide parking spaces for people living in the residential part of the development (and the linked development at Crowdean House, 26 Bruton Lane) as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 12 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 S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 Notwithstanding the provisions of Class 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (or any equivalent class in any order that may replace it) no part of the retail use shall be used as a retail food supermarket or similar use.

## Reason:

To avoid the servicing of a food supermarket blocking the surrounding streets as set out in TRANS 20 of our Unitary Development Plan that we adopted in January 2007 and Policy S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - the provision of electric vehicle charging points for a minimum of 50% of the car parking spaces at basement level. You must not commence use of the retail, office or residential uses of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

## Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 15 You must carry out the measures included in your service management plan dated February 2016 at all times that the offices and shops are in use. (C05KA)

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 You must provide the waste stores shown on the approved drawings before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the shops, offices and flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

## Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 18 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.

- 19 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.

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.

- 20 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 21 (1) Noise emitted from the emergency plant and generators hereby permitted 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) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

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

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 19 and 20 of this permission. You must not occupy the flats approved in this 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 S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 23 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 August 2015 before you use the building. (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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 24 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 25 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 26 You must provide the environmental sustainability features (environmentally friendly features) set out in the Hoare Lea Energy Strategy dated 18.8.15 before you start to use any part of the development, as set out in your application. You must then not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features

included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the Neighbourhood 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 Westminster's City Plan Strategic Policies adopted November 2013, 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.
- 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:
  - i) The dismantlement and re-instatement of the listed "Wartski" shopfront;
  - ii) Provision of the residential accommodation at Crowdean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;
  - iii) The provision of car parking spaces for Crowdean House in the basement of 11-14 Gloucester Street;
  - iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;
  - v) Management and maintenance of the car lift;
  - vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the New Bond Street frontage, subject to them not being removed as part of any separate public realm works;
  - vii) Payments towards Crossrail of £18,304 and/or £27,983 (depending on the flexible use of the second floor), subject to the Mayoral CIL payment;
  - viii) Monitoring costs of £500 for each of the above clauses.
- 3 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the trees on the New Bond Street frontage, refer to condition 24. (I34AA)
- 4 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)
- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 6 This development has been identified as potentially liable for payment of the Mayor of London Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the owner of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to

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.**

### DRAFT DECISION LETTER (LBC)

**Address:** 11-14 Grafton Street, London, W1S 4EW,

**Proposal:** Dismantlement and reinstatement of shopfront of No. 14 Grafton Street following wider redevelopment of 11-14 Grafton Street and 163-164 New Bond Street.

**Plan Nos:**

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

#### Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 You must apply to us for approval of a method statement for the dismantling, storage and reconstruction of the 'Wartski' shopfront at 14 Grafton Street. You must not start any work on the shopfront for its removal until we have approved what you have sent us and you must then carry out the work to the shopfront in accordance with the details we have approved. You must not then occupy any part of the development until the shopfront has been reinstated in accordance with the details we have approved.

Reason:

To protect the special architectural or historic interest of this building element and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 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 proposed works would not harm the character of this building element of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 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 dismantling and reinstatement of the listed shopfront.

**DRAFT DECISION LETTER**

**Address:** Crowndean House, 26 Bruton Lane, London, W1J 6JH

**Proposal:** Use of part ground, first, second and third floors of 26 Bruton Lane to create 3 residential units (Class C3) and replacement of windows at ground to third floor. (Part of land use swap with 11-14 Grafton Street).

**Plan Nos:**

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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.

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.

- 3 Before occupation of any of the flats hereby approved, the insulation works outlined in the Clarke Saunders Acoustics report dated 2 December 2015, and the ventilation system outlined in the Hoare Lea Ventilation Strategy Note rev B, shall be fully implemented and thereafter permanently retained.

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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 4 After completion and before occupation of the approved residential units, you must apply to us for approval of details of a supplementary acoustic report based on real data demonstrating that the residential units will comply with the Council's noise criteria as set out in Condition 2 of this permission. You must not occupy any of the flats 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 (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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 5 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

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# Agenda Item 8

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>11 Belgrave Road, London, SW1V 1TS,</b>		
<b>Proposal</b>	Use of building for residential purposes (Class C3) to provide 73 residential units (45 private units and 28 affordable units). Re-cladding of all existing facades, installation of balconies and terraces including creation of two terraces to rear at first floor level and associated landscaping works at rear of building. Provision of 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street. Reduction of plant room at roof level, installation of plant at lower ground floor level and installation of solar panels on roof at seventh floor level.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Penwell Design Concepts Limited		
<b>Registered Number</b>	15/07008/FULL	<b>Date amended/ completed</b>	3 August 2015
<b>Date Application Received</b>	31 July 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of 28 affordable housing units on site in perpetuity to be made ready for occupation prior to the occupation of the private residential units.</p> <p>b) Footway works required to move one of the crossovers in Guildhouse Street and any associated changes to on-street parking;</p> <p>c) Free lifetime (25 years) car club membership for residents of the development;</p> <p>d) Unallocated parking;</p> <p>e) The costs of monitoring the S106 legal agreement.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if</p>
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not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

11 Belgrave Road is located at the northern end of Belgrave Road and is bounded by Guildhouse Street to the rear. The building is located in the Pimlico Conservation Area but is not listed.

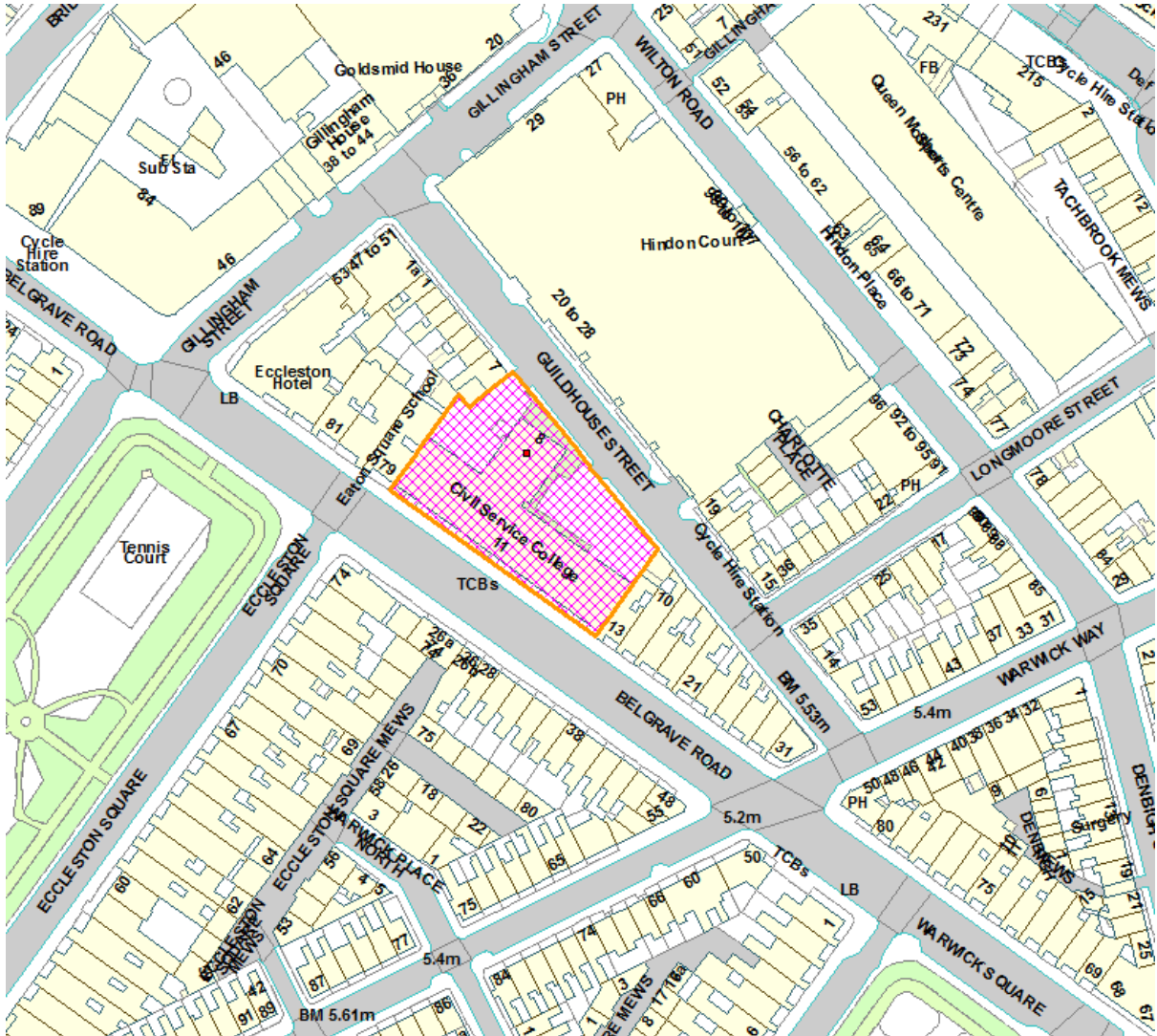
Permission is sought for the change of use of the existing building from offices (Class B1) to residential (Class C3) to provide 73 residential units (45 private units and 28 affordable units). The scheme includes the re-cladding of all facades, the installation of balconies and terraces including creation of two terraces to rear at first floor level and associated landscaping works at rear of building. The proposals would provide 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street.

The key issues for consideration are:

- \* The impact of the external alterations on the character and appearance of the Pimlico Conservation Area.
- \* The impact on the amenity of neighbouring residential occupiers.

Subject to conditions and a S106 agreement, the proposed development is considered acceptable in land use, conservation and design, amenity and highways terms and to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COUNCILLOR NICKIE AITKEN

Largely supportive. Will improve the appearance of the building from the street. Welcomes provision of affordable housing. Concerned that the level of off-street parking proposed will not meet demand. Potential loss of amenity to terraced houses on Guildhouse Street from overlooking into bedrooms and noise and disturbance from proposed balconies and terraced areas. Requests conditions to deal with these elements.

### ENVIRONMENT AGENCY

No objection.

### METROPOLITAN POLICE (DESIGNING OUT CRIME)

Development would benefit from enhanced security measures to reduce the potential of crime and antisocial behaviour from occurring within the confines of the block. Scheme should achieve Secured by Design.

### WESTMINSTER SOCIETY

Fully supports the application.

### FEDERATION OF PIMLICO RESIDENTS ASSOCIATIONS (FREDA)

Support the application.

### HEAD OF AFFORDABLE & PRIVATE SECTOR HOUSING

Welcomes the provision of 28 affordable units on site. Delivery and rent levels to be secured by s106 agreement.

### HIGHWAYS PLANNING MANAGER

No objection. Parking should be unallocated across both car parks. Car club membership should be offered. The footway works should be secured by legal agreement.

### ENVIRONMENTAL HEALTH

Amendments required to the internal layout to meet acceptable fire safety standards. Basement habitable rooms may not receive adequate light. Windows must open, irrespective of provision of whole house ventilation.

### HEAD OF AFFORDABLE & PRIVATE SECTOR HOUSING

The application proposes a policy compliant amount of affordable housing on site. The mix and tenure split is considered acceptable. The rent amounts are to be secured through legal agreement.

### ARBORICULTURAL OFFICER

Four Italian Alder trees in the footway of Guildhouse Street can be retained. No objection, subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 280; Total No. of Replies: 23.

23 letters of objection have been received from residents in the adjoining properties and local businesses, raising the following concerns:

#### Land Use

- \* Loss of offices, which are used by various charities.

#### Amenity

- \* Overlooking/privacy concerns from raised rear amenity terraces.
- \* Entrance to social housing will be on Guildhouse Street.
- \* Main roof photovoltaic panels will block winter sun.
- \* Car park currently created a pleasant open aspect.
- \* Noise from bin emptying, car parking and residents' first floor garden areas.

#### Design

- \* No balconies above first floor level in line with other buildings in Pimlico.

#### Highways

- \* No parking for visitors.
- \* Not enough car parking spaces.
- \* Car park entrance on Guildhouse Street will increase traffic and noise at all hours.

#### Other

- \* Noise and dust during construction works.
- \* Plans will not reduce and may add to antisocial behaviour on Guildhouse Street.
- \* Trees must remain at current size.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is an unlisted building in the Pimlico Conservation Area, outside of the Core Central Activities Zone (CAZ) but inside the Pimlico CAZ. The building is currently occupied for office (Class B1) use.

### 6.2 Recent Relevant History

Planning history was granted in 1954 for redevelopment of the site as offices. There is no relevant recent history for the site.

## 7. THE PROPOSAL

Permission is sought to use the building for residential purposes (Class C3) to provide 73 residential units (45 private units and 28 affordable units). It is also proposed to re-clad all existing facades, to install balconies and terraces including creation of two communal terraces to rear first floor level. The proposals would provide 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street. It is proposed to reduce the size of the existing plant room at roof level and install at seventh floor level. The installation of mechanical plant is proposed at lower ground floor level

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below provides a breakdown of existing and proposed floorspace:

Use	Existing (m2)	Proposed (m2)	Change (m2)
Office (Class B1)	10,906	0	-10,906
Residential (Class C3)	0	10,063	+10,063
Plant (misc.)	(incl. in above)	419	+419
<b>Total</b>	<b>10,906</b>	<b>10,482</b>	<b>-424</b>

#### Loss of office use

It is noted that the existing building provides office accommodation to a number of charitable organisations. The Council has received letters from these charities objecting to the scheme on the grounds that the Victoria Charity Centre provides affordable office space for 25 charities with more than 100 other not-for-profit organisations regularly using the meeting rooms and other services. The representations advise that over 300 people are employed in the building and that this provides a significant customer base for the local shops.

The application is located outside of the Core CAZ and is therefore not subject to the City Council's recent change of approach to office to residential conversions. Policy S10 of Westminster's City Plan: Strategic Policies (hereafter referred to as the City Plan) relates to the Pimlico CAZ and states that '[Pimlico] will be primarily for residential use with supporting retail, social and community and cultural provision'.

Although the Council does not have policies that specifically protect office floorspace outside the Core CAZ, the economic, social and environmental implications of the change of use need to be assessed in the context of the NPPF's presumption in favour of sustainable development.

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..... to secure development that improves the economic, social and environmental conditions in the area.'

The change to a residential use will provide economic, social and environmental benefits. The scheme will provide a net increase of 73 residential units including 28 affordable housing units on site. This provision will contribute towards Westminster's housing target of 770 new homes per year as set out in the London Plan. The scheme will also provide environmental benefits in the form of a refurbished building with enhanced environmental performance and photovoltaic panels and economic benefits as the future occupiers will use local shops and services.

The loss of Class B1 office floorspace outside the Core CAZ in these circumstances is therefore considered acceptable.

### Residential use

The size and mix of the residential units is provided below:

	Private		Affordable Housing				Total	
		%	Intermediate	%	Rented	%		%
<b>1 bed</b>	<b>11</b>	<b>24%</b>	<b>2</b>	<b>25%</b>	<b>4</b>	<b>20%</b>	<b>17</b>	<b>23%</b>
<b>2 bed</b>	<b>20</b>	<b>44%</b>	<b>4</b>	<b>50%</b>	<b>9</b>	<b>45%</b>	<b>33</b>	<b>45%</b>
<b>3 bed</b>	<b>14</b>	<b>31%</b>	<b>2</b>	<b>25%</b>	<b>4</b>	<b>20%</b>	<b>20</b>	<b>27%</b>
<b>4 bed</b>		<b>0%</b>		<b>0%</b>	<b>3</b>	<b>15%</b>	<b>3</b>	<b>4%</b>
<b>Total</b>	<b>45</b>		<b>8</b>		<b>20</b>		<b>73</b>	

The City Council wants to encourage more families to stay and move into Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms).

In this instance the proposed overall dwelling mix includes 23 family units (3 or more bedrooms) which equates to 32% in total and is considered acceptable and almost policy compliant.

All units exceed the national residential space standards. The one bed apartments average between 50-56m<sup>2</sup>, the two and three bed units average between 61-109m<sup>2</sup> and the six townhouses which are arranged over three floors and accessed directly from Belgrave Road range from 181-292m<sup>2</sup>. The unit mix was revised in January and an up to date schedule of unit sizes has been requested from the applicant. This will be provided as a background paper (as an additional representation).

Inset and projecting balconies are provided for the majority of the units to provide amenity space for residents. Terraces are also provided in association with the private and affordable residential elements. The proposed development has sought to achieve the Lifetime Home Standards and the units comply with Lifetime Homes, where feasible.

Some of the units will have only a single north facing aspect. This is a result of retention of the structural frame of the building in terms of its orientation and internal configuration. In the context of the proposals taken as a whole, although regrettable, given that the scheme will provides spacious and well-appointed units in all other regards it is accepted that the limitations imposed by retention of the structural frame of the building would make the provision of a dual-facing aspects of these units very difficult and may reduce the overall quantum of units that could be delivered on site and therefore no objection is raised on these grounds.

Policy ENV 6 of the UDP states that residential developments are required to provide adequate protection from existing background noise and noise from within the development itself. The application includes an acoustic report which examines the impact of new external plant and the internal noise levels for the proposed flats. The proposals are considered acceptable, subject to standard conditions.



### **Affordable housing**

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of the City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m<sup>2</sup> of additional residential floorspace, affordable housing should be provided.

Policy S16 requires affordable housing to be provided on-site where practicable and viable. In this case the full policy compliant requirement of 35% affordable housing is provided on site as a proportion of the total residential floorspace, which is welcomed.

The affordable housing is to be provided as 20 social housing units (71%) and 8 intermediate housing units (29%). The Head of Affordable & Private Sector Housing welcomes this provision and has set out the acceptable rent levels for inclusion as part of the s106 agreement which will secure the delivery of these units.

### **8.2 Townscape and Design**

Residing on the east side of Belgrave Road, south of Eccleston Square, No. 11 is a post war building which was constructed on the site of the Eccleston Square Congregational Church (1845) which was destroyed by bomb damage in 1941.

Unlisted but within the Pimlico Conservation Area, the existing building comprises seven storeys above a basement, and is currently in office use. The building is a typical 1950s block, constructed around a concrete frame with brick and glass infills. Whilst slightly taller than the neighbouring terraces to the north and south, its height is relatively restrained. The proposals seek to maintain the frame of the existing building and its 'T' plan form, whilst completely remodelling the facades to give the property a more residential character. No additional bulk or height is to be added to the building.

The remodelled facades seek to replicate a more traditional fenestration pattern, to the front a more vertical fenestration pattern is proposed, articulated by balconies. Together with the new facing materials, proposed to be cast stone, the new façade would complement the stucco fronted Victorian terraces which characterise Pimlico. To the rear the building will also be re-clad in brick with a more residential fenestration pattern and balconies.

The recessed top floor is also re-clad and would read as a subservient roof form. The existing plant room, which is set back from the current top floor, is to provide additional accommodation with the plant being relocated into the basement. A terrace is proposed to be created at the rear at first floor level over the car park. Retained by a new boundary wall, the terrace would provide additional amenity space which would enliven what is an uninspiring hard landscaped area.

Unlisted and of limited architectural merit, the refurbishment of the building has the potential to significantly improve its contribution to the Pimlico Conservation Area.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

There are residential properties to the rear of the site on Guildhouse Street. Objections have been received from a number of residents on the grounds of loss of privacy and noise.

#### Sunlight and Daylight

The refurbishment of the building will see a reduction in height of between 1.5m and 2.25m, including the provision of a reduced plant room and photovoltaic panels at main roof level, and there will be no change to the bulk or massing from the existing building. Accordingly, there will be no negative impact in terms of sunlight or daylight for neighbouring residents.

#### Privacy

Concerns have been raised by neighbouring residents on grounds of overlooking/privacy from the proposed raised rear amenity terraces. This concern is raised by neighbours on the side of Guildhouse Street facing the application site, particularly in relation to overlooking down and into first floor bedroom windows. There is a typical street width of approximately 8m between the edge of the nearest proposed amenity terrace and the closest affected windows.

Whilst it is accepted that the creation of a raised terrace in this location could potentially have privacy implications for facing residents, the applicant has confirmed that the proposed amenity terrace will be bounded by a parapet wall approximately 1.5m high with a trough running the length of the wall behind it. The intention is to landscape the area, which will include planting to screen the terraces. It is recommended that planted screening is secured by condition in order to ensure that privacy of the neighbouring residents will be preserved.

#### Noise

Objections have been received on the grounds that the development will lead to noise from bin emptying, car parking and residents' first floor garden areas and balconies and that the entrance to the social housing will be from Guildhouse Street. The existing building is a multi-tenanted office building and whilst it is accepted that the noise associated with the arrival and departure of staff and servicing of the building is largely confined to between office hours it is not considered that the noise generated by the residential use would be detrimental to residential amenity, given the extent of neighbouring residential properties, including purpose-built flat blocks, in the immediate vicinity.

The proposed projecting and inset balconies are of a limited size, as is the affordable housing communal terrace at rear first floor level. The communal terrace for the private housing element is larger but will be screened by planting and is unlikely to be used intensively to the detriment of neighbouring amenity. Noise created by new residents in this area would equally be of concern to other residents in the same block and so would be unlikely to go unchecked. The proposals will enclose the car parking, which is currently an open area, thereby reducing noise from the shutting of car doors, and the servicing arrangements for the building are modest when compared to those required by typical commercial uses.

#### **8.4 Transportation/Parking**

Objections have been received on the grounds that the proposed residential use will increase pressure on parking and servicing in the surrounding area.

The Highways Planning Manager welcomes the provision of 44 off-street unallocated car parking spaces, to be provided a ground floor level using car stackers. It is recommended that the car parking spaces are provided on an unallocated basis which is secured through the S106. It is recommended that electric vehicle charging points are secured by condition.

Given that the site is highly accessible by public transport, the proposed measures are considered sufficient to meet the car parking demands of the future residents of the development.

The proposed development incorporates 131 cycle parking spaces at ground level for the residential units, which meets the requirements of the London Plan. A condition is recommended to secure the cycle parking.

#### **8.5 Economic Considerations**

The net reduction in employment at the site may have economic implications for local shops and services however part of this is likely to be off-set when the residential flats are occupied.

#### **8.6 Access**

The proposed development has been designed to meet the requirements of the Disability Discrimination Act and incorporates the principles of inclusive design. All the new housing units will meet the Lifetime Homes standards where feasible.

#### **8.7 Other UDP/Westminster Policy Considerations**

In all other regards the application is considered acceptable and in line with the City Council's planning policy, subject to standard conditions.

#### **8.8 London Plan**

This application raises no strategic issues.

## 8.9 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.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. 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 NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### 8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make 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, whether there is a local CIL in operation or not, 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.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing

with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced from 1 May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) Provision of 28 affordable housing units on site in perpetuity;
- ii) Footway works required to move one of the crossovers in Guildhouse Street and any associated changes to on-street parking;
- iii) Free lifetime (25 years) car club membership for residents of the development;
- iv) Unallocated parking;
- v) The costs of monitoring the S106 legal agreement.

### **8.11 Sustainability/ Biodiversity**

Policy S40 of the City Plan considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The London Plan sets out in Policy 5.2 that all major development schemes should achieve a 40% carbon reduction improvement on the 2010 Building Regulations.

The total carbon emissions reduction beyond Building Regulations Part L 2013 (new build) is aspiring to 35% which is achieved through a number of passive design and energy efficient measures, in addition to roof mounted photovoltaic panels. The proposed development seeks to achieve BREEAM 'Excellent' and will investigate the potential to achieve 'Outstanding' in the design process.

In terms of biodiversity, the development proposes green roofs at main roof level and to the first floor terraced areas which is welcomed. Conditions are recommended to secure these elements of the scheme and to secure details of the planting and management regime.

### **8.12 Other Issues**

Concerns have been raised by neighbouring residents regarding construction noise and disturbance. Permission could not be reasonably withheld on such grounds. The City Council's standard condition on hours of work will be applied which will limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00.

Additional concerns have been raised relating to the proposals potentially adding to antisocial behaviour on Guildhouse Street. However, given the additional activity and overlooking that the residential use will bring it is considered that it would be unlikely if such a use contributed to existing antisocial behaviour. The

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 25 August 2015
3. Response from Highways Planning - Development Planning, dated 5 November 2015
4. Response from EH Consultation, dated 3 September 2015
5. Response from Building Control - Development Planning, dated 8 September 2015
6. Response from Environment Agency (Thames Region), dated 4 September 2015
7. Response from Head of Affordable & Private Sector Housing, dated 8 February 2016
8. Response from Arboricultural Manager, dated 10 February 2016.
9. Response from Metropolitan Police (Designing Out Crime), dated 1 September 2015
10. Letter from occupier of 25 Guildhouse Street, London, dated 21 September 2015
11. Letter from occupier of 18 Guildhouse Street, London, dated 29 August 2015
12. Letter from occupier of 11 Belgrave Road, London, dated 8 September 2015
13. Letter from occupier of Third Floor, 11 Belgrave Road, dated 7 September 2015
14. Letter from occupier of 11 Belgrave Road, London, dated 9 September 2015
15. Letter from Institute European Environmental Policy, 11 Belgrave Road, dated 3 September 2015
16. Letter from occupier of 18 Uplands Road, Reading, dated 4 September 2015
17. Letter from 27 Guildhouse Street, London, dated 27 August 2015
18. Letter from 5 Sovereign Court, 51 Gillingham Street, dated 26 August 2015
19. Letter from InterAct Stroke Support, Victoria Charity Centre, 11 Belgrave Rd., dated 1 September 2015
20. Letter from occupier of Sixth Floor Right, 11 Belgrave Road, dated 9 September 2015
21. Letter from Victoria Charity Centre, 1st floor, 11 Belgrave Road, dated 8 September 2015
22. Letter from occupier of 11 Belgrave Road, London, dated 9 September 2015
23. Letter from Refugee Action, Victoria Charity Centre, dated 7 September 2015
24. Letter from LHA London, The Heart Of London Living, dated 7 September 2015
25. Letter from The Pensions Advisory Service, 11 Belgrave Road, dated 7 September 2015
26. Letter from Bipolar UK, 11 Belgrave Road, dated 3 September 2015
27. Letter from occupier of 11 Belgrave Road, London, dated 10 September 2015
28. Letter from Cllr Nickie Aitken, dated 26 January 2016

### Selected relevant drawings

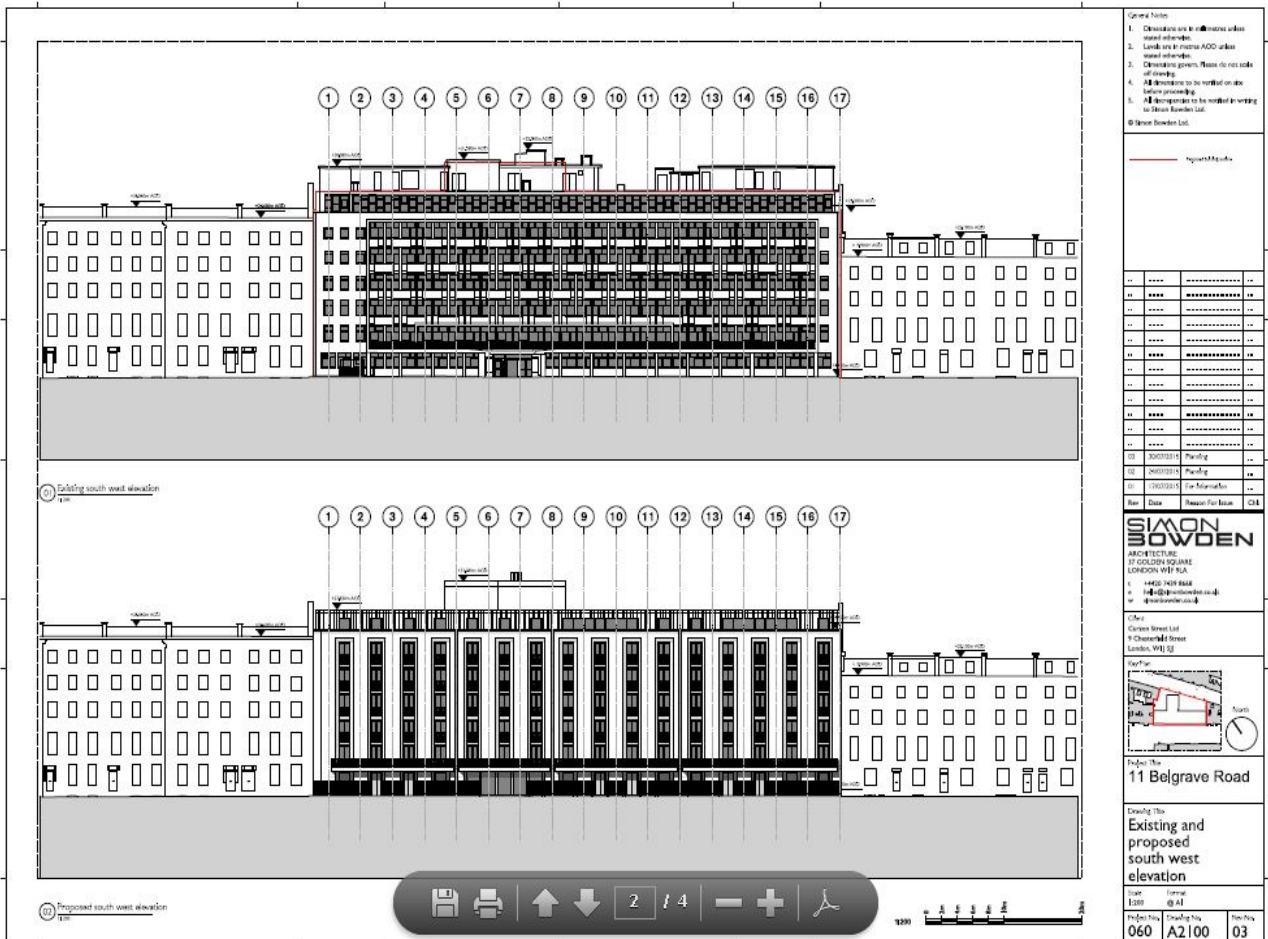
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SEBASTIAN KNOX ON 020 7641 4208 OR BY EMAIL AT [SouthPlanningTeam@westminster.gov.uk](mailto:SouthPlanningTeam@westminster.gov.uk)

10. KEY DRAWINGS

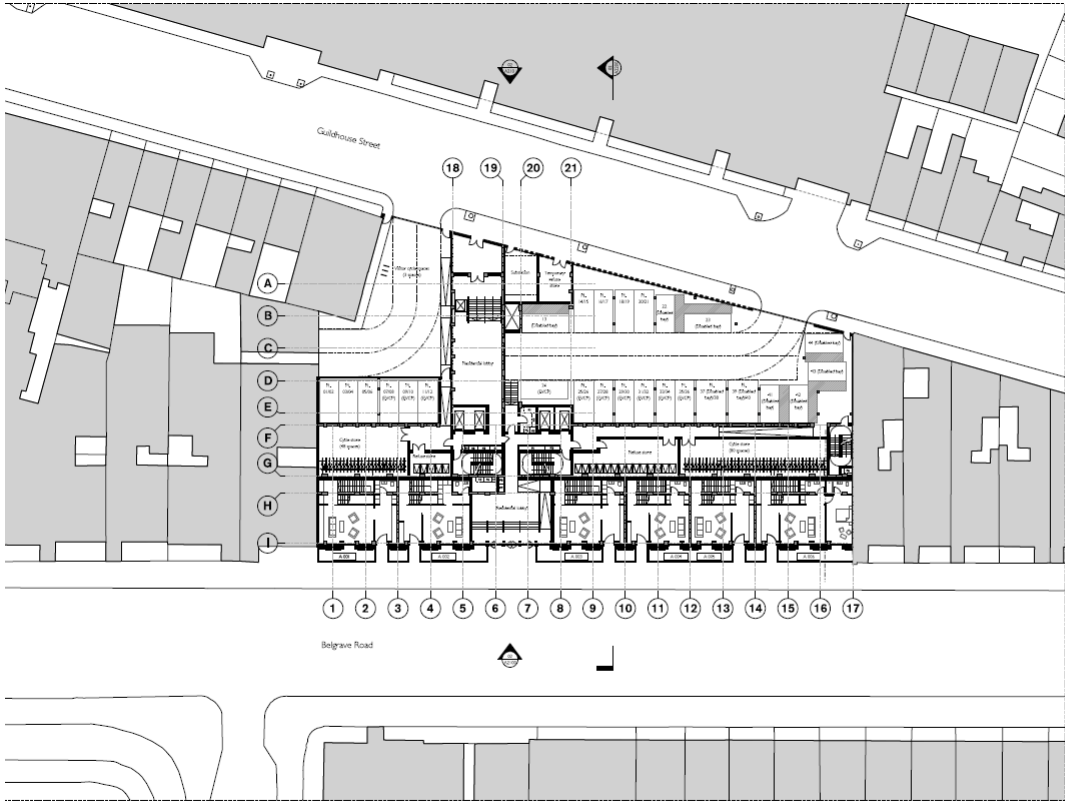


Visualisation of re-clad building (Belgrave Road elevation) .



Existing and proposed front elevation



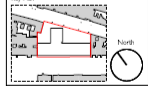


2. Levels are in metres AOD unless stated otherwise.
  3. Dimensions given. Please do not scale off drawing.
  4. All dimensions to be verified on site before proceeding.
  5. All discrepancies to be notified in writing to Simon Bowden Ltd.
- © Simon Bowden Ltd.

Rev	Date	Reason For Issue	CR
08	30/07/2016	Planning	---
07	27/07/2016	Planning	---
06	23/07/2016	Drafting	---
05	17/07/2016	Planning	---
04	24/07/2016	Planning	---
03	20/07/2016	For Information	---
02	15/07/2016	For Information	---
01	19/06/2016	For Information	---

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Project No  
**11 Belgrave Road**

Drawing Title  
**Proposed plan  
 Floor 00**

Scale	Format	Rev/No
1:200	@ A1	08
Project No	Drawing No.	Rev/No
060	A2010	08

**Proposed ground floor**



**DRAFT DECISION LETTER**

**Address:** 11 Belgrave Road, London, SW1V 1TS,

**Proposal:** Change of use of existing building from offices (Class B1) to residential (Class C3) to provide 73 residential units (45 private units and 28 affordable units). Re-cladding of all existing facades, installation of balconies and terraces including creation of two terraces to rear at first floor level and associated landscaping works at rear of building. Provision of 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street. Reduction of plant room at roof level, installation of plant at lower ground floor level and installation of solar panels on roof at seventh floor level.

**Reference:** 15/07008/FULL

**Plan Nos:** A0500 Rev 04; A0501 Rev 04; A1009 Rev 01; A1010 Rev 02; A1011 Rev 01; A1012 Rev 01; A1013 Rev 01; A1014 Rev 01; A1015 Rev 01; A1016 Rev 01; A1017 Rev 01; A1018 Rev 01; A2009 Rev 05; A2010 Rev 08; A2011 Rev 05; A2012 Rev 06; A2013 Rev 06; A2014 Rev 06; A2015 Rev 06; A2016 Rev 05; A2017 Rev 05; A2018 Rev 05; A2100 Rev 03; A2101 Rev 04; A2200 Rev 05; Design and Access Statement (in part); Transport Statement dated July 2015, prepared by TTP Consulting; Residential Travel Plan dated July 2015 prepared by July 2015; Environmental Noise Survey and Noise Impact Assessment Report 22035/NIA1 dated 30 July 2015, prepared by Hann Tucker Associate; Arboricultural Impact Assessment Report dated 30 July 2015, prepared by Landmark Trees.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**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 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of typical details of the following parts of the development, including elevation and section drawings scaled at 1:50 or 1:100 as appropriate –
- a) windows,
  - b) window surrounds and reveals,
  - c) entrance doors, d)
  - d) screen wall, including all doors and gates, to the Guildhouse Street elevation.
- You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of typical details of the following parts of the development, including elevation and section drawings scaled at 1:50 or 1:100 as appropriate - the roof plant enclosure and material. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings and sections at 1:5 of the following parts of the development:, a) the cast-iron metal work to the balconies;, b) the cast-iron railings., , You must not start any work on these parts of the development until we have approved what you have sent us.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 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 this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we

adopted in January 2007. (R26BE)

- 9 All new railings are to be painted black and retained that colour.
- 9 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of planted screening to the first floor rear terraces. You must not start any work on these parts of the development until we have approved what you have sent us., , The terraces must not be used until the planted screening has been installed in accordance with these drawings and must be permanently maintained.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area and to protect the privacy and environment of people in neighbouring properties. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128, and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R26BE, R21BC)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 11 You must provide the waste stores shown on drawing A2010 rev 08 prior to occupation of any part of the building. You must clearly mark them and make them available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste stores for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 12 (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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 13 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.

- 14 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.

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.

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

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.

- 16 The three and four 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) provide three or four separate rooms respectively that are capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)



- 17 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 S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 18 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs at rear first floor level (including planted screening) and at main roof level 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 protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 19 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 S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 20 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof, terraces or balconies, unless otherwise agreed in writing by the Local Planning Authority. (C26NA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 21 You must not use the main roof of the building for sitting out or for any other purpose. You can

however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 22 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , Photovoltaic panels and green roof, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 23 You must carry out excavation for the trial holes in relation to the roots of the four Italian Alder trees on the footway of the Guildhouse Street elevation by hand or using hand-held tools (other than power-driven tools). You must not damage any roots over 50mm in diameter and must protect any roots that are exposed by the excavation by placing sharp sand around the roots to avoid further damage. You must liaise with the City Council in advance of these works being undertaken so that Council Officers can be on site when the works are in progress (please email [Trees@westminster.gov.uk](mailto:Trees@westminster.gov.uk) or phone 020 7641 2922 to arrange).

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 24 You must safeguard the four Italian Alder trees in the footway of the Guildhouse Street elevation with hoarding throughout the duration of the development. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 25 Notwithstanding the provision of whole house ventilation or other mechanical ventilation system, the development must allow for the ability to open windows for cooling and ventilation in each of the residential units.

Reason:

To protect the living conditions of people who may use the property in future as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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)

- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 The means of escape in case of fire are inadequate as in many cases the bedrooms appear to be shown on the floor plans as 'Remote Rooms' where the bedroom is only accessible via another room, i.e. the living room. In addition, some of the units appear to show arrangements where the main internal escape staircase is not adequately separated and protected from the area of highest risk, namely the kitchen areas. The internal arrangement of the units should be amended accordingly to show adequately protected escape routes in order to comply with building regulations. The internal arrangement of the units should be amended accordingly to show adequately protected escape routes in order to comply with building regulations. You are advised to contact Phil Howard of our Building Control team (phoward@westminster.gov.uk) to discuss this aspect to ensure compliance with building regulations.
- 8 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. You must make a separate section 211 notification if you propose any tree works. You are advised to obtain the permission of the owner of the tree prior to submission of a section 211 notification.
- 9 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: i) Provision of affordable housing accommodation on site in perpetuity; ii) Footway works required to move one of the crossovers in Guildhouse Street and any associated changes to on-street parking; iii) Free lifetime (25 years) car club membership for residents of the development; iv) Unallocated parking; v) The costs of monitoring the S106 legal agreement.

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

# Agenda Item 9

Item No.

9

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>20 Hanover Terrace, London, NW1 4RJ,</b>		
<b>Proposal</b>	Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.		
<b>Agent</b>	Purcell		
<b>On behalf of</b>	Hanover Terrace Limited		
<b>Registered Number</b>	15/09445/FULL 15/09446/LBC	<b>Date amended/ completed</b>	6 January 2016
<b>Date Application Received</b>	9 October 2015		
<b>Historic Building Grade</b>	I		
<b>Conservation Area</b>	Regent's Park		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site comprises a six storey grade I listed end of terrace dwellinghouse dating from the early 1820's. The building also has two outbuildings to the rear and a large garden to the side (north west) elevation of the house. The site is located within the Regent's Park Conservation Area and is visible in views from Regent's Park across the Outer Circle.

Permission and listed building consent are sought for the excavation of a double height basement

extension below the garden and the former stable block, internal and external alterations to existing buildings, demolition of the former gardener's house to rear of site and its replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and erection of an infill extension at ground floor level between main house and boundary wall with No.19 Hanover Terrace.

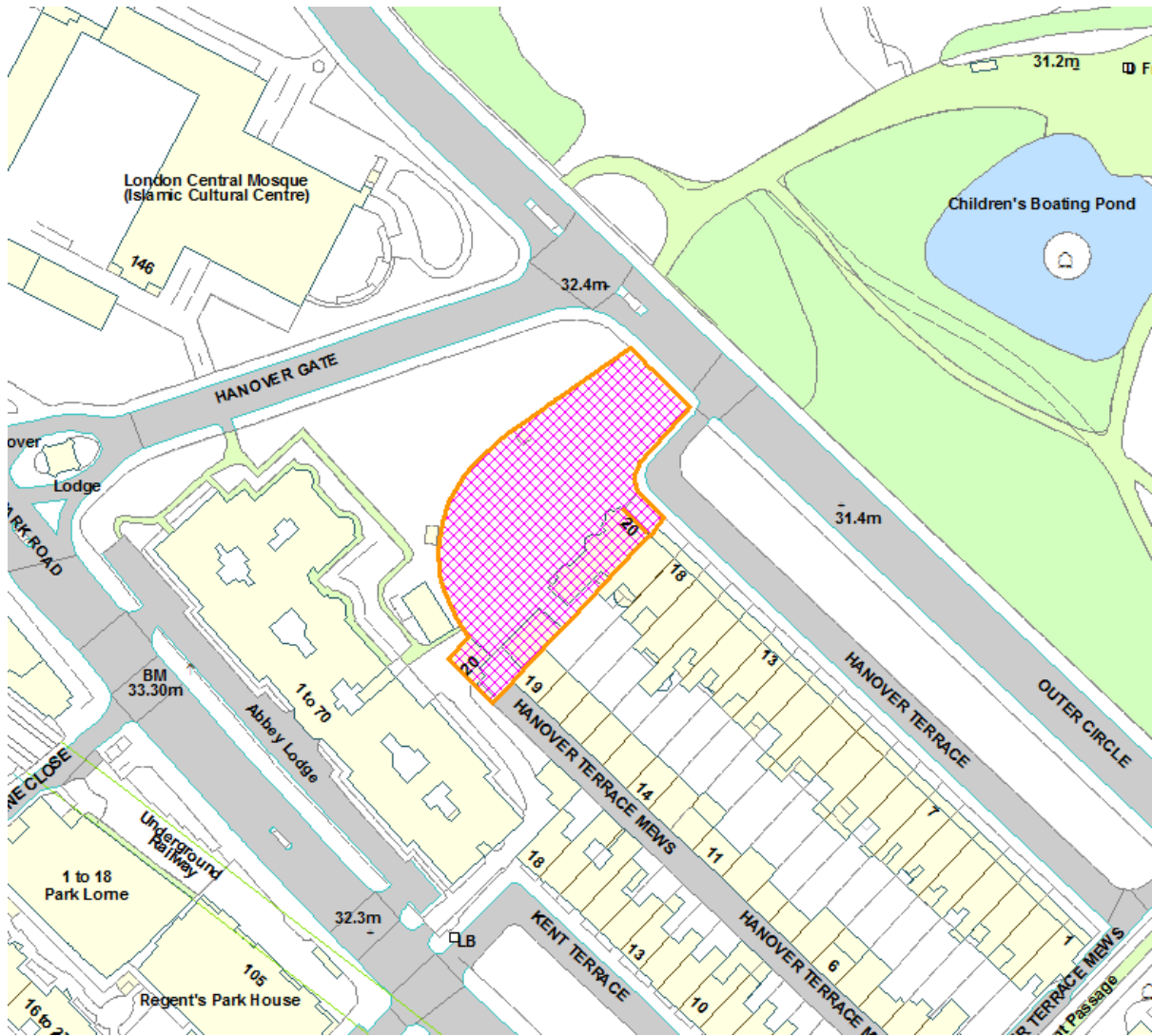
The current scheme differs from that previously approved by the Planning Applications Committee on 18 November 2015, in that the latest scheme includes the provision of a swimming pool and gym area within the basement, with associated additional mechanical plant.

The key issues in this case are:

- \* The impact on the significance of the Grade I listed building.
- \* The impact on the character and appearance of the building and the Regent's Park Conservation Area.
- \* The impact on trees on and adjacent to the application site.
- \* The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable and in accordance with relevant Policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). It is considered that concerns expressed by the Arboricultural Manager can be overcome by conditions, as set out in this report. As such, it is recommended that conditional planning permission and listed building consent are granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and garden elevation (bottom).



## 5. CONSULTATIONS

### WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

### ST MARYLEBONE SOCIETY

Note previous approval for large basement despite loss of worrying number of trees. Could not determine in current proposal has any further external effects on either the garden or trees.

### ARBORICULTURAL MANAGER

Objection to scale of tree loss, as per previous application. More detail required in relation to replacement tree planting and landscaping. Likelihood of loss or damage to retained trees due to proximity to proposed construction site. Details of soil profile and composition should be provided. Basement appears to extend closer towards S10 (a group of Elders) than in approved scheme. Note two arboricultural reports have been submitted and advise one has been superseded. Ventilation ducts will reduce space available for replacement tree planting. Tree protection plans and construction management plan are inconsistent and consistent tree protection measures and construction management plan should be sought by condition.

### BUILDING CONTROL

No objection. Structural methodology is acceptable.

### ENVIRONMENTAL HEALTH

No objection. Conditions recommended.

### HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Authorisation to determine application.

### HISTORIC ENGLAND – ARCHAEOLOGY

Recommend conditions as per previously approved scheme.

### THE ROYAL PARKS

Any response to be reported verbally.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

### COUNCIL FOR BRITISH ARCHEOLOGY

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### THE GEORGIAN SOCIETY

Any response to be reported verbally.

**THE VICTORIAN SOCIETY**

Any response to be reported verbally.

**TWENTIETH CENTURY SOCIETY**

Any response to be reported verbally.

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

No. Consulted: 138.

Total No. of replies: 4 (two from one respondent).

No. of objections: 2 (plus one email querying construction site access).

No. in support: 0.

Two letters/ emails raising objection on all or some of the following grounds:

- Attention drawn to a Times article on basement development.
- Objector shares concerns expressed in Times article.
- Risk of damage to surrounding trees many of which are protected by TPOs.
- Risk of subsidence to Abbey Lodge.
- Additional excavation now sought should be assessed against SPD guidance and emerging policy for basement development.
- Appears guidance on planting, landscaping, boundary walls and setting have been overridden.
- Concern that building will be shrouded in scaffolding for a considerable period.
- Increased risk of flooding.
- Risk of structural damage to host listed building.
- Potential for lift to harm original fabric of the listed building.
- Potential for noise disturbance from use of the car stacker, art handling lift and staircase enclosure.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site forms part of a Grade I listed terrace, dating from the early 1820s. It is located within the Regent's Park Conservation Area. There are two detached outbuildings to the rear of the site, which in part are contemporary with the original house. The main house and outbuildings have been altered and extended, with perhaps the most significant intervention occurring in c.1911/12 when a remodelling of the interior occurred and a large two storey extension was added to the rear. The rear double-height stable block was also altered at this time. The rear 'caretaker's cottage' (20 Hanover Terrace Mews) was altered and extended in the late 1940s. The wall and gate entrance at the northern end of Hanover Terrace Mews provides access into the rear service buildings and while likely to contain some original 1820s fabric has been modified to accommodate larger entrance openings.

There are no other listed buildings in the immediate vicinity of the development proposal, with the Grade II\* listed Kent Terrace approximately 50 metres to the south and the Grade II\* listed Hanover Gate Lodge over 100 metres away to the north east.

Hanover Terrace forms part of John Nash's Crown Estate development of Regent's Park. The scheme which was developed during the second decade of the nineteenth century comprised stuccoed terraces of houses, each a grand composition in classical style, ringing the Park, with a highly contrived 'natural' landscape within which were set several villas. Hanover Terrace was one of the finer and more expensive of the developments and was constructed between 1822-23 to Nash's design. It comprises twenty houses contained in a palace front, with a pedimented central bay and end wings. The terrace lies on the west side of Regent's Park and there are very attractive views of the terrace from the within the park. Unlike the other buildings in the terrace, No.20 was associated with a large garden to the north-west and originally it would appear that the driveway and the main entrance to the house was through this area of landscaping, with the entrance to the house contained within the north-west, garden facing, facade.

## 6.2 Recent Relevant History

18 July 1989 – Permission and listed building consent granted for the erection of a conservatory extension at No.20 Hanover Terrace Mews (89/02644/FULL and 89/02849/LBC).

12 August 1996 – Permission granted for alteration of rear boundary wall by raising height by 2 metres to regain former height and arch detailing at No.20 Hanover Terrace Mews (96/01740/FULL and 96/01741/LBC).

5 July 1996 – Listed building consent granted for insertion of roller shutter and side hung gates into existing arched entrance opening (96/07822/FULL and 96/04496/LBC).

20 March 2015 – Listed building consent was granted for opening up of floorboards, marble floor-tiles, suspended ceilings and high-level boxing to allow for removal of asbestos-related contamination. Removal of asbestos contaminated linings and details (15/00807/LBC).

2 December 2015 – Planning permission and listed building consent were granted for excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse (15/06788/FULL and 15/06789/LBC). See copy of decision and relevant drawings in background papers.

## 7. THE PROPOSAL

The current application for planning permission and listed building consent seeks approval to excavate a basement extension below the garden and former stable block of

this grade I listed building, with associated internal and external alterations to the existing buildings including demolition of the former gardener's house to rear of site and replacement with a new building, erection of glazed link structure between the main house and the former stable block, demolition and replacement of the bay window extensions to garden elevation of the main house and erection of an infill extension at ground floor level between main house and boundary wall with No.19 Hanover Terrace.

The alterations and extensions proposed are largely the same as previously approved in December 2015, following the Planning Applications Committee's resolution to overturn the officer recommendation for refusal and grant conditional permission and listed building consent at the committee meeting held on 20 October 2015. The main difference been this application and the previously approved scheme is the inclusion of a swimming pool and associated gym within the basement, which results in alterations to the degree of excavation, the amount of mechanical plant required and the external manifestations required to ventilate the additional plant.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and as such the proposals are considered acceptable in land use terms. The proposed basement includes a large gallery space, but this would be a private gallery and would be ancillary to the lawful use of the existing building as a single dwellinghouse.

### **8.2 Townscape and Design**

#### **8.2.1 Relevant Legislation and Policy**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise the building itself and the Regent's Park Conservation Area.

The main development plan policies of relevance are S25 and S28 in the City Plan and DES 1, DES 5, DES 9 and DES 10 in the UDP.

Also of particular relevance to this application is the City Council's Supplementary Planning Document 'Basement Development in Westminster' (2014). The Council is also

currently formulating a new policy in relation to basement development. This draft policy is now at an advanced stage in the adoption process and as set out in the Cabinet Member statement of October 2015, the policy will be applied when determining applications received on or after 1 November 2015. In this case the application was made on 9 October 2015 and as such, the emerging draft basement development policy has not been applied in the assessment of this application (see also Section 8.12.1 of this report).

### 8.2.2 Significance of Affected Heritage Assets

As per the approved scheme, the application includes a detailed heritage impact assessment. This rightly attributes the very highest significance to the original 1822-23 Nash house, which is a fine example of Regency architecture and forms a key component of the Crown Estate Regent's Park development. The relationship and close proximity to Regent's Park is also a significant contributor to the character and appearance of the conservation area.

The service buildings/ structures to the rear of the site are also of significance as they are contemporary with the main house, however, their contribution varies according to their level of alteration, with the stable block/ garage considered to make a more important contribution because it has undergone less alteration, whereas the caretaker's cottage has undergone substantial alteration and as such its significance is of a lesser degree.

A major phase of works took place to the property in 1912 and these works do contribute to the special interest of the building and reflect an important phase in the building's history, including a re-ordering of the layout to move the main entrance to the front façade, rather than the garden-facing façade.

The landscape setting within which No.20 sits is also considered to make a very positive contribution towards the building's significance. It would seem clear from historic maps that the gardens to the north side of the site were once of considerable size and included much of the land now occupied by the neighbouring Abbey Lodge. In the nineteenth century the grounds appear to have served two properties: 20 Hanover Terrace and a detached villa called 'Abbey Lodge' (the latter no longer survives and is now occupied by the far larger building of the same name). The grounds associated with no.20 appear to have included an access drive from the outer circle, and a series of pathways, including a circular path (or turning circle) directly in front of the house. The First Edition of the Ordnance Survey clearly indicates tree planting within this garden and the garden design appears to be relatively naturalistic, as opposed to a formal geometric arrangement. With the re-ordering of 1912 it is likely that the driveway through the gardens from the Outer Circle was dispensed with and the garden was transformed from the front garden to a private 'rear' garden, which was accessed through the main house. Despite these changes this large garden still survives and is connected with the main house. The garden forms a key component to the setting of the listed building and to its significance. The garden and its landscaping also make a very positive contribution to the character and appearance of the conservation area, where these fine Regency buildings are set amongst a parkland landscape.

It should be noted that the contribution of the existing trees and the landscaping of the site to the character and appearance of the Regent's Park Conservation Area and the setting of the listed building is considered in Section 8.7.1 of this report.

### 8.2.3 Proposed Development

The principle of a basement extension with little or no external manifestation is considered acceptable and has been established by the previously approved scheme. Albeit a dramatic intervention in term of its scale, the extension would not be positioned under the main house and thus there would be minimal impact on historic fabric and no impact on the plan form and hierarchy of spaces within the house. The link between the extension and the original house is positioned in a discreet part of the building and would be in the form of a lift which largely rises within the 1912 part of the building. A further link between the new basement and the main house, runs from a heavily modified area at the rear of the main house, under the yard area (adjacent to No.19 Hanover Terrace) and then underneath the stable/ garage block. This will feature a new glass floor structure to the narrow yard, but will again be discreet and have minimal impact on historic fabric. The glass floor will allow light into this staircase, but is positioned so as to have minimal visual impact. A further set of connecting links to the basement are proposed to the replacement caretaker's cottage building and in the context where the replacement building is considered acceptable, the connections to the basement will be well integrated into new build elements.

The proposed demolition of the caretaker's cottage and its replacement building are considered acceptable. The existing building, while retaining fragments of its original 1820s fabric, has been substantially altered and as such its contribution to the group has been severely diminished. The replacement building will complement the original architecture and restore a greater degree of integrity to this part of the site. Subject to design details and materials which can be secured by condition, this element of the proposal is not considered to have an adverse impact on the listed building; and arguably will enhance its setting. It will similarly have no adverse impact on the conservation area.

The proposed link structure between the 1912 wing and the stable / garage block is considered acceptable. The lightweight design will ensure that the spatial separation between the two structures is maintained, while the modest width of the link ensures that that the connection points can be integrated successfully into the existing architecture.

The alterations to the stable/ garage block, while creating a very different interior space, do so without removing historic fabric of any significance. The primary interest of this building lies in its external appearance and in the surviving roof structure and these elements are to be retained. In the case of the external appearance, the replacement of some later windows and re-instatement of original detailing will enhance the appearance of the building. The introduction of the modern glass doors, will introduce a contemporary design element; however, it is considered that this is done in a complimentary fashion, reflecting a former void space in the façade, which will not have an adverse impact on the special interest of the structure.

The main interventions to the facades of the main building are the demolition and rebuilding of the 1912 ground floor bay and the installation of several new windows into

the Nash facade. The new windows, which include new openings at first and second floor level, relate to blind openings shown on a set of 1911 plans of the building. While it is likely that there were not originally windows in this location there would appear to have been a clear design intent for a more ordered and relieved façade than currently exists. The alterations are considered to be true to the architectural intent for this facade and are not considered to result in an adverse impact on the listed building, particularly as this facade is seen in isolation from the rest of the terrace. The 1912 bay does contribute to the significance of the listed building, but is quite clearly a later addition and the proposal is to dismantle this in order to address structural issues and to allow easier construction of the basement extension. The intention is for this to be reconstructed using the same materials and it is considered, subject to appropriate conditions to secure methodology of these works, that this element of the proposal would ultimately not have an adverse impact on the listed building.

With respect to the internal alterations, as per the approved scheme, in general the historic floor plan is respected and in some cases such as at first floor level, the original plan is better revealed with the removal of later partitions. There are numerous issues relating to the interior, in terms of method of refurbishment, detailing of finishes and impact of services, which will require further information, but it is considered that these matters can be successfully addressed by condition.

The main departures from the approved scheme relate to the extent of excavation, to accommodate the swimming pool now proposed (approximately 1.2m additional depth across whole basement and 3.5m where the pool tanks and plant room are proposed at Proposed Basement Level 4), and the provision of additional mechanical plant to serve the pool and associated gym area. In design terms the additional excavation proposed would have no impact on the significance of the listed building or the character and appearance of the conservation area, as it would be located within the garden area in an area that was previously permitted to be excavated, albeit to a lesser extent.

The additional vents now proposed to serve the mechanical plant at basement level associated with the swimming pool would be discreetly located with the air intake and extract vents located within the lightwell to the north western (garden) elevation of the building. Whilst the vents proposed would have limited top soil over them, they would be located below the existing raised pathway running along the full length of the garden elevation of the house and in this location the lack of soil depth over the vents would not detract from the mature garden setting of the listed building. It is recommended that further details of the layout of the vents, to ensure planting can still be provided either side of the garden path, and the design and appearance of the ventilation grilles within the lightwell are secured by condition.

#### **8.2.4 Design/ Listed Building Summary**

No.20 Hanover Terrace is a grade I listed building which is of high historic and architectural significance and it is set within the Regent's Park Conservation Area, to which it makes a very positive contribution. As per the approved scheme, the current proposals represent a significant intervention to this building and aside from the building's original construction in the 1820s, would represent the most substantial change to the building since 1912. Nevertheless, it is considered that the application, including the amendments to incorporate a swimming pool and gym at basement level,

has demonstrated careful consideration to the elements that contribute to the special interest (significance) of this building and the contribution it makes to the conservation area, and the scheme would ensure that the special interest of the building, its setting and the setting of the remainder of the listed terrace are maintained; and the character or appearance of the conservation area are preserved. The proposed alterations and extensions to the listed building are considered to meet the statutory requirements and to accord with our policies S25 and S28 of our City Plan; and DES 1, DES 5, DES 9 and DES 10 of our City Plan; as well as the NPPF guidance; and our own planning guidance, notable that relating to listed buildings and to basement development.

### **8.3 Residential Amenity**

Given the subterranean location of the proposed basement extension, it would not cause any loss of light, increased sense of enclosure or overlooking to neighbouring windows, despite its large size.

The proposed rear extension to the main building and glazed link structure would be below the level of the existing boundary wall with No.19 and set back from the boundary wall respectively. In the positions proposed it is not considered that these modest additions would cause a loss of light or increased sense of enclosure to neighbouring windows in the rear elevation of No.19. Given the position of the glazed link, set between the main house and the stable block and its purpose as a corridor and not a habitable room, it is not considered that it would cause significant overlooking towards the rear windows of No.19.

The replacement building located to the rear boundary of the site in the location of the existing Caretaker's Cottage would have a larger footprint than the existing cottage. However, notwithstanding the increase in footprint and bulk of the replacement building, given the significant degree of separation between it and neighbouring properties, it would not have an adverse impact on the amenity of neighbouring residents in terms of sense of enclosure or loss of light. The new structure contains a utilities building and lift to basement level and would contain any windows. Accordingly no additional overlooking would be caused.

Other alterations to the main listed building and stable block would not cause a significant loss of amenity with the alterations and extensions largely facing the north west garden elevation.

Accordingly, the external alterations and extensions to the existing building, which are largely the same as previously approved, are considered to be acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### **8.4 Transportation/ Parking**

The Highways Planning Manager is satisfied that the proposed development is acceptable in transportation terms. As per the approved scheme, the development would provide two car parking spaces within a car stacker accessed from Hanover Terrace Mews, with further parking possible above the car stacker. Whilst cycle storage is not shown, there is ample space within the development to accommodate sufficient storage.



A waste store is shown and this is sufficient to serve the single dwellinghouse on this site.

As in the approved scheme, it is proposed to use the vehicular access to the site from Hanover Terrace Mews to accept infrequent art deliveries to the private art gallery for private display within the proposed basement. The Highways Planning Manager does not find this objectionable given that it has been demonstrated in the vehicles required to carry out such deliveries can manoeuvre satisfactorily in and out of the site and along Hanover Terrace Mews.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The proposed alterations and extensions would not alter the existing access to this private dwellinghouse. Given the building is grade I listed there is limited scope for external alteration to provide improved access, particularly to the front of the site. However, the proposed lift between basement and first floor level would improve step free access within the dwellinghouse.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Arboricultural Issues**

As per the approved scheme the Arboricultural Manager remains extremely concerned regarding the potential impact of the development upon the trees to be retained, as well as the extent of tree removal proposed.

In terms of tree removal, this remains as per the approved scheme (removal of 17 of the existing 30 trees on the site). The extent of basement excavation proposed, in terms of area, initially appeared to be greater than was previously approved; however, the submitted drawings have been amended to show the piling line to the north and east, closest to neighbouring trees, would match the piling line in the approved scheme. Following this amendment, the concerns expressed by the Arboricultural Manager in her memo of 8 February 2016 in terms of the potential for the current scheme to result in increased harm to retained trees relative to the approved scheme, during construction, have been addressed.

The Committee previously resolved that the extent of tree loss proposed was acceptable in this case and accepted the applicant's justification that a large number of the trees to be removed are of relatively poor quality or have limited remaining life expectancy. The Committee also had regard when considering the approved scheme, to the applicant's offer of replacement tree planting comprising larger replacement tree specimens to provide some immediate maturity to the replacement planting. As per the approved scheme it is recommended that the replacement landscaping and tree planting are secured by conditions. Subject to the recommended conditions, the proposed landscaping and replacement tree planting would maintain the setting of the listed

building and the character and appearance of this part of the Regent's Park Conservation Area.

The basement will be covered by 1.5 metres of top soil across most of its extent, with only limited areas having a lesser soil coverage to accommodate ventilation ducting; albeit most of this reduced soil coverage will be located under existing hard paved areas of the garden. In this context the Arboricultural Manager's concern that the current scheme would provide substantively less garden area within which to provide replacement tree planting cannot be supported as a ground on which to withhold permission.

Clarification is required with regard to the construction accesses as these are not consistent across the tree protection plan and the construction management plan and this has implications for the impact of construction works on trees to be retained. Conditions are recommended to ensure that revised versions of these documents are provided which are consistent in terms of the location of the temporary construction site entrance.

Subject to the recommended conditions, it is considered that the impact on trees and landscaping, on and adjacent to the site is acceptable and would accord with Policies ENV16, ENV17, DES1 and DES9 in the UDP and Policies S25 and S38 in the City Plan.

#### **6.7.2 Noise**

The application includes the provision of mechanical plant. This plant is largely located at basement level with ventilation grilles provided within the garden area incorporated into low level retaining walls that will form part of the garden landscaping. Two further condenser units are provided at roof level at roof level set behind the roof edge parapets. The arrangement of the mechanical plant is similar to that previously approved and despite the inclusion of additional mechanical plant at basement level in the current scheme to serve the swimming pool proposed in the latest scheme, Environmental Health have confirmed that the mechanical plant will operate sufficiently below the background noise level so as to accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

Concern has been raised in respect of the potential for noise disturbance from the use of the proposed car stacker, art handling lift and staircase enclosure. The mechanical plant associated with the car stacker would be subject to the noise and vibration conditions referenced in the preceding paragraph and these would prevent the car stacker plant causing noise or disturbance to neighbours. The art handling lift would be located within the envelope of the new outbuilding to the rear of the site and in this enclosed location would be unlikely to cause noise disturbance to neighbours on the infrequent occasions that it would be used. The staircase enclosure, at the boundary with No.19 would be fully enclosed and persons passing through this sealed circulation space would be unlikely to generate sufficient noise to be capable of disturbing neighbouring residents in Hanover Terrace. As such, the objection raised on noise disturbance from these sources cannot be supported as a ground on which to withhold permission or consent.

#### **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant the environmental impact of the development has been covered in other sections of this report.

## **8.12 Other Issues**

### **8.12.1 Structural Considerations**

Objectors have raised concerns that the basement construction will have an adverse structural impact on the application property and neighbouring properties, as well as increasing the risk of flooding. They consider that the proposed basement should be considered having regard to the Supplementary Planning Document 'Basement Development in Westminster' (2014) and the emerging draft basement policy, which is now at an advanced stage in the adoption process and as set out in the Cabinet Member statement of October 2015. However, as set out in Section 8.2.1 of this report, this application was submitted prior to 1 November 2015 and therefore only the guidance in the SPD can be used in the assessment of this application, in combination with the adopted planning policies in the UDP and City Plan.

With regard to structural and flooding considerations, the submitted structural methodology statement has been referred to Building Control, who have assessed the statement, having regard to the guidance on such matters in the SPD. They have confirmed that they are content that the construction methodology proposed is appropriate for this site. In this context it is considered that there is not any significant risk to the fabric of the retained listed building, or other neighbouring buildings, which are further from the location of the proposed basement excavation. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning and listed building consent application and the concerns raised on structural and flooding grounds cannot be supported as grounds on which to reasonably withhold permission or listed building consent.

### **8.12.2 Construction Management**

A Construction Management Plan that seeks to minimise the impact of the development on neighbouring residents and the local highway network has been submitted with the application and given the location of the site at the end of Hanover Terrace and immediately adjacent to the Outer Circle, the construction works could be carried out on

this site with less disturbance to neighbours and the highway network than is typically the case in Central London. However, whilst the CMP is generally in accordance with the guidance provided in Appendix 2 of the 'Basement Development in Westminster' SPD (2014), in light of the concerns raised by the Arboricultural Manager in respect of the consistency of the CMP with the tree protection measures set out in the submitted Arboricultural Statement, it is appropriate to impose a condition requiring the submission of a revised CMP prior to the commencement of development that is consistent with tree protection measures that are to the Arboricultural Manager's satisfaction.

### 8.12.3 Archaeology

As per the previously approved scheme, Historic England have requested that on-site archaeological investigation and a written scheme of historic building investigation are secured by condition and a condition to this effect has been included on the draft decision letter.

## 9. BACKGROUND PAPERS

1. Application form.
2. Email from the St. Marylebone Society dated 13 January 2016.
3. Memos from the Highways Planning Manager dated 23 November 2015 and 20 January 2016.
4. Memo and email from Environmental Health dated 27 November 2015 and 13 January 2016.
5. Email from the Historic England Greater London Archaeological Advisory Service dated 14 December 2015 (with attached letter dated 23 September 2015).
6. Email from Building Control dated 8 January 2016.
7. Memos from the Arboricultural Manager dated 14 January 2016 and 8 February 2016.
8. Letters (x3) from Historic England dated 25 January 2016.
9. Emails (x2) and attached newspaper article from the Chairman of the Abbey Lodge RTM company dated 30 November 2015 and 1 December 2015.
10. Letter from Blakeney Leigh Limited Chartered Building Surveyors dated 28 January 2016.
11. Emails from the occupier of 18 Kent Terrace dated 27 January 2016, 29 January 2016 and 2 February 2016.

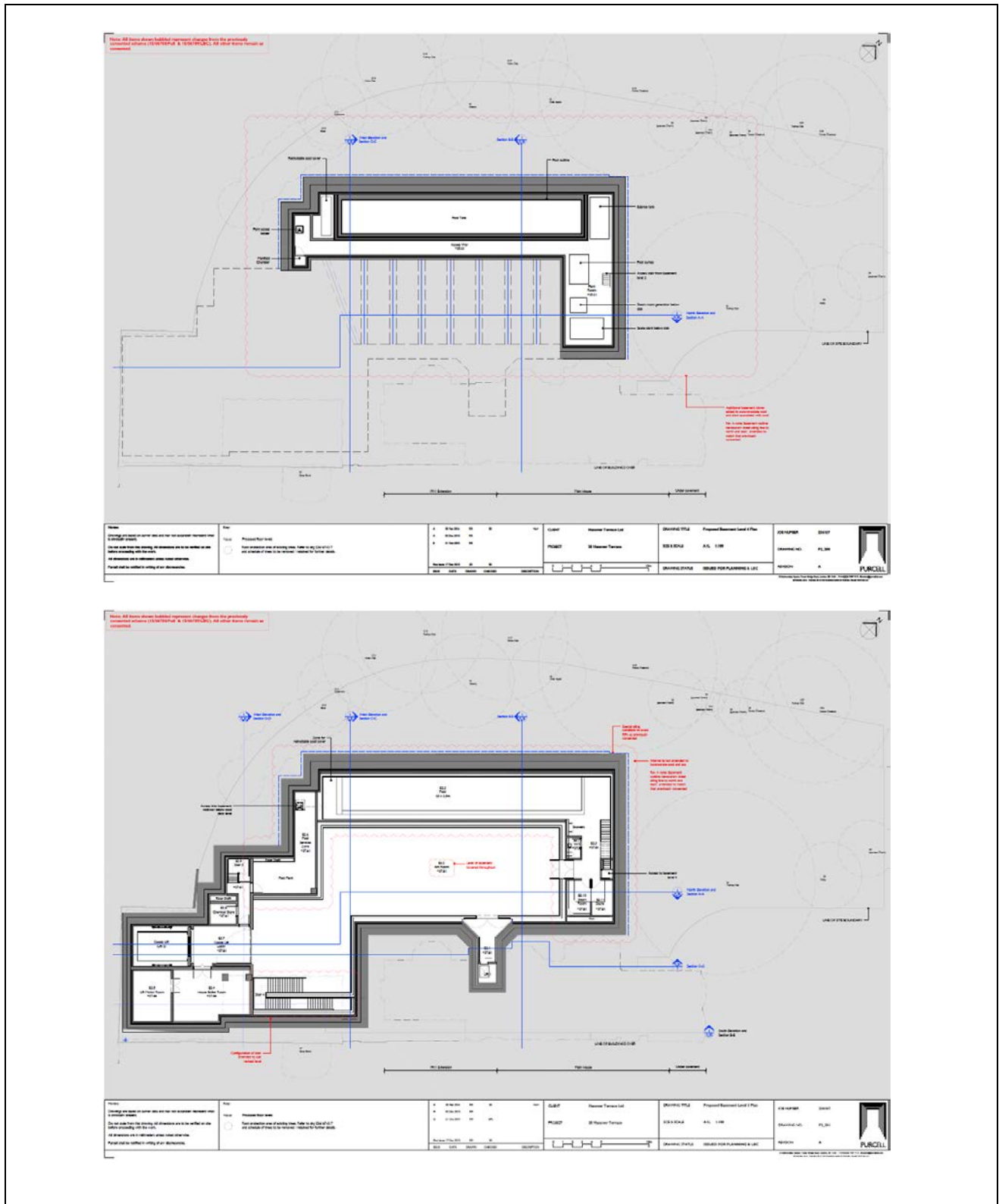
### Selected relevant drawings

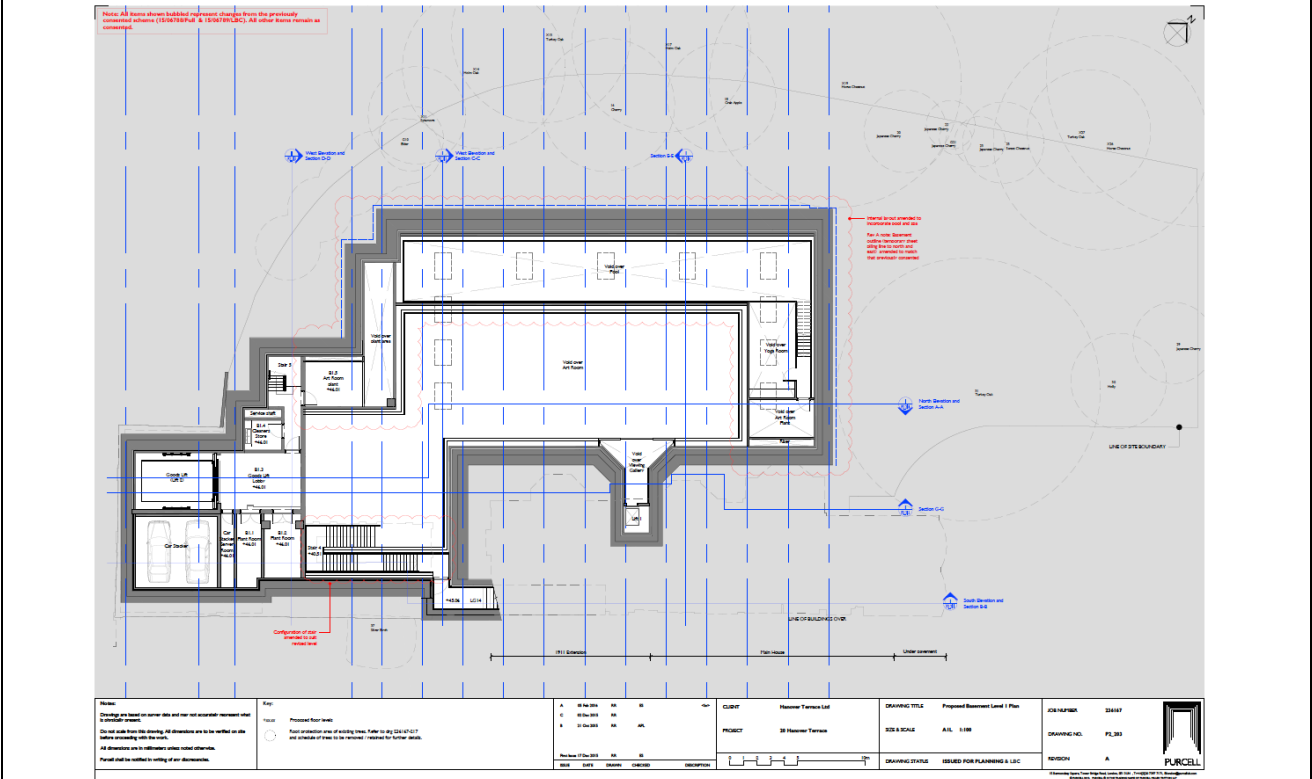
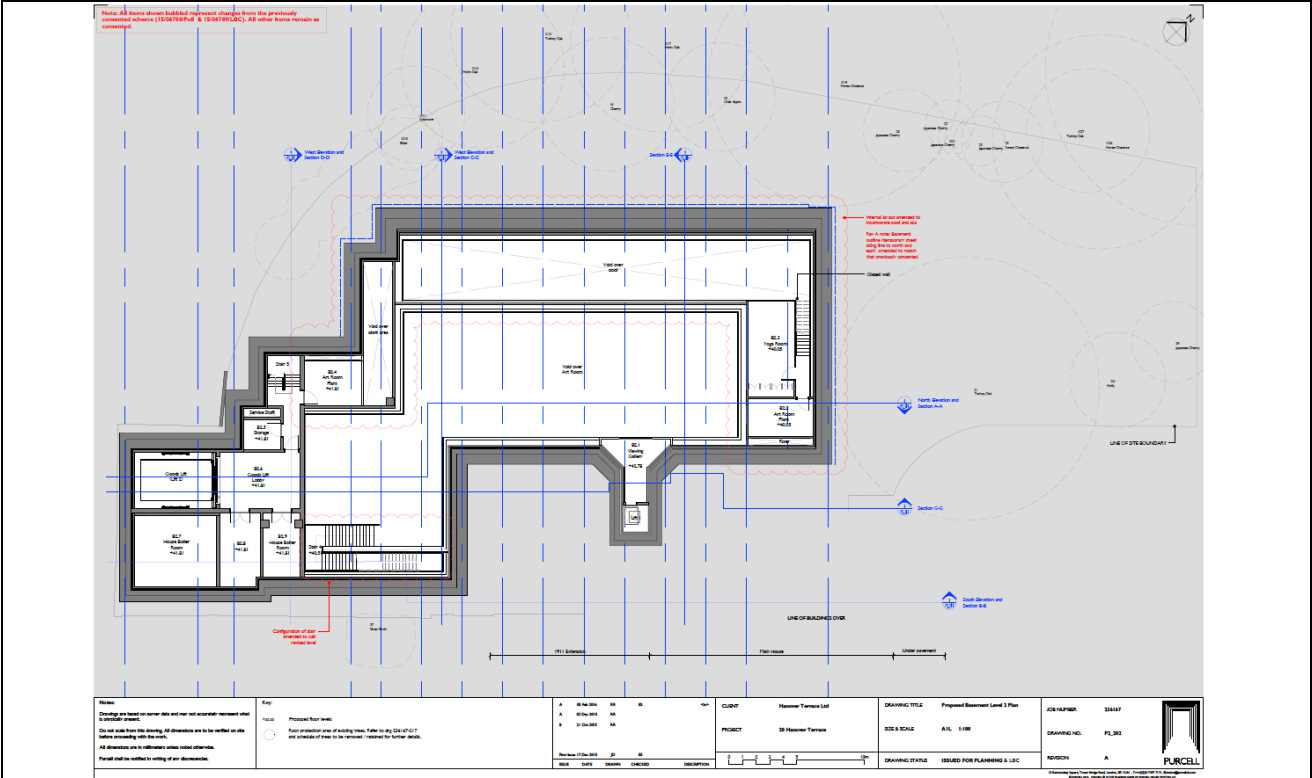
Existing and proposed plans, elevations and sections.

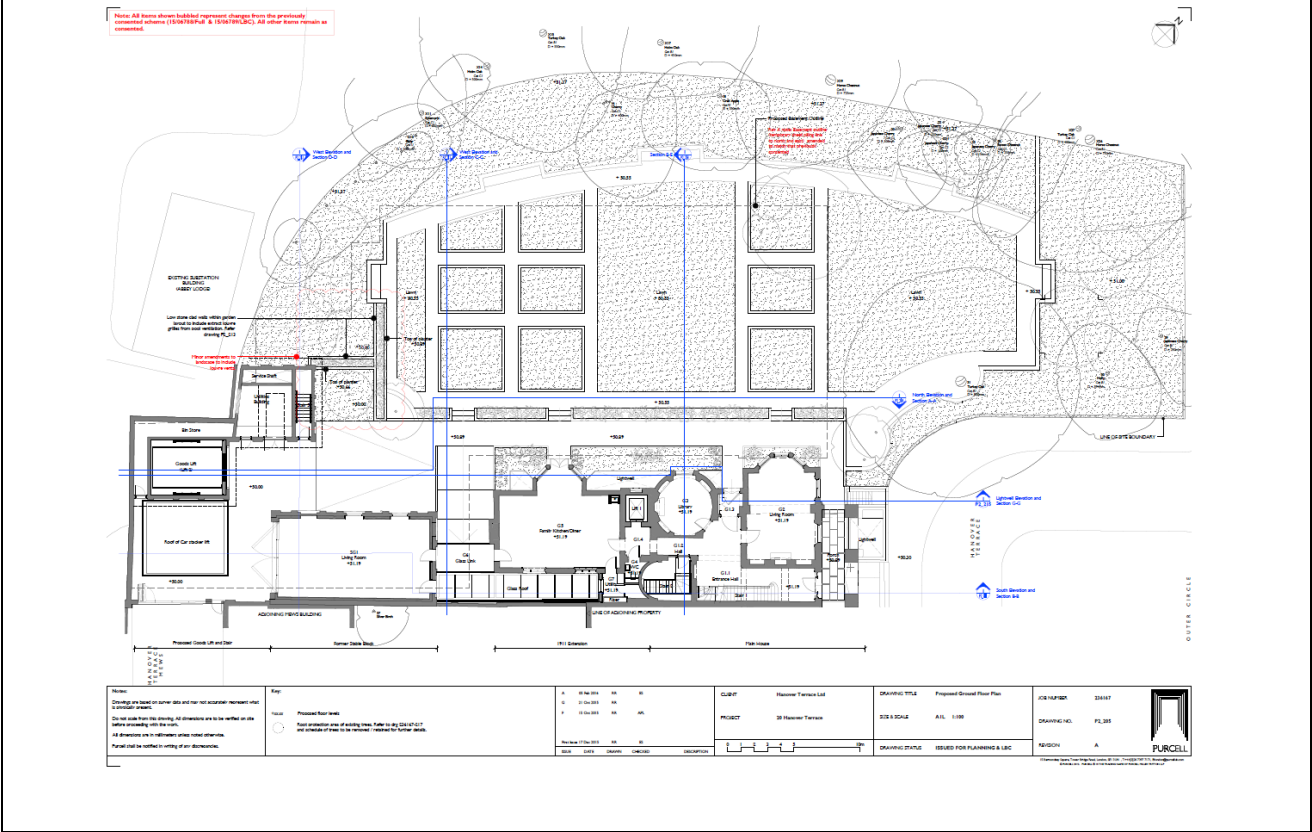
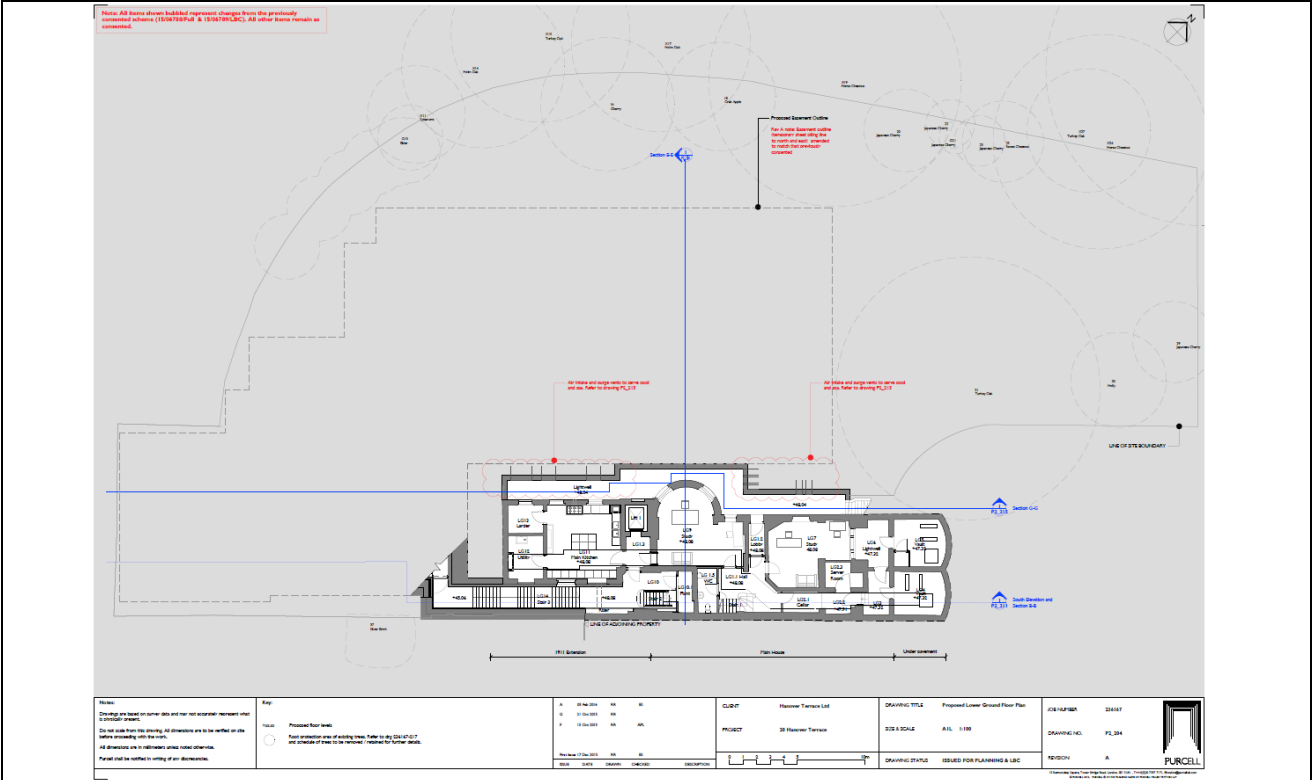
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT kdavies1@westminster.gov.uk

### 10. KEY DRAWINGS











## PLANNING PERMISSION DRAFT DECISION LETTER

**Address:** 20 Hanover Terrace, London, NW1 4RJ,

**Proposal:** Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

**Plan Nos:** 001A, 100A, 101A, 102A, 103A, 104A, 105A, 106A, 107A, 108A, 109A, 110A, 111A, 112A, 113A, 150B, 151B, 152B, 153B, 154C, 155C, 156B, 157B, 158C, 159B, 161B, 162B, 163B, P2\_P200A, P2\_P201A, P2\_P202A, P2\_P203A, P2\_P204A, P2\_P205A, P2\_P206, P2\_P207, P2\_P208, P2\_P209, P2\_P210A, P2\_P211, P2\_P212A, P2\_P213, P2\_P214A, P2\_P215, P2\_P216, P214, P215, P217A, 305, Planning Statement dated 16 December 2015, Design and Access Statement dated December 2015 (Rev.B) (as amended by Rev.A proposed drawings), Arboricultural Report dated 17 July 2015 as amended by Supplementary Planning Information document by Purcell dated 16.10.15 and drawing 1-38-3484/2/P4, Energy Assessment dated 27 July 2015 (Rev.3.0) and addendum report dated 15/12/2015, Noise Survey Report dated 15 December 2015 (Rev.03), Party Wall Report dated 17 July 2015 (for information only), Statement of Community Involvement dated July 2015, Transport Statement dated July 2015, Addendum to Jessop's Archaeological Statement dated July 2015 (Issue 1), Archaeological Statement dated August 2014, Construction Management Plan dated 15 October 2015 (Rev 2), Preliminary Ecological Appraisal Report (Ref: 15196/E1), Daylight and Sunlight Assessment dated 31 July 2015, Flood Risk Assessment and Drainage Strategy dated July 2015, Heritage Impact Assessment dated July 2015 (Issue 2) and Structural Engineering Notes Including Construction Method Statement dated December 2015.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

### Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 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 S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary

Development Plan that we adopted in January 2007. (R26FD)

6 You must apply to us for approval of full details of the following parts of the development:

- i) all new windows and doors;
- ii) the ground floor link structure;
- iii) all proposed alterations to external railings;
- iv) all works to the boundary walls, including entrance gate onto Hanover Terrace Mews;
- v) modifications to brickwork and brickwork detailing for the former stable block;
- vi) brickwork detailing to the new outbuildings (containing art handling lift and utilities);
- vii) glass roof alongside party wall with no.19 Hanover Terrace;
- viii) size and position of rooftop air-conditioning units, showing relationship to existing parapets;
- ix) means of integrating services and physical appearance of any services interventions (where external);
- x) replacement lantern over main staircase;
- xi) new rooflights;
- xii) vent grilles within garden elevation lightwell (serving swimming pool plant).

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 special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 **Pre Commencement Condition.** Notwithstanding the submitted Construction Management Plan, no development shall take place, including any works of demolition, until a detailed construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 8 A) No development other than demolition to existing ground level (where shown on the drawings hereby approved) shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved in writing by the the City Council as local planning authority and a report on that evaluation has been submitted to the local planning authority.
- B) If heritage assets of archaeological interest are identified by the evaluation under Part (A), then before development, other than demolition to existing ground level, commences the applicant shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- C) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under Part (B).
- D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest may survive on the site. The City Council wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:
- Provision of a planter (of a height no greater than the height of the adjacent roof edge parapet) along the south eastern elevation of the second floor level roof terrace.

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 prior to occupation of the enlarged dwellinghouse. Following its installation the planter must be permanently retained in the position we approve. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 Notwithstanding the landscaping scheme submitted at application stage, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that form part of the landscaping scheme we approve or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Regent's Park Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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. (R30CD)

- 11 **Pre Commencement Condition.** Notwithstanding the arboricultural statements submitted at application stage, you must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 1-38-3484/2/P4 (Rev.12.10.15), and trees adjacent to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 You must apply to us for approval detailed drawings showing any ground level changes proposed underneath the canopy of any trees which are to be kept or within their root protection areas (as defined by paragraph 5.2.2 of British Standard BS 5837: 2005) and within five metres beyond them (both in respect of temporary and permanent level changes). You must not carry out the ground level changes until we have approved what you have sent us. You must then carry out the ground level changes in accordance with the details we approve.

Reason:

To protect the trees and the character and appearance of this part of the Regent's Park Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

13 (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 L A90, 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 S32 of Westminster's City Plan: Strategic Policies adopted November 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.

- 14 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.

- 15 You must apply to us for approval of detailed drawings of the following parts of the development: the position and routes of the ventilation ducts serving the basement level swimming pool plant demonstrating how planting (soft landscaping) will be retained to either side of the raised pathway running along the garden elevation of the building.

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 Condition 8 requires a written scheme of investigation, which will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by us in consultation with Historic

England before any on-site development related activity occurs beyond that specified in the condition.

- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Conditions 13 and 14 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)



**LISTED BUILDING CONSENT DRAFT DECISION LETTER**

**Address:** 20 Hanover Terrace, London, NW1 4RJ,

**Proposal:** Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

**Plan Nos:** 001A, 100A, 101A, 102A, 103A, 104A, 105A, 106A, 107A, 108A, 109A, 110A, 111A, 112A, 113A, 150B, 151B, 152B, 153B, 154C, 155C, 156B, 157B, 158C, 159B, 161B, 162B, 163B, P2\_P200A, P2\_P201A, P2\_P202A, P2\_P203A, P2\_P204A, P2\_P205A, P2\_P206, P2\_P207, P2\_P208, P2\_P209, P2\_P210A, P2\_P211, P2\_P212A, P2\_P213, P2\_P214A, P2\_P215, P2\_P216, P214, P215, P217A, 305, Planning Statement dated 16 December 2015, Design and Access Statement dated December 2015 (Rev.B) (as amended by Rev.A proposed drawings), Arboricultural Report dated 17 July 2015 as amended by Supplementary Planning Information document by Purcell dated 16.10.15 and drawing 1-38-3484/2/P4, Energy Assessment dated 27 July 2015 (Rev.3.0) and addendum report dated 15/12/2015, Noise Survey Report dated 15 December 2015 (Rev.03), Party Wall Report dated 17 July 2015 (for information only), Statement of Community Involvement dated July 2015, Transport Statement dated July 2015, Addendum to Jessop's Archaeological Statement dated July 2015 (Issue 1), Archaeological Statement dated August 2014, Construction Management Plan dated 15 October 2015 (Rev 2), Preliminary Ecological Appraisal Report (Ref: 15196/E1), Daylight and Sunlight Assessment dated 31 July 2015, Flood Risk Assessment and Drainage Strategy dated July 2015, Heritage Impact Assessment dated July 2015 (Issue 2) and Structural Engineering Notes Including Construction Method Statement dated December 2015.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished

appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development:

- i) all new windows and doors (both internal and external);
- ii) the ground floor link structure;
- iii) all proposed alterations to external railings;
- iv) all works to the boundary walls, including entrance gate onto Hanover Terrace Mews;
- v) modifications to brickwork and brickwork detailing for the former stable block;
- vi) brickwork detailing to the new outbuildings (containing art handling lift and utilities);
- vii) glass roof alongside party wall with no.19 Hanover Terrace;
- viii) size and position of rooftop air-conditioning units, showing relationship to existing parapets;
- ix) means of integrating services and physical appearance of any services interventions;
- x) new joinery details to first floor rooms of main house, including skirting boards, window architraves and window reveal details;

- xi) replacement lantern over main staircase;
- xii) new rooflights;
- xiii) new staircase from ground floor of main house down to lower ground floor;
- xiv) modifications to existing fireplaces and proposed replacement fireplaces;
- xv) new floor finishes;
- xvi) vent grilles within garden elevation lightwell (serving swimming pool plant).

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 special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of full details of the following parts of the development:

- with respect to the proposed dismantlement and re-erection of the 1912 bay, you must submit a detailed drawn and photographic record (both internally and externally) of the existing bay and its interior, a methodology for the dismantlement and storage of the fabric, and a strategy for re-erection.

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 special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must not disturb existing historic fabric including chimney pieces, plasterwork (including plain ceilings and walls), architraves, panelling, doors, other joinery, floorboards and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings; or are required by conditions to this permission. You must protect those features properly during work on site.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 **Pre-Commencement Condition** No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved in writing by us. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- A) The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

The built heritage assets on this site will be affected by the development. The City Council wishes to secure building recording in line with National Planning Policy Framework, and publication of results, in accordance with Section 12 of the National Planning Policy Framework.

- 9 You must apply to us for approval of detailed drawings of the following parts of the development: the position and routes of the ventilation ducts serving the basement level swimming pool plant demonstrating how planting (soft landscaping) will be retained to either side of the raised pathway running along the garden elevation of the building.

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 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 proposed works would not harm the character of this building

of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance:

Repairs and Alterations to Listed Buildings.

- 2 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)
  
- 3 In respect of Condition 8, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

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Item No.
<b>10</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>Christ Church, 35 Cosway Street, London, NW1 5NS</b>		
<b>Proposal</b>	Dual/ alternative use of building as either a sports and leisure facility (Class D2) or offices (Class B1) and internal and external alterations including installation of lift within north-west staircore, internal lighting, addition of balustrades to gallery, installation of new sports floor, alteration to internal layout within crypt, formation of new entrance ramp, erection of canopy and alterations to railings within Bell Street and erection to two storey extension to south-west corner to accommodate new staircore.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Greenhouse Sports		
<b>Registered Number</b>	15/10709/FULL 15/10710/LBC	<b>Date amended/ completed</b>	30 November 2015
<b>Date Application Received</b>	18 November 2015		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	Lisson Grove		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>
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## 2. SUMMARY

<p>The application site is the former Christ Church located at the junction of Cosway Street and Bell Street. The building is a grade II* listed building and lies within the Lisson Grove Conservation Area. The building was deconsecrated in the late 1970's and has been in use as Class B1 offices since the 1980's.</p> <p>The application seeks planning permission and listed building consent for dual/ alternative use of building as either a sports and leisure facility (Class D2) or as offices (Class B1). Internal and external</p>
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alterations to the building are proposed and these include the installation of a lift within the north-west staircore, installation of new internal lighting, addition of balustrades to the gallery, installation of a new sports floor, alteration of the internal layout of the crypt, formation of a new entrance ramp, erection of canopy and alterations to railings within Bell Street and erection of a two storey extension to the rear south-west corner of the building to accommodate a new staircore.

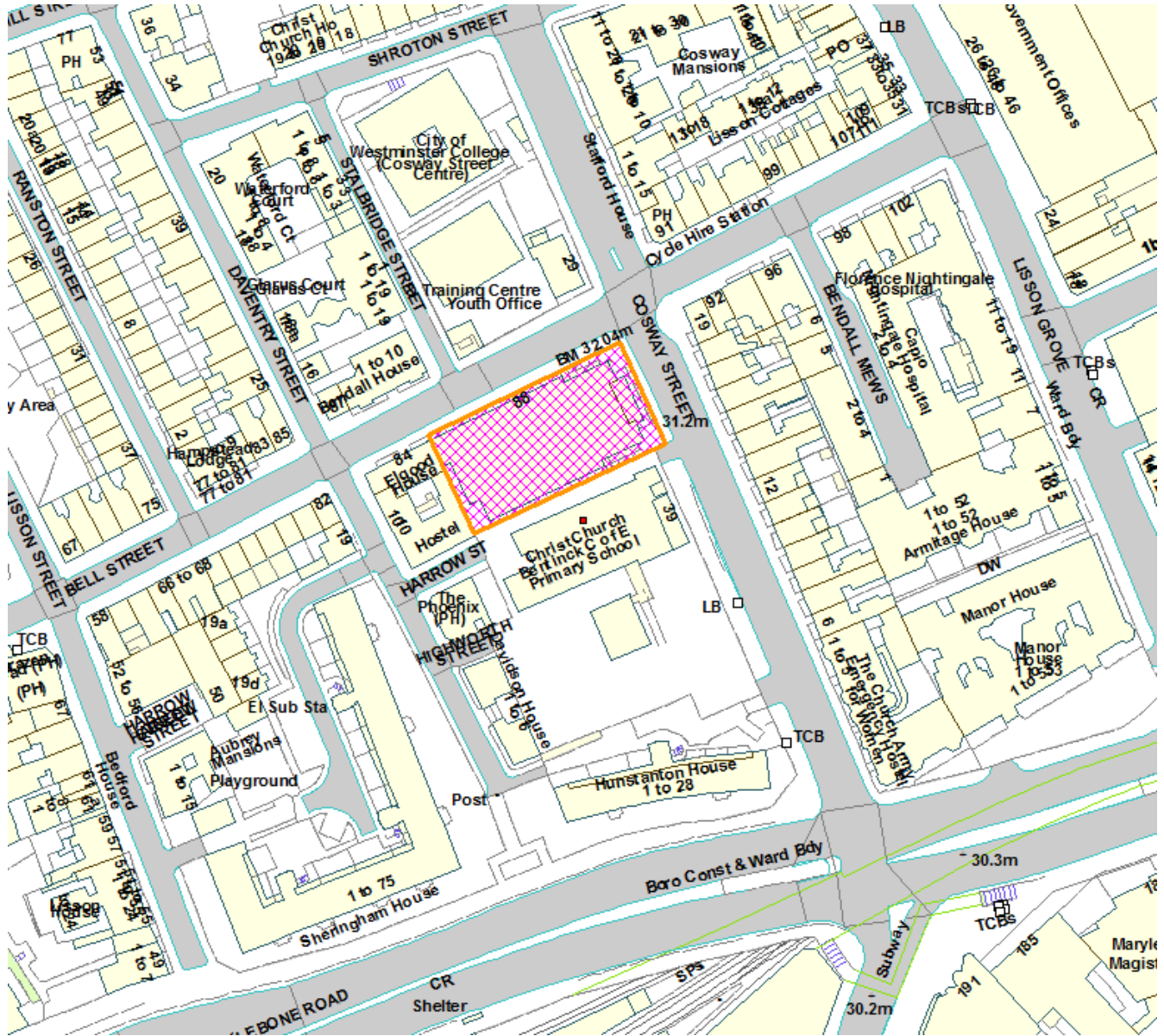
The key issues in this case are:

- The acceptability of the proposed land uses.
- The impact of the alterations and extensions on the significance of the listed building and the character and appearance of the Lisson Grove Conservation Area.
- The impact of the proposed development on the amenity of neighbouring residents.

The proposed development is considered to be acceptable for the reasons set out in this report and, subject to the recommended conditions set out in the draft decision letters, it would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



General view of Church (top) and Bell Street Entrance (bottom).





View from Harrow Street towards location of stair enclosure extension (top) and general view of the interior (bottom).



## 5. CONSULTATIONS

### WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

### THE ST MARYLEBONE SOCIETY

No objection to change of use. Defer to Conservation Officer on architectural changes to listed fabric.

### CLEANSING MANAGER

Objection and request amended basement plans to clearly indicate recycling, waste and organic waste storage. Condition recommended to overcome concerns.

### CRIME PREVENTION DESIGN ADVISOR

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH:

No objection and suggested some conditions.

### HIGHWAYS PLANNING MANAGER

Acceptable on Highways grounds but has suggested some conditions, particularly in relation to cycle parking.

### HISTORIC ENGLAND

Recommend that the application is determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice. Authorisation to determine has been issued.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 146.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three responses received raising objection on all or some of the following grounds:

#### Land Use

- The proposed Sports and Leisure Use will give rise to anti-social behaviour and detrimentally contribute to the character of the area.
- Management and security of the Sports and Leisure Use has been poorly considered.
- Lack of clarity about number of late night commercial events.
- There should not be any late night commercial events.
- The proposed opening hours would prevent local residents being allowed the peaceful enjoyment of their homes.
- There are other sports facilities nearby.

#### Design

- The new stair enclosure extension will compromise the design of the listed building, which is also within a conservation area.
- The exterior canopy and signage are inappropriate for a conservation area.

#### Transportation

- Lack of clarity about cycle provision.
- Lead to an increase number of servicing vehicles, again disrupting residents.
- Inadequate investigation has been made about the impact on parking.

#### Other Issues

- External lighting would be essential for public safety concerns, but would cause extensive light pollution.
- Escape access for disabled users is poor.
- Boxing is a dangerous sport and should be discouraged.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is the former Christ Church located at the junction of Cosway Street and Bell Street. The building is a grade II\* listed building and lies within the Lisson Grove Conservation Area. There are a mix of land uses in the immediate vicinity, including the Christ Church Bentinck Primary School immediately to the south, residential properties to the north and east, and hostels immediately to the west and south-west.

The Church was deconsecrated in January 1977 and various internal works took place during the 1980's associated with alternative uses, culminating in an office use that was granted permission in 1989. It appears that the office use of the building continued since that time until the building became vacant in 2014/15.

### 6.2 Recent Relevant History

#### 88/04035/FULL

Use as studios and offices for the purposes of production, design and editing of videos and other communications media.

Application Permitted                      7 January 1989

#### 88/04036/LBC

Fitting out for use as studios and offices.

Application Permitted                      7 January 1989

#### 98/07680/FULL

Installation of air-conditioning units.

Application Permitted                      14 April 2000

#### 98/07681/LBC

Internal and external alterations, including replacement of air handling equipment.

Application Permitted                      14 April 2000

08/00537/FULL

Installation of new roof top air conditioning equipment, and kitchen ventilation system, retention of unauthorised roof top air conditioning equipment, installation of visual screens to A/C units and new walkway with handrails at roof level.

Application Permitted 7 April 2008

08/00538/LBC

Installation of new roof top air conditioning equipment and kitchen ventilation system, retention of unauthorised roof top air conditioning equipment, installation of visual screens to A/C units and new walkways with handrails at roof level.

Application Permitted 7 April 2008

## 7. THE PROPOSAL

The application seeks permission to use the building as either a sports and leisure facility (Class D2) or as offices (Class B1). A series of alterations are also proposed which are principally associated with the proposed Class D2 use. The works include introducing a ramped access and a canopy structure to the Bell Street entrance which is to be utilised as the main entrance to the Sports facility. The existing modern staircase which is located in the mid-twentieth century Bell Street extension is to be removed and replaced with a platform lift. This will be predominantly within the existing envelope of the building, although some modification of the twentieth century roof structure will be required. A new extension is proposed at the south-west corner of the site, which will house the relocated staircase.

Works to the interior include modifications within the crypt to provide new plant space, as well as changing rooms and toilet/shower facilities. Within the main body of the former church the alterations include the introduction of storage rooms, a new sports floor, the introduction of a glazed balustrade around the gallery, the installation of blinds to the interior of the windows and the introduction of new lighting.

The proposed Class D2 use is intended to be operated by Greenhouse Sports (the applicant), which is a charity that uses sport to engage young people living in disadvantaged areas of London. They intend to use the application site as a hub for their table tennis activities, and to provide facilities for table tennis and other sporting opportunities (potentially sitting volleyball and judo classes) for the community based in the local area. In order to help support and maintain the centre and the general operation of the charity, it is proposed to hire out the building for non-sporting uses at commercial rates on a number of occasions each year to provide the Charity with an additional revenue stream from which to fund their operations. It is understood that a dual alternative use is sought to allow the Charity the option to dispose of the property with a lawful office use, should the use as a sport and leisure facility prove to be unviable in the future.

The full supporting statement from Greenhouse Sports is provided in the background papers for information.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The lawful use of the site is offices (Class B1). The building has been largely vacant since January 2015 following the departure of the former office tenant. The application seeks dual/ alternative use of the building either as a sports and leisure facility (Class D2) or as offices (Class B1). The continued use of the building as offices is not objectionable given that this is the current lawful use of the building.

The application site is located outside of the Central Activities Zone (CAZ) and CAZ Frontages and is not located on a Named Street. As such, there is no policy protection in this location for the existing Class B1 office use and its loss is therefore acceptable in principle in land use terms.

The proposed sports and leisure facility use comprises a social and community use. Policy SOC1 in the UDP and S34 in the City Plan encourage the provision of new social and community facilities on appropriate sites in Westminster. In this case the existing building is conducive to community use, having historically been in use as a church. In this context the proposed sports and leisure use of the building, to provide a permanent facility for the Greenhouse Sports charity, is considered to be acceptable. A condition is recommended to ensure that the building is only used as a sports centre with ancillary office accommodation for the charity and not for any other use within Class D2 as alternative D2 uses have the potential to cause greater noise and disturbance to neighbouring residents and may also have greater impact on the local highway network.

In addition to use of the proposed facility by Greenhouse Sports, the charity proposes to allow public use of the sports facilities at times when they are not used by the charity. The provision of public access is welcomed and accords with Policy SOC7 in the UDP, which requires that proposals for indoor leisure facilities include facilities for local social or community activities. An indicative timetable for the use of the proposed sports facility has been submitted and is provided in the background papers to demonstrate the extent of public access proposed.

In addition to the conventional use of the proposed facility as a sports venue, the applicant proposes to allow the building to be hired out to permit the staging of a number of private events each year. It is proposed that up to 24 private events (for example dinner events/ formal dining, award ceremonies, fashion shows, charity events, filming etc.) would be held each year. Given the relatively limited number, such events are considered to be capable of being considered to be ancillary to the proposed primary use of the building as a sports and leisure facility. However, this is subject to the frequency and scale of these events being suitably controlled so as to limit the impact they may have on the amenity of nearby residents. As such, conditions are recommended limiting the closing time for private events to be no later than midnight Monday to Saturday and 23.00 hours on Sundays, bank holidays and public holidays; to limit the number of events that can be held each month to no more than two; and to prevent two events in any given month being held on consecutive days in the same week. A further condition is also recommended to secure a management plan in respect of the private events, which sets out how access and egress to the site for guests will be managed, how traffic and parking demand from events will be controlled, how servicing relating to events will be managed and to specify a limit to the number of persons on the premises at any one time during private events. It is considered that this suite of conditions would address the concerns raised by objectors in respect of the management of periodic private events.

## 8.2 Townscape and Design

Christ Church is a grade II\* listed building which was designed by Philip Hardwick c.1824-5. It is a substantial building designed in a Classical style, with a brick nave, with ashlar dressings and an ashlar portico and tower. Sir A W Blomfield was responsible for alterations to the Church in 1887 and the single storey Bell Street entrance to the building was added in the mid-twentieth century. The church has a substantial crypt which was used as an air raid shelter during World War II.

The exterior of the building has retained much of its early nineteenth century appearance and original church character. The one exception to this being the substantial amount of air-conditioning plant that has been installed pursuant to permissions and consents granted in 2000 and 2008, which is located above the south aisle flat roof.

Internally the church has undergone considerable alteration which has modified its original church character. Most of the fixtures and fittings associated with the ecclesiastical use have been removed, with some exceptions; and a new suspended floor has been inserted across the whole of the main nave and chancel area. The crypt has undergone considerable refurbishment, although the floorplan and structure has survived. Despite these changes the interior still retains many elements which contribute to the building's significance, notably the spatial volume, the columned gallery, the decorative ceiling and the painted chancel end.

The main external alteration is the addition of an extension at the south-west corner of the building which will serve as the enclosure for the replacement staircase. This will involve the removal of concrete structures believed to be added during the mid-twentieth century and which may have been used as part of the air raid shelter function. The extension will sit within the recessed space formed between the Church and 10 Daventry Street and will sit below the stone cornice. It will have a contemporary design, with full-height glazed elements at the junction with the original building and otherwise clad in zinc. The design of the stair within the enclosure is such that the historic stone door surrounds can be retained, with one of them being reused as the ground floor access point. While any extension to the exterior of a church building of this significance is a challenging proposition, the proposal is considered acceptable in design terms. The proposed location of the extension is very discreet, only being visible from Harrow Street, which is a narrow and largely unused cul-de-sac. This part of the building is also one which has undergone a greater degree of alteration, with the 1940's works and areas of exposed plant ductwork being visible. There will be no loss of historic fabric and the design will be crisp and contemporary allowing a clear distinction between the phases of the building. As proposed the extension is not considered to have a harmful impact on the listed building or upon the character and appearance of the conservation area.

It has recently come to light, post submission of the application, that a vault structure, potentially associated with the air raid shelter use, is located at crypt level in the position of this proposed extension. There is limited information on the significance of this part of the building and as such a condition is suggested to ensure full assessment of this structure is carried out prior to any construction work associated with the extension.



The alterations to introduce the ramped entrance to Bell Street, which include modifications to the entrance steps in Bell Street, a canopy above the entrance door and signage to both the canopy and in the form of a stone monolith by the entrance to the ramp are all relatively modest changes which do not directly affect elements of the original 1820's building. While the canopy and signage will introduce some visual clutter to the facade, the works will provide a clearly identifiable and accessible entrance and these benefits outweigh any harm caused.

The installation of the platform lift in place of the modern staircase also includes modifications to the roof of the mid-twentieth century extension, resulting in the roof being raised by 450mm. The impact of this change will be negligible and again will result in significant improvements to accessibility.

In terms of the internal alterations, the works proposed within the crypt largely retain all of the original plan form and either remove/modify modern partitions or introduce to partitions in order to provide changing rooms, a plant room and toilet and shower facilities. In all cases the works would be entirely reversible.

Within the main volume of the building the proposal includes introducing storage spaces (beneath the gallery at the western end and on the gallery), which are designed so as to not compete with the architecture of the building and are reversible. Those to the gallery would replace existing modern partitioned rooms. The modern suspended floor is proposed to be replaced with a new sprung sports floor, which would not affect any historic fabric. The visual appearance of a sports floor will clearly change the character and appearance of the space, but in the context where a modern carpeted floor is currently in place, the impact of the change is not considered to be detrimental to the significance of the building. The introduction of a new floor to the gallery is also proposed (again not removing any original structure) and a new glass balustrade is proposed to run behind the decorative balustrade of the gallery to provide a higher protective barrier.

New lighting, a public address system and blackout blinds are also proposed. While all of these elements will contribute towards visual clutter, they are demonstrably required for the proposed use. Given that these items are reversible and have been designed to minimise their visual impact, their installation is considered acceptable, subject to final details being provided by condition.

Giving full consideration to our statutory duty, specifically sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; as well as NPPF policies and guidance and our own relevant policies and guidance, the proposal is considered acceptable in terms of design and in terms of impact upon designated heritage assets. It is considered that the proposal successfully maintains the significance of the listed building and the conservation area and indeed the new Class D2 sports and leisure use offers the potential for improved public access to this historic building. Whilst elements of the work change the appearance of the building, they do so in a way which still preserves historic fabric, are easily discernible as later additions, and in most cases can be reversed easily.

### **8.3 Residential Amenity**

The extensions and alterations proposed would be located away from neighbouring residential windows and would not result in any material loss of light, increase in enclosure

or loss of privacy. Accordingly the proposed scheme accords with Policy ENV13 in the UDP and Policy S29 in the City Plan.

In terms of noise disturbance from the proposed use, the structure of the existing building will be sufficient to contain noise arising from sports and other events taking place within the building. However, the potential for late night noise and disturbance is a legitimate concern, as a result of users of the facility entering and leaving the premises in the evening. The applicant initially sought opening hours between 06.00 and midnight daily; however, it is not considered that this strikes an appropriate balance given the proximity of the premises to neighbouring residential occupiers. It is therefore recommended that the hours of use of the proposed sport and leisure facility are limited by condition to between 06.30 and 23.00 hours Monday to Saturday and to between 06.30 and 22.00 hours on Sundays, bank holidays and public holiday. As set out in Section 6.1 of this report, on balance it is considered that private events can be allowed to continue until midnight Monday to Saturday and until 23.00 hours on Sundays, public holidays and bank holidays given their relative infrequency.

#### **8.4 Transportation/Parking**

The Highways Planning Manager does not object to the application and is satisfied that the proposed sports and leisure facility are acceptable without provision of off-street parking as most users of the facility will access the site on foot or by public transport. Existing on street parking restrictions for residents bays between 08.30 and 22.00 hours Monday to Saturday would be sufficient to prevent parking on-street by users of the new facility.

The Highways Planning Manager is also content that servicing of the site from the public highway is acceptable in this case given the arrangement of the existing listed building, which does not allow for the provision of off-street servicing. Furthermore, it should be noted that the existing office use of the building is serviced on street.

The Highways Planning Manager has identified that the proposals for cycle storage are unclear and more visitor cycle parking should be provided as a proportion of the total of 20 spaces that are proposed. It is recommended that the details of the cycle parking to be provided are resolved by condition.

The Highways Planning Manager identifies that the proposed ground floor plan shows a set of gates opening over the highway; however, these are an existing set of gates and therefore the condition recommended by the Highways Planning Manager is not required.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

As set out in section 8.2 of this report the scheme would significantly improve access to this historic building, with step free access created from street level via the existing entrance in Bell Street a new lift provided within the building to provide step free access between the internal floor levels. These access improvements are welcomed and are

necessary if inclusive access is to be provided to what would be a publically accessible building. The access alterations proposed therefore accord with Policy DES1 in the UDP and Policy S28 in the City Plan.

## **8.7 Other UDP/ Westminster Policy Considerations**

### **8.7.1 Mechanical Plant**

The application as initially submitted included an acoustic report; however, following further discussion it has been clarified that the applicant intends to retain the previously approved mechanical plant, which was permitted in 2000 and 2008 respectively. Existing conditions attached to these previous permissions will ensure that the existing plant conditions to operate in accordance with the adopted plant noise policies; namely, Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

### **8.7.2 Crime and Security**

Concern has been expressed by neighbours that the proposed sports and leisure use of the building by Greenhouse Sports will contribute to an increase in anti-social behaviour in the vicinity of the site. Whilst the site is likely to attract greater footfall as a result of the proposed use, throughout the day and into the evening, it is not considered that the increased footfall would necessarily result in an increase in anti-social activity.

Notwithstanding this, the applicant has confirmed that they would accept a condition requiring the submission of a management plan, which would include details of how the premises are to be managed to prevent users of the facility congregating outside or close to the premises. It is expected that the management plan would explain how staff are trained to deal with this aspect of the operation of the premises and how new users of the facility will be inducted so that they understand the behaviour expected of them when arriving at and leaving the premises.

One objector considers that external lighting would be essential to address public safety concerns; however, the building entrance in Bell Street would be immediately adjacent to the back edge of the pavement and the existing street lighting in Bell Street and Cosway Street provide adequate illumination of the public realm around the site at night. As such, this request for additional external lighting is not supported. Additionally it is likely that such lighting would have a significant harmful effect on the appearance of this grade II\* listed building.

### **8.7.3 Waste Storage**

The Cleansing Manager has raised concerns regarding the waste and recycling storage capacity, but considers that these concerns can be overcome by the imposition of a condition to secure amended storage at basement (crypt) level.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant the environmental impact of the development has been covered in other sections of this report.

#### **8.12 Other Issues**

One objector considers that boxing should be prohibited at the proposed sport and leisure venue as it is a dangerous sport and should be discouraged. Whilst it does not appear from the Greenhouse Sports Statement (see copy in background papers) that boxing is proposed, the decision as to which sports are to be carried out within the proposed facility is not a valid planning matter and therefore permission could not reasonably be withheld on this ground.

### **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the St Marylebone Society dated 13 January 2016.
3. Memo from Environmental Health dated 7 January 2016.
4. Letters (x2) from Historic England dated 21 January 2016.
5. Memo from the Highways Planning Manager dated 27 January 2016.
6. Memo from the Cleansing Manager dated 3 February 2016.
7. Letter from occupier of 9 Cosway Street dated 5 January 2016.
8. Letter from occupier of Flat 6, 9 Cosway street dated 9 January 2016.
9. Email from the occupier of Flat 3, 11 Cosway Street dated 24 January 2016.
10. Supporting Statement by Greenhouse Sports.

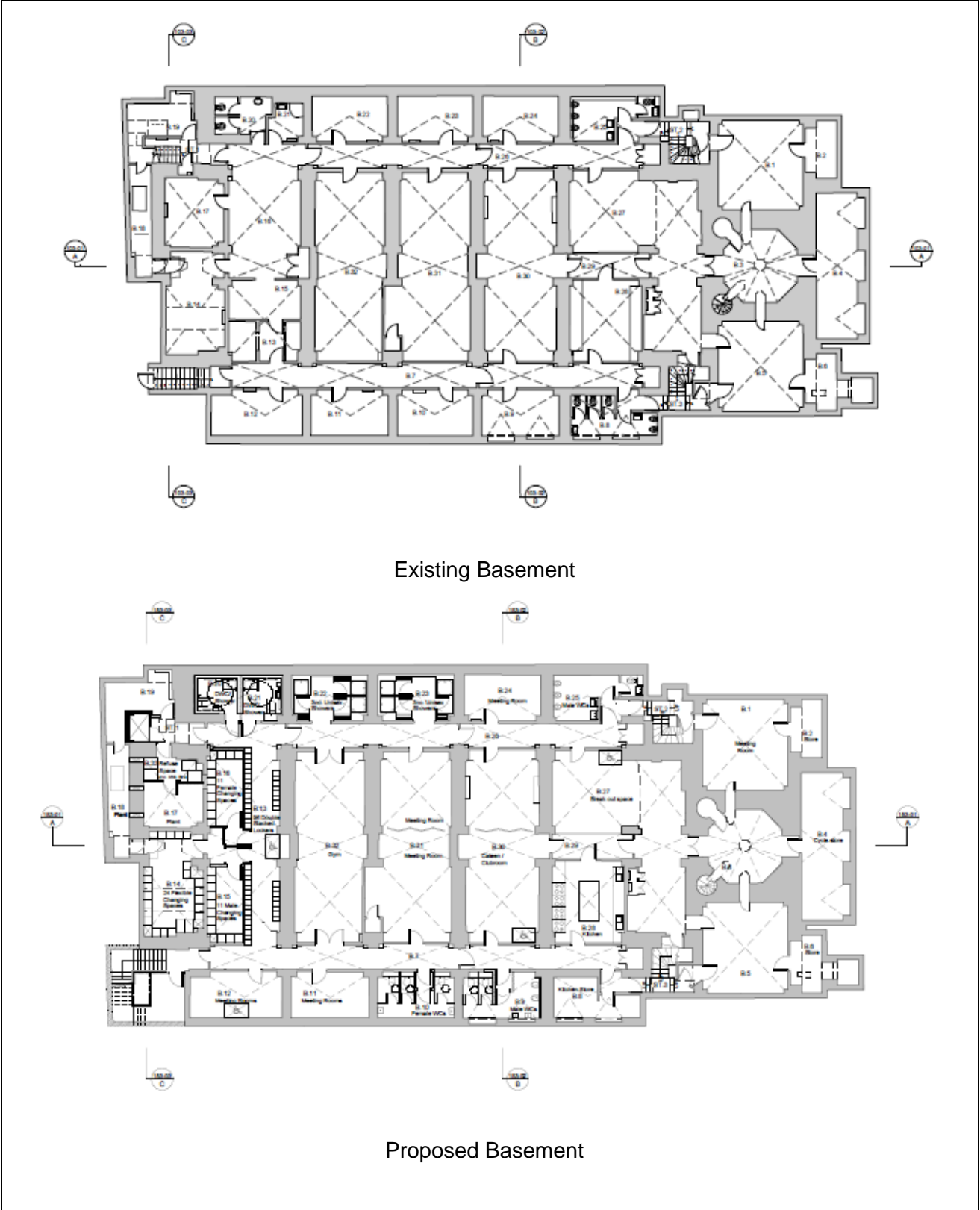
#### **Selected relevant drawings**

Existing and proposed floorplans and montages of external alterations.

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

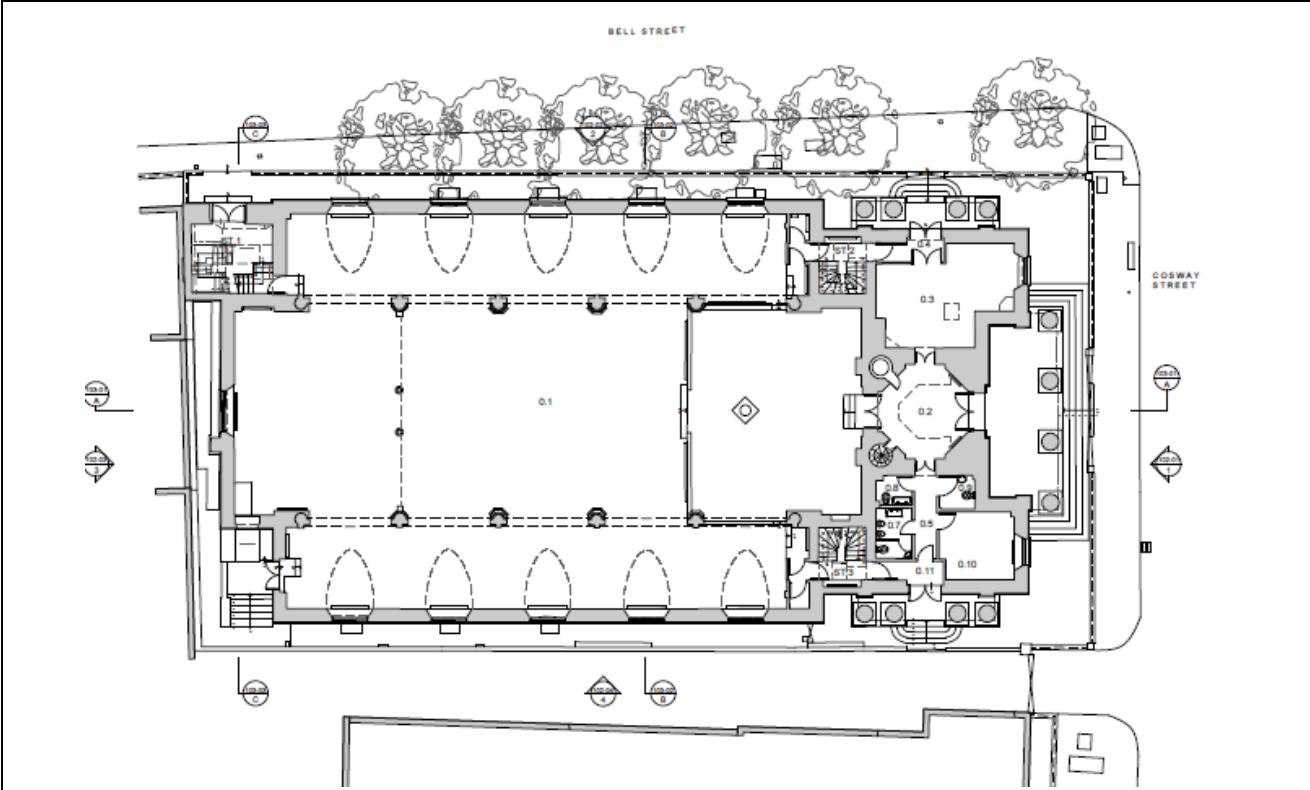
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

10. KEY DRAWINGS

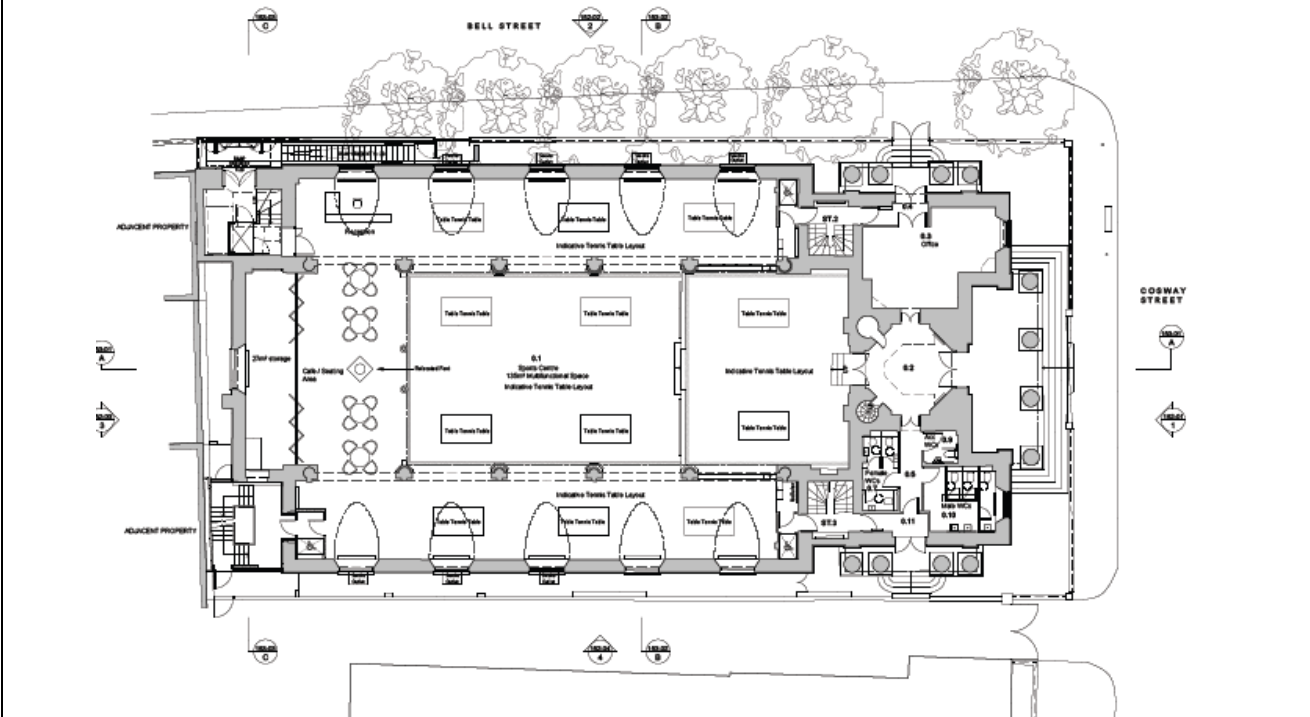


Existing Basement

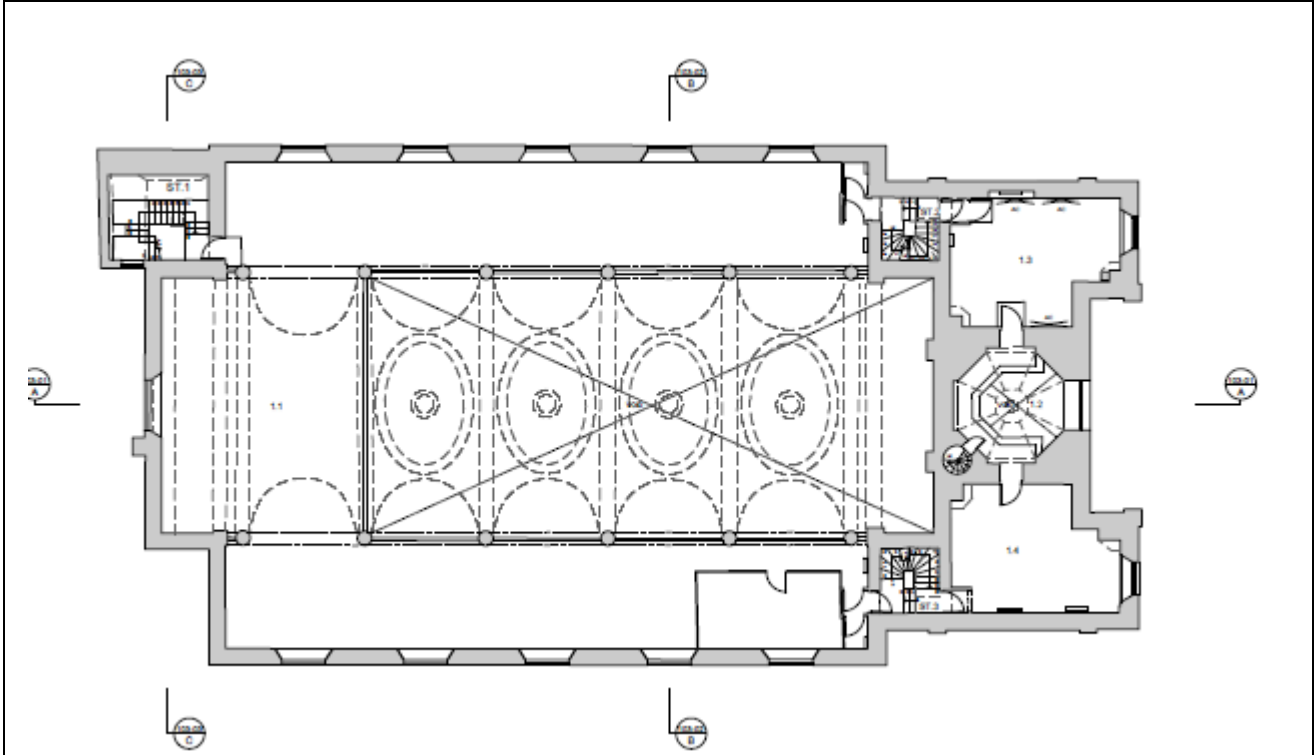
Proposed Basement



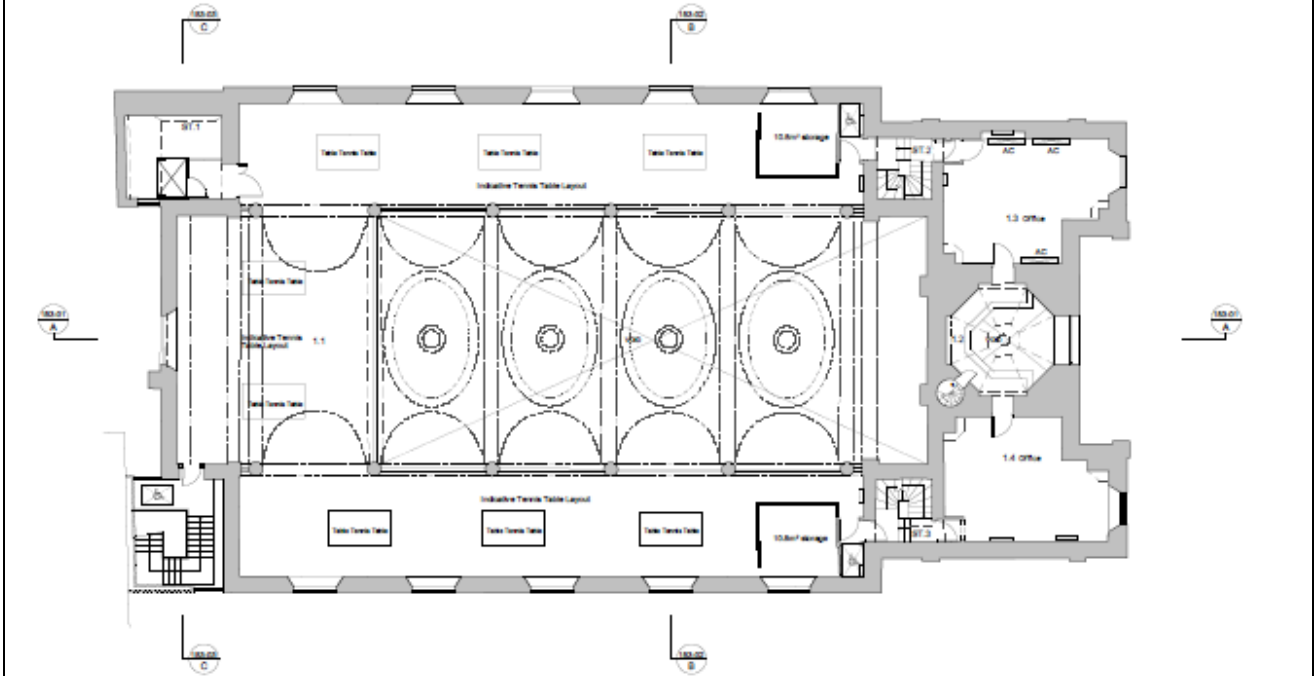
Existing Ground Floor



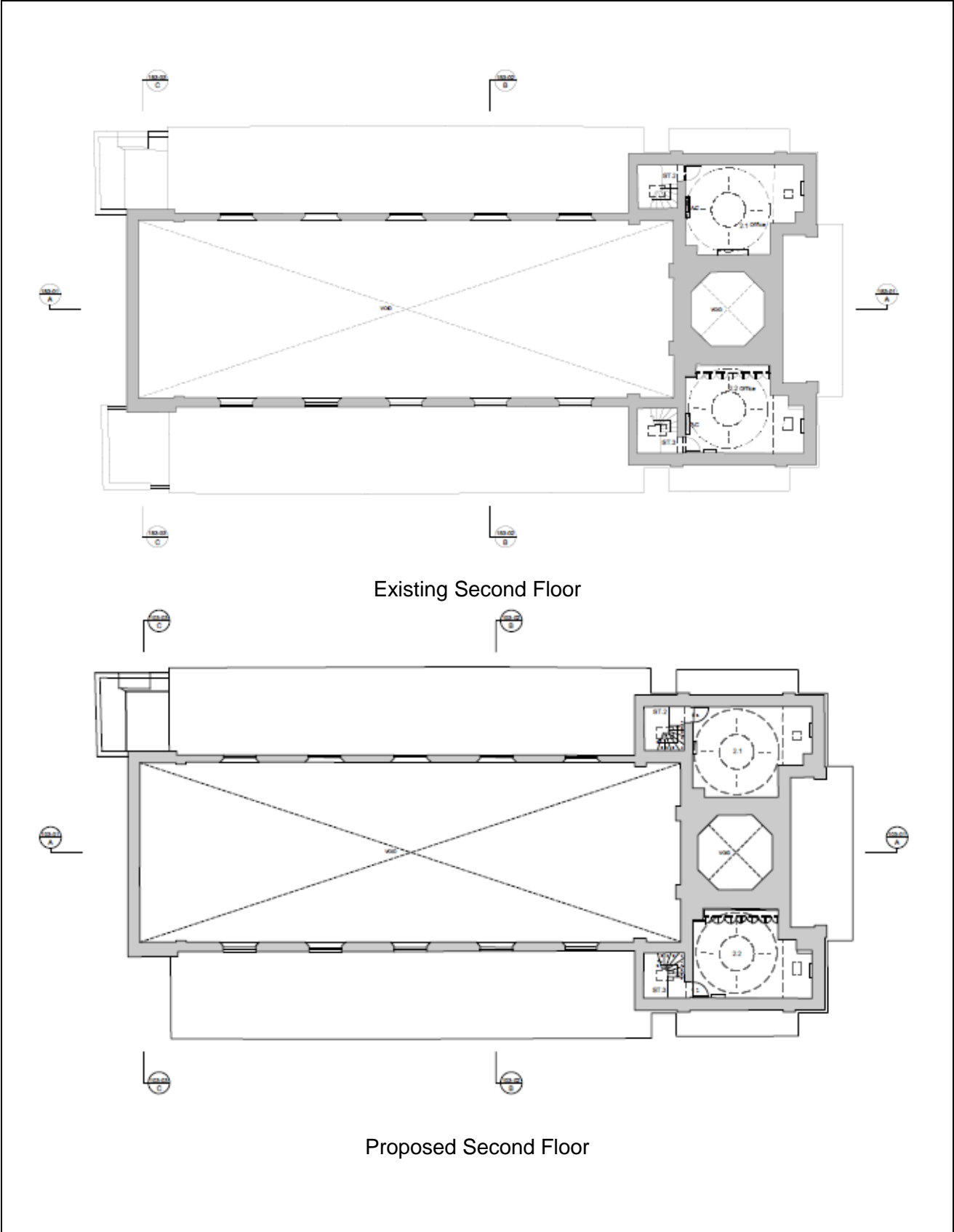
Proposed Ground Floor



Existing First Floor

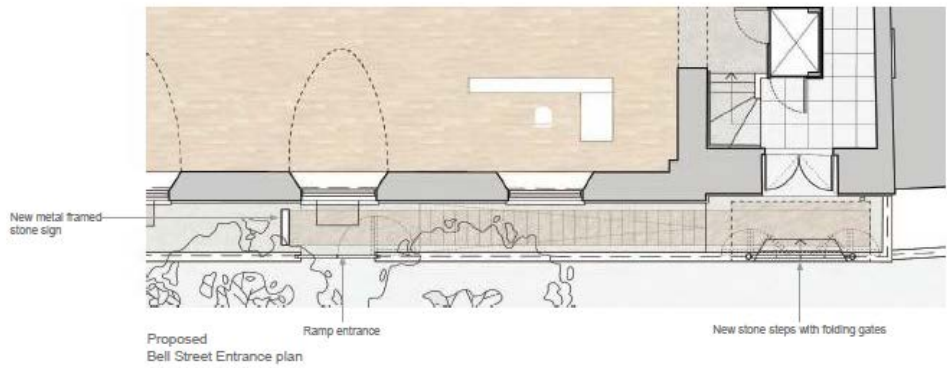
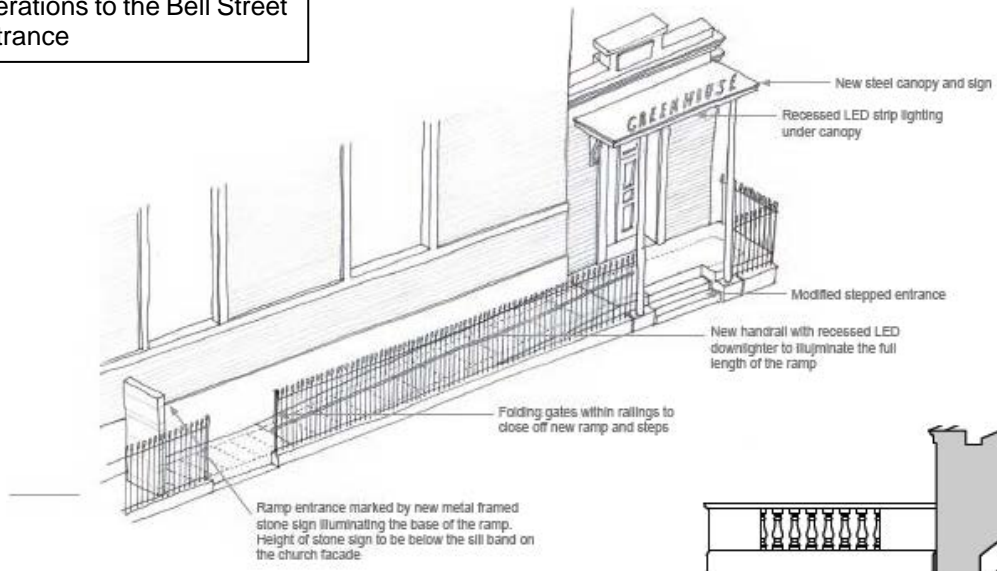


Proposed First Floor

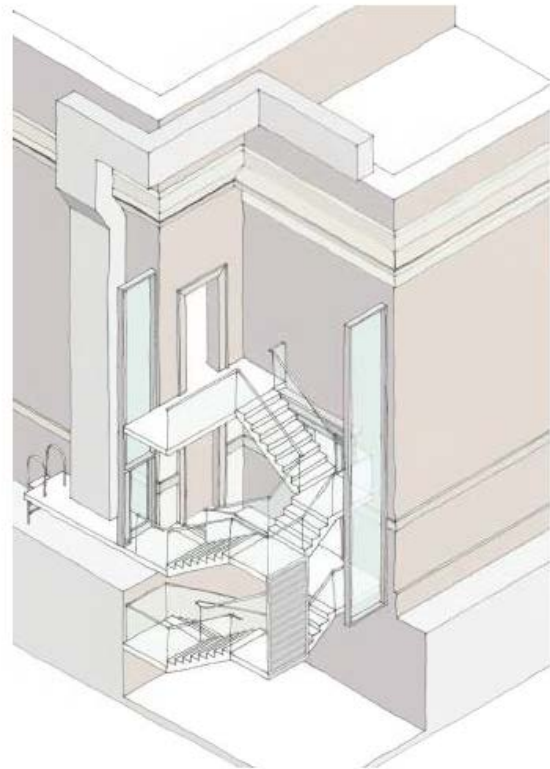
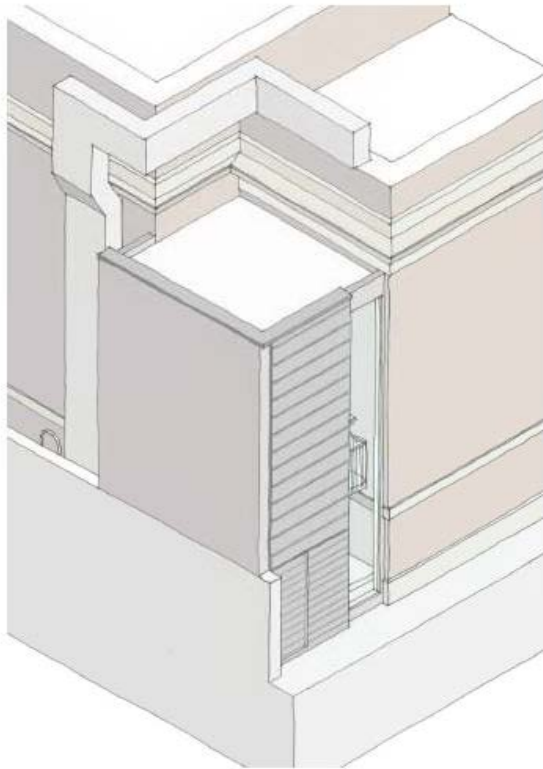




Alterations to the Bell Street Entrance



Proposed extension to the south-west corner.



**DRAFT DECISION LETTER**

**Address:** Christ Church, 35 Cosway Street, London, NW1 5NS

**Proposal:** Dual/ alternative use of building as either a sports and leisure facility (Class D2) or offices (Class B1) and external alterations including formation of new entrance ramp, erection of canopy and alterations to railings within Bell Street and erection of two storey extension to south-west corner to accommodate new staircore.

**Plan Nos:** 100-01/A; 100-02/A; 101-01/B; 101-02/A; 101-03/A; 101-04/A; 101-05/A; 102-01/A; 102-02/A; 102-03/A; 102-04/A; 103-01/A; 103-02/A; 103-03/B; 111-01/B; 111-02/A; 111-03/A; 111-04/A; 151-01/C; 151-02/B; 151-03/B; 151-04/B; 151-05/B; 151-10/A; 151-11/A; 151-12/A; 152-01/A; 152-02/A; 152-03/A; 152-04/A; 153-01/A; 153-02/A; 153-03/A; 201-01/A; 201-02/A; 201-03/A; 201-04/A; 201-05/A; 201-06/A; 201-07/A; 201-08/A; 201-09/A; 201-10/A; 201-11/A; 201-16; 201-18/A. Design and Access Statement (ref: 1503\_08\_151112), Transport Statement dated October 2015, Delivery and Servicing Plan dated November 2015, Statement of Community Involvement dated September 2015, Planning Statement dated November 2015, Heritage Statement dated November 2015 and Photographic Record (ref: 1503\_06\_150923).

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 In the event that the Class D2 use is implemented, you must only use the premises as a sports

centre with ancillary office accommodation. 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).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policies SOC1, ENV6 and TRANS22 of our Unitary Development Plan that we adopted in January 2007 and Policies S29, S32 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 4 In the event that the Class D2 sports and leisure use is implemented, with the exception of private hire events, customers shall not be permitted within the premises before 06.30 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.00 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and, ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 In the event that the Class D2 sports and leisure use is implemented, you must apply to us for approval of an operational management plan to show how you will prevent users of the facility who are arriving at or leaving the building from causing noise and nuisance for people in the area, including people who live in nearby buildings. You must not commence the Class D2 sports and leisure use of the building 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 as a Sports Centre.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 In the event that the Class D2 sports and leisure use is implemented, you must not use the building to for private hire events (namely use of the building not comprising the playing of sports or the undertaking of exercise sessions) on more than 24 days per calendar year and you must not hold more than 2 private hire events per calendar month. Private hire events must also not take place on consecutive days.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 In the event that the Class D2 sports and leisure use is implemented, customers/ guests of private hire events (as permitted by Condition 6), shall not be permitted within the premises before 08.00 and after 00.00 hours (midnight) Monday to Saturday (not including bank holidays and public

holidays) and not before 08.00 and after 23.00 hours on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 8 In the event that the Class D2 sports and leisure use is implemented, you must apply to us for approval of an operational management plan to show private hire events (as permitted by Condition 6) will be managed to prevent the private hire events causing noise and nuisance for people in the area, including people who live in nearby buildings. The management plan must include, but should not be limited to the following:

- (a) How deliveries associated with private hire events are to be managed.
- (b) How access and egress from the building will be managed in respect of customers/ guests of the private hire event.
- (c) How traffic and parking demand from private hire events will be controlled.
- (d) Specification of how many customers/ guests will the premises at any one time during private hire events.

You must not use the premises for any private hire events 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 used for private hire events.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1, ENV 6 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of detailed drawings showing the following alterations to the scheme in respect of waste and recycling storage provision:

(a) A revised basement plan clearly indicating the storage of waste and the separate storage of recyclable material, if the Class D2 use is implemented. The plan should indicate or mark the bins for recycling as R and waste as W.

(b) A revised basement plan clearly indicating the storage of general waste, food waste and the separate storage of recyclable material, if the Class B1 use is implemented. The plan should indicate or mark the bins for recycling as R, the bins for waste as W and organic bins as O.

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 and the waste and recycling storage that we approve must be provided prior to commencement of the use of the building and thereafter permanently retained.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must apply to us for approval of full details of the following parts of the development: provisions for cycle parking, including full details of where all cycle parking is located and the position and number visitor cycle parking, which should be clearly marked. The cycle parking should be covered.

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 and provide the cycle parking prior to occupation of the building. Thereafter the cycle parking we approve must be permanently retained.

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.

- 11 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 You must apply to us for approval of full details of the following parts of the development:

- (a) the new metal gates to the Bell Street entrance;
- (b) all modifications to the Bell Street entrance steps.

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 special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

(C26AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 You are advised that this decision letter does not permit any new mechanical plant or equipment as the application indicates that the existing plant and equipment approved by virtue of permission and consent granted in 2000 and 2008 will be retained. You must though ensure that the mechanical plant continues to be operated in future in accordance with the noise and vibration conditions imposed on these permissions (08/00537/FULL and 98/07680/FULL).

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

**DRAFT DECISION LETTER**

**Address:** Christ Church, 35 Cosway Street, London, NW1 5NS

**Proposal:** Internal and external alterations including installation of lift within north-west staircore, internal lighting, addition of balustrades to gallery, installation of new sports floor, alteration to internal layout within crypt, formation of new entrance ramp, erection of canopy and alterations to railings within Bell Street and erection of two storey extension to south-west corner to accommodate new staircore. Alterations and extensions in connection with dual/ alternative use of building as either a sports and leisure facility (Class D2) or offices (Class B1).

**Plan Nos:** 100-01/A; 100-02/A; 101-01/B; 101-02/A; 101-03/A; 101-04/A; 101-05/A; 102-01/A; 102-02/A; 102-03/A; 102-04/A; 103-01/A; 103-02/A; 103-03/B; 111-01/B; 111-02/A; 111-03/A; 111-04/A; 151-01/C; 151-02/B; 151-03/B; 151-04/B; 151-05/B; 151-10/A; 151-11/A; 151-12/A; 152-01/A; 152-02/A; 152-03/A; 152-04/A; 153-01/A; 153-02/A; 153-03/A; 201-01/A; 201-02/A; 201-03/A; 201-04/A; 201-05/A; 201-06/A; 201-07/A; 201-08/A; 201-09/A; 201-10/A; 201-11/A; 201-16; 201-18/A. Design and Access Statement (ref: 1503\_08\_151112), Heritage Statement dated November 2015 and Photographic Record (ref: 1503\_06\_150923).

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of full details of the following parts of the development:



- i) the new metal gates to the Bell Street entrance;
- ii) all modifications to the Bell Street entrance steps;
- iii) junction / interface details between the new staircase extension and the historic fabric;
- iv) design and finish of storage structures/doors within the main space of the former church;
- v) details, framing and sample of glass for the glass balustrade to first floor gallery;
- vi) LED light fittings, showing location, method of fixing and finish to the light fittings;
- vii) PA system, showing location, method of fixing and finish to the fittings;
- viii) fixing details and colour finish to the blackout blinds.

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 special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 Prior to any work commencing on the staircase enclosure extension at the south-west corner of the site. You must apply to us for approval of a detailed heritage impact assessment which addresses the impact of the extension on the recently discovered vault structure, which is located in the approximate position of the footprint of the proposed extension. You must assess the significance of this vault structure and the impact that the proposed works will have upon this significance. If harm is caused you must set out all mitigating measures that could be considered.

You must not start any work on these parts of the development until we have approved what you have sent us. Should this aspect of the scheme still be regarded as acceptable following assessment of the heritage impact. You must then carry out the work according to the agreed package of mitigation measures.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 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 proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
<b>11</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>West Carriage Drive, London, W2 2UH,</b>		
<b>Proposal</b>	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Road and South Carriage Drive.		
<b>Agent</b>	Abigail Kos		
<b>On behalf of</b>	Transport For London - Surface Transport		
<b>Registered Number</b>	15/09917/FULL	<b>Date amended/ completed</b>	23 October 2015
<b>Date Application Received</b>	23 October 2015		
<b>Historic Building Grade</b>	Serpentine Bridge listed Grade II		
<b>Conservation Area</b>	Knightsbridge/Royal Parks		

**1. RECOMMENDATION**

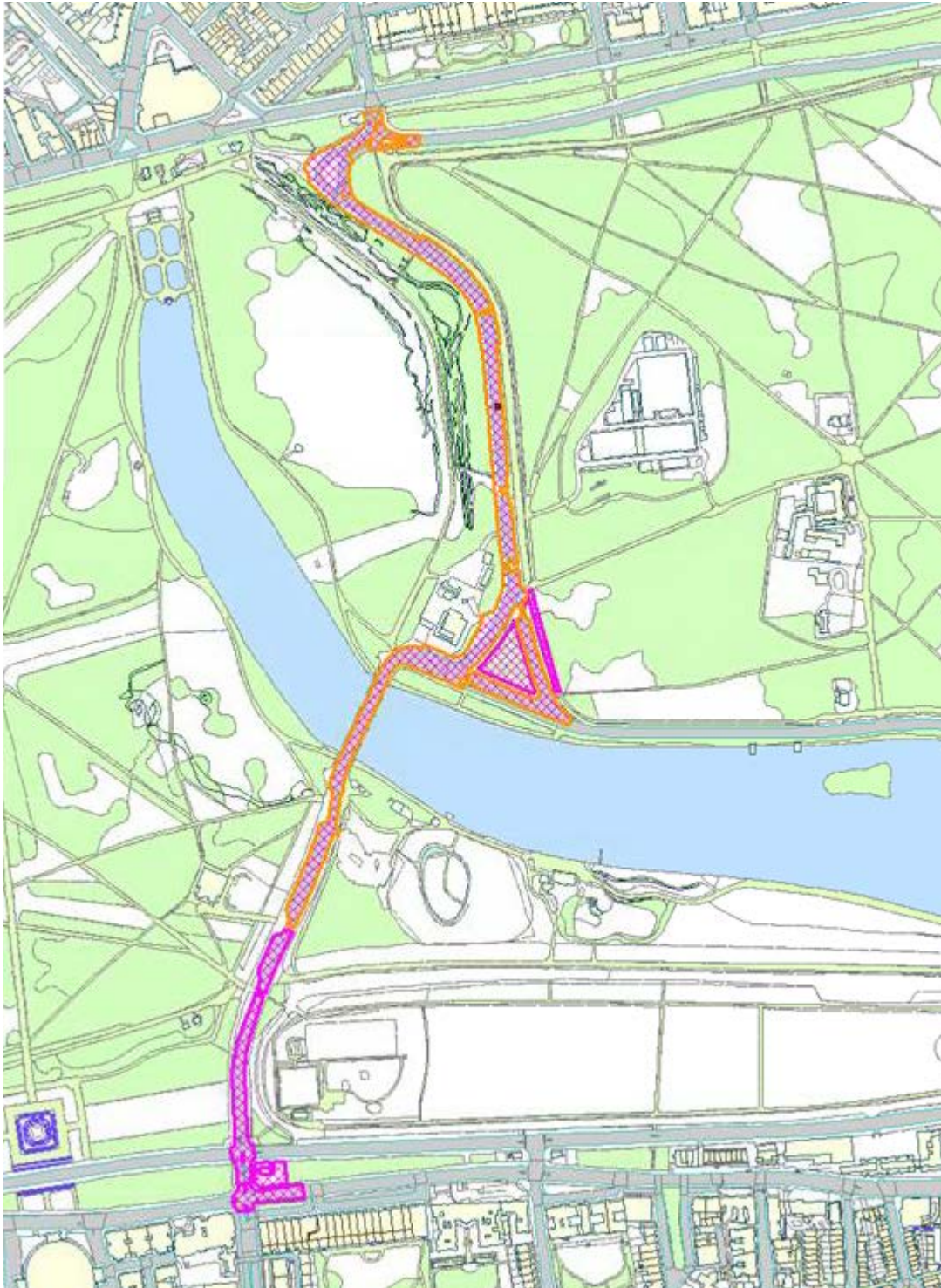
Grant conditional permission.

**2. SUMMARY**

The application is for works to West Carriage Drive within Hyde Park, to form part of the East-West cycle superhighway (EWCSH). It is proposed to create a segregated cycle route running adjacent to the southbound carriageway. The Licenced Taxi Drivers' Association (LTDA) have raised strong objections to the application on the grounds of inaccurate traffic modelling over the route as a whole. They also consider the segregated route presents a barrier for disabled people being picked up/dropped off by licenced taxis along West Carriage Drive. The other main concern is that this application should not be determined in advance of a ruling on a current Judicial Review regarding the whole East-West superhighway route brought about by the LTDA.

The objections are noted. It is not, however, considered that on this occasion they can be supported given the wider benefits of the proposed cycle superhighway and the application is considered acceptable in planning terms subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLANS



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4. PHOTOGRAPHS



West Carriage Drive (photo taken south of Serpentine Bridge)



West Carriage Drive (north of serpentine) with horse ride and footpath set back from carriageway.

## 5. CONSULTATIONS

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

Knightsbridge Association

Any response to be reported verbally.

South East Bayswater Residents Association

Any response to be reported verbally.

Friends Of Hyde Park & Kensington Gardens

Any response to be reported verbally.

Bayswater Residents Association

No comment.

London Historic Parks and Gardens

Any response to be reported verbally.

Thorney Island Society

No comment

Metropolitan Police - Property Services

Any response to be reported verbally.

Garden History Society

Any response to be reported verbally.

Highways Planning Manager

No objection.

Arboricultural Section

No objection subject to conditions.

Licenced Taxi Drivers Association (LTDA)

Object on the following grounds:

- Consider that planning permission is required for the entire East/West route.
- Any planning decision should be postponed until after the High Court has handed down judgement on the LTDA's application for Judicial Review.
- Do not consider that the traffic modelling for Lower Thames Street or Embankment is accurate. The works have led to greater vehicle congestion along the route and surrounding areas.
- The environmental impact is significantly worse than that originally predicted by TfL.
- TfL predictions for the use and take up by cyclists are flawed.

- Discrimination and accessibility issues for those less ambulant or wheelchair users requiring a black cab on West Carriage Drive – contend it is impossible to pick up/drop off on the southbound carriageway adjacent to the cycle route. There are no provisions to accommodate disabled access.
- Safety issues in that cyclists will be tempted to exceed the 20mph limit particularly southbound.
- Visitors unfamiliar with the concept of the cycle superhighway will potentially increase the risk of accidents and conflict with those cyclists familiar with the route.

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

No. Consulted: 1

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site encompasses West Carriage Drive and small sections of South Carriage Drive and Serpentine Road at the points where they meet West Carriage Drive.

West Carriage Drive runs north/south across Hyde Park, essentially separating Hyde Park and Kensington Gardens. Hyde Park and Kensington Gardens are both Royal Parks and are designated as Metropolitan Open Land. They are a Grade I listed landscape.

The site is within the Royal Parks Conservation Area, and also the Knightsbridge Conservation Area at the southernmost point of the route. The proposed cycle route crosses the Grade II listed Serpentine Bridge.

To the south of the Serpentine Bridge, there are currently marked cycle routes adjacent to the vehicular carriageway on West Carriage Drive. They are marked routes at the same level as the footway; the northbound cycle route on the west side of the carriageway, and the southbound route on the east. There is no physical separation between the cycle route and the pedestrian footway.

Around the Serpentine Bridge area, the marked cycle route is within the carriageway, though is not physically separated from vehicles.

To the north of the Serpentine Bridge, there is a shared cycle/footpath which runs adjacent to the horse ride, and is well separated from the carriageway by a large grass verge.

### 6.2 Recent Relevant History

None directly relevant.

## **7. THE PROPOSAL**

This proposal forms part of the East West Cycle Superhighway Scheme currently being implemented by Transport for London on behalf of the Mayor. The East/West superhighway runs from Tower Hill to Paddington (with TfL consulting on extending the route beyond Paddington). A large section of the route proposed runs through the Royal Parks within Westminster, incorporating a route through St James's Park, Green Park and Hyde Park. This application solely relates to the section running along West Carriage Drive within Hyde Park. At the time of writing, applications have just been submitted for the sections of the route by St James's Park (Birdcage Walk and a section of the Mall) and along Constitution Hill, part of Green Park.

The cycle superhighway on West Carriage Drive will be a two way cycle lane, segregated from the vehicular route by a raised kerb. It is adjacent to the southbound vehicular lane. Works are currently underway to construct the cycle lane.

TfL do not consider that the works require planning permission as they believe that the construction of the cycle superhighway falls within 'permitted development' rights for highway authorities under Section 55 of the Town and Country Planning Act.

The LTDA contend that this position is wrong in law. The High Court have indicated, in granting permission for a Judicial Review of the entire route in respect of the need for planning permission, that there is an 'arguable case' that the Cycle Superhighway does require planning permission. The LTDA advise that a determination of this Judicial Review was to be made in early January 2016. The LTDA contend that any decision on this planning application should be postponed until after the High Court has handed down their judgment in respect of the application made by the LTDA for Judicial Review which is still awaited.

The maintenance and improvement of the public highway are generally exempt from the need for planning permission if undertaken by a local highway authority pursuant to s55 of the Act. In this instance however TfL is not the local highway authority for the Royal Parks, nor are the roads in question public highway, and as a consequence the City Council takes the view that planning permission is required. On land outside the Royal Parks, the council is satisfied that the normal s55 rights can apply to TfL and to other local highway authorities such as the City Council, acting as it's agent.

Although TfL do not agree with the City Council's view that permission is required for the Cycle Superhighway within the boundaries of the Royal Parks, they agreed to submit an application for planning permission.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change of use is proposed as such there are no land use issues to consider.



## 8.2 Townscape and Design

The palette of materials proposed for the works to the footway, highway and proposed cycle route is a combination of asphalt, bauxite, granite setts and bonded gravel. These are considered appropriate to the surroundings and wider Conservation Areas. Whilst there will be works to the carriageway going over the Grade II listed Serpentine Bridge, they are to the upper level of the carriageway (i.e. new and constantly renewed fabric); these works will not alter the stonework on the bridge itself or those elements of the bridge considered to have special interest. It is not considered therefore that the works require listed building consent. The works are not considered to have any impact upon the setting of any other listed structure near the proposed route within the Royal Park.

The finish of the asphalt to the cycle superhighway is generally blue, however, given the sensitivities of the surrounding environment, a scheme more consistent with the Royal Parks roads is considered preferable in this location. TfL have confirmed that the finish of the asphalt will be black for the cycle route and red for the carriageway (similar to the finish on the Mall, at the request of the Royal Parks).

The works are acceptable in design and conservation terms, in line with policies S25 and S28 of the City Plan and DES1, DES9, DES10 and DES12.

## 8.3 Residential Amenity

The proposed cycle superhighway is not considered to have any negative impact on the amenity of local residents.

## 8.4 Transportation

Policy S41 relates to pedestrian movement and sustainable transport, aiming to support walking and other sustainable transport modes, including cycling. UDP policy TRANS 9 aims to make cycling safer and to promote cycling as an alternative to the private car. Part A(1) of this policy states that the City Council will implement traffic management measures to aid cyclists and improve safety such as cycle lanes or advance stop lines. TRANS 2 (road safety) and TRANS 3 (pedestrians) are also of relevance.

The creation of the segregated routes means that there are some on-street parking spaces just off the northbound carriageway which will be reconfigured and retained. There will be no loss of on street parking as a result of the proposals.

The pavement widths are generally improved. It is considered the scheme offers greater protection for pedestrians by removing the existing cycle routes that are not physically separated from the footpath.

One of the major concerns of the LTDA relates to TfL's traffic modelling in respect of Lower Thames Street and Victoria Embankment. They do not consider the modelling is accurate and comment that the works to construct the EWCSH have led to greater vehicle congestion along the route and surrounding areas.

TfL state that their 'traffic assignment model' used to produce the traffic modelling on their predictions for the Cycle Superhighway are based, is one of the most detailed models of its kind in the world for an urban road network. They state that both the wider context and the areas local to each section of the route have been modelled. TfL consider that the modelling provides a robust picture of the likely traffic impacts arising from the Cycle Superhighway once completed. TfL acknowledge that during construction of the route, there will inevitably be disruption to the road network, and comment that the monitoring of traffic conditions will not be completely accurate until the construction of the EWCSH is finished.

As TfL are the strategic transport authority for London, it is not considered that the City Council is in a position to challenge the traffic modelling done in relation to the cycle route as a whole given it is a strategic project spanning multiple boroughs.

The LTDA consider that TfL's predictions for the level of use of the EWCSH are flawed. They contend that as, in their view, TfL's modelling for congestion/environmental impact is inaccurate, the same will apply to the predictions relating to the use of the finished cycle route.

TfL states that its predictions of future cycle flows are based on extensive monitoring of cycle trends, annual growth and the increase in cycle flows on Cycle Superhighway routes already in use. They note that cycling during the morning rush hour has trebled since 2000.

Given the specific policies with the London Plan and Westminster's statutory development plans in relation to cycling and segregated routes, the proposed cycle route is welcomed. There is not considered to be any robust evidence that the route would not be used.

### **8.5 Economic Considerations**

The economic benefits generated are welcomed.

### **8.6 Access**

The Licenced Taxi Drivers' Association have raised several issues regarding the potential impact upon the public being able to access black cabs from the pavement on West Carriage Drive. They make the point that black cabs are the only public carriage vehicles which are access compliant that run along West Carriage Drive. At present, cabs can stop on either side of the carriageway to pick up and set down passengers. The ramp within a cab is contained by the near side passenger door. With the cycle route in place therefore, it would be impossible for these taxis to stop and pick up/set down on the southbound carriageway. The LTDA comment that there are no provisions at all in the design of the cycle lane to improve access for disabled or less ambulant park users.

It is acknowledged that the proposals could potentially create a conflict and present issues for less ambulant people wishing to be picked up/dropped off on the southbound carriageway. As TfL correctly point out, the Superhighway will relocate the existing cycle track away from the western footway and onto the eastern carriageway, thus removing the existing conflict. For anyone wishing to take a cab or be dropped off on either footway, there is potential for conflict with cyclists given the existing cycle lanes are not physically separated from the footway. To the north of the Serpentine, on the east side of the

carriageway the footway is separated from the carriageway by a large grass verge and a sandy horse riding path – so accessing a taxi at this point is difficult in any event.

Clearly, the existing highway/footway layout presents potential conflicts for less ambulant people wishing to be picked up/set down on West Carriage Drive. With the cycle superhighway in place, there will not be the opportunity for cabs to access the kerb on the footway to the southbound section of carriageway to the south of the Serpentine in the same way they can at the moment. Officers consider that on balance, the benefit bought about by the presence of a segregated cycle lane in this location along with the improvements to the existing footways, outweighs the potential harm caused by a relatively small section of the southbound carriageway not being easily accessible for cab pick up/drop offs for less mobile park users.

Concern has also been raised about the speed of cyclists using the superhighway. The speed limit for all vehicles using this road is 30mph. Speed reducing measures are designed in to the route and include speed tables and rumble strips to slow cyclists at points where there is the potential for conflict with other park users (ie car park entrances, paths, other roads).

The LTDA also raise more general points about the safety of people who are unfamiliar with the area or local rules of the road, such as tourists. Hyde Park has a multitude of users with different requirements and conflict points inevitably arise. It is worth noting that throughout Hyde Park there are multiple shared routes used by cyclists and pedestrians, and it is not unusual to have shared routes. Officers do not consider there is any reason to believe that there would be increased danger to tourists from a well signposted, segregated cycle route. TfL state that they are working with the Royal Parks to provide new signage to help cyclists navigate through the park, encouraging the use of the shared routes by cyclists requiring a slower pace which may be more suitable for tourists seeking to experience the park.

It is not considered that the proposed cycle superhighway will prevent people accessing the park or travelling through it, and the proposals are in line with S29 Health, Safety and Wellbeing.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Trees**

The proposed works require the removal of four trees adjacent to West Carriage Drive. All these trees are young lime trees which are easily replaced. The City Council has already agreed to their removal under Section 211 notifications.

There are a number of trees in close proximity to the works. For the main part, any new surfacing will replace existing hard standing so it should be possible to minimise any impact on nearby trees. Insufficient information has been submitted in this regard, but this can be mitigated by a condition to secure further details of the ways in which retained trees will be protected.

### **Biodiversity**

Again, given that new surfacing generally replaces existing hard standing, it is not considered that there will be any undue impact on the biodiversity found in this part of

Hyde Park. The main impact is likely to be during construction works, which will only be temporary.

## **8.8 London Plan**

Of particular relevance in the consideration of this application are policies 6.1 and 6.9. Policy 6.1 encourages close integration between transport and development, part b aims to “improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand”. Policy 6.9 relates specifically to cycling, stating that the Mayor will “identify, promote and implement a network of cycle routes across London which will include Cycle Superhighways and Quietways”. Paragraph 6.36 states that the aim of the Mayor is to enhance the conditions for cycling by improving the quality of the cycling network and improving the safety of, priority for and access to cycling”

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

The applicant has provided an ‘environmental evaluation report’ covering issues including biodiversity, cultural heritage, townscape, noise and vibration, emissions and water resources.

The principal impacts not already discussed in this report are noise/vibration and air quality.

In terms of noise, an assessment for impacts along the whole East-West route was carried out. In this park location, the report concludes that there would be a very slight decrease in noise levels from this road after the works are completed.

In terms of air quality, there is projected to be a slight improvement following the completion of works. There will be a short term potential increase in noise, vibration and diminution in air quality during construction work, however this is a temporary effect.

## **9. BACKGROUND PAPERS**

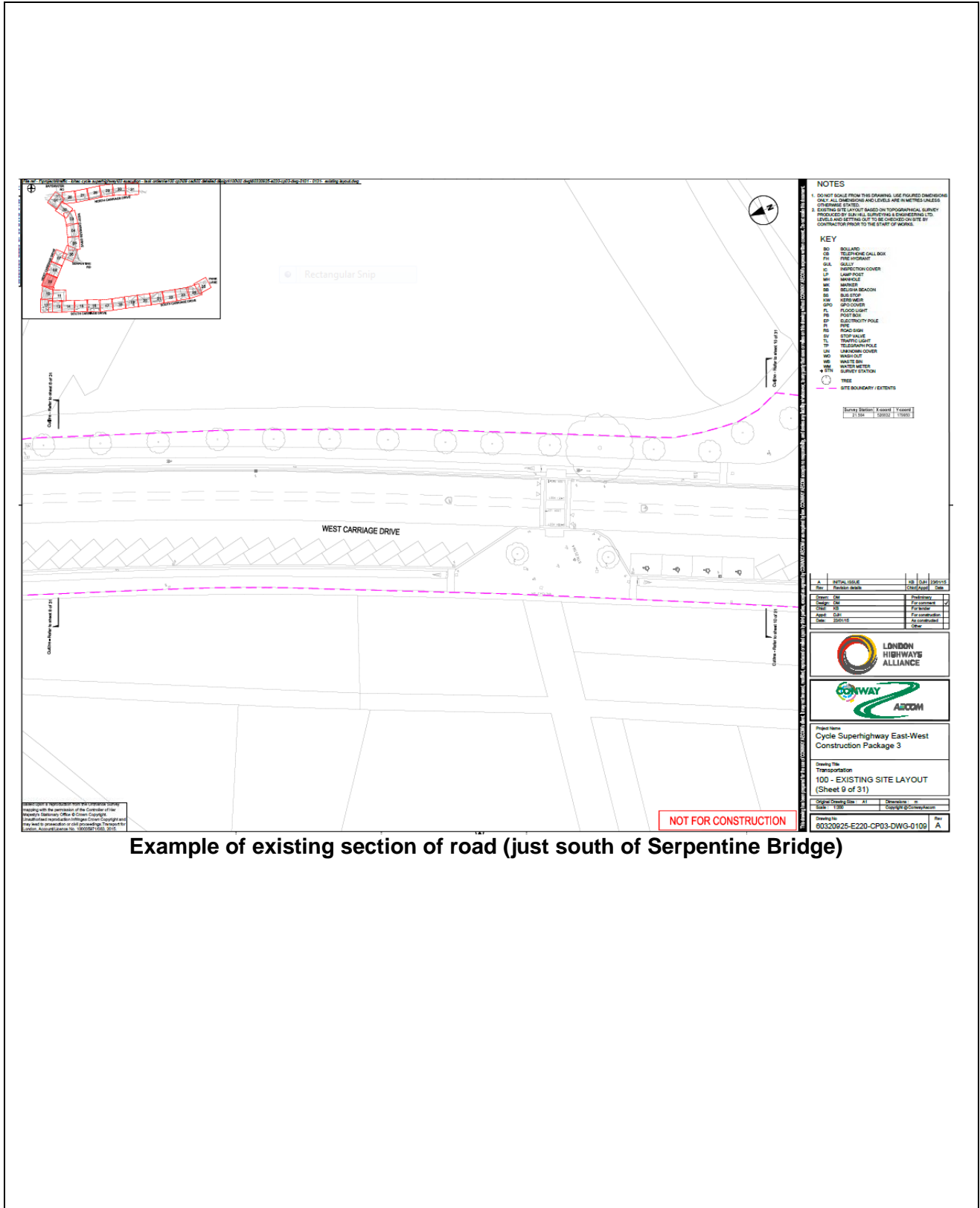
1. Application form
2. Response from Thorney Island Society, dated 16 November 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 24 November 2015
4. Letter from the Bayswater Residents’ Association, dated 18 November 2015
5. Letter from the LTDA, Taxi House, 11 Woodfield Road, dated 29 December 2015

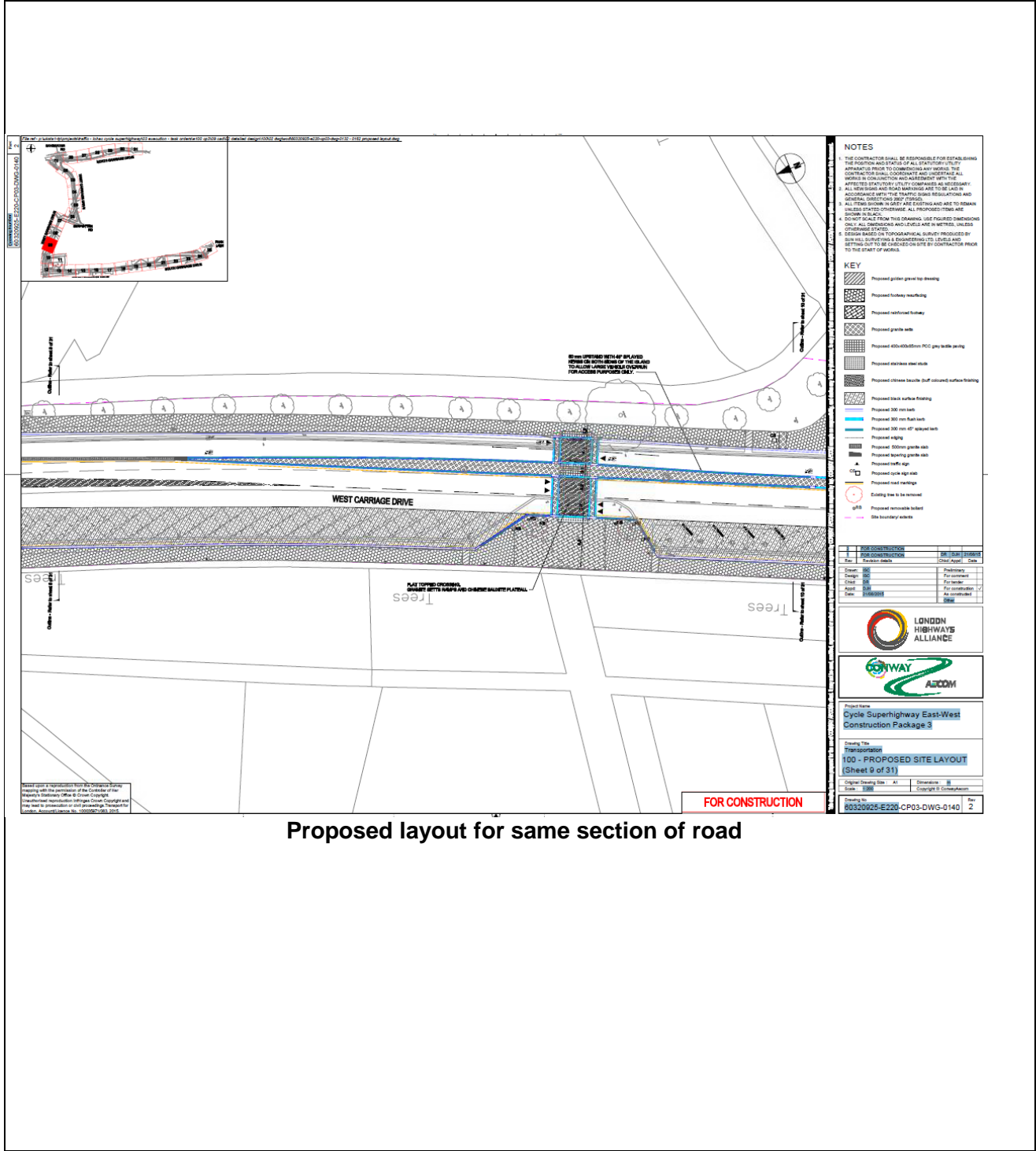
6. Response from TfL, received 27 January 2016.
7. Memorandum from the Arboricultural manager dated 7 January 2016.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

10. KEY DRAWINGS





Proposed layout for same section of road

**DRAFT DECISION LETTER**

- Address:** West Carriage Drive, London, W2 2UH,
- Proposal:** Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.
- Reference:** 15/09917/FULL
- Plan Nos:** Environmental Evaluation Report dated October 2015; Planning and Design statement dated 23 October 2015; site plan; detailed site plan pt1, pt2, pt3; 60320925-E220-CP03-DWG-0102A; 103A; 104A; 105A; 106A; 107A; 108A; 109A; 110A; 112A; 0133rev2; 0134 rev2; 0135 rev2; 0136 rev2; 0137 rev2; 0138 rev2; 0139 rev2; 0140 rev2; 0141 rev2; 0143 rev2.

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

**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 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., , Noisy work  
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on the approved drawings. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the



recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 4 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

Reason:

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

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Item No.
12

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster Pier, Victoria Embankment, London, SW1A 2JH,</b>		
<b>Proposal</b>	Downstream extension of Westminster Pier measuring 32 metre (length) by 10 metre (width) including the modification of the existing V-berth end pontoon and the installation of one pile and associated works.		
<b>Agent</b>	Miss Rebecca Sladen		
<b>On behalf of</b>	London River Services		
<b>Registered Number</b>	15/04038/FULL	<b>Date amended/ completed</b>	11 May 2015
<b>Date Application Received</b>	8 May 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Whitehall		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

Westminster Pier is located on the west side of the river close to Westminster Bridge. The pier is unlisted but is within the Whitehall Conservation Area.

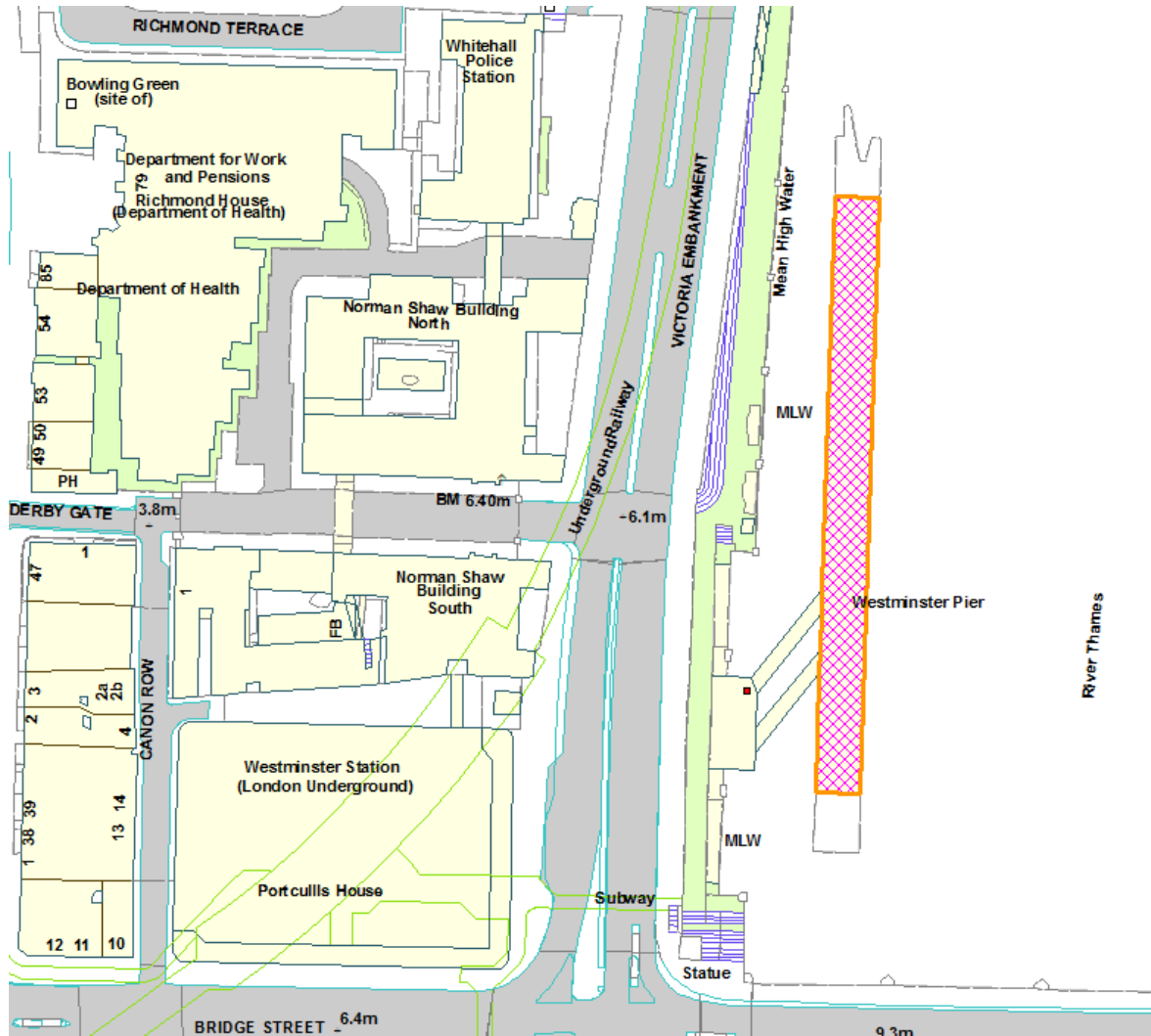
Permission is sought to extend the existing pier by providing an additional pontoon measuring 32 metre (length) by 10 metre (width) and associated modifications to the existing V-berth end pontoon and the installation of one pile. The proposals seek to increase the berthing capacity of the pontoon in order to accommodate the London River bus service in addition to vessels which currently use the pier.

The key issues in this case are:

- \* The impact of the proposals upon the River Thames.
- \* The impact of the proposals upon the appearance of the conservation area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND:

- generally content with the massing and design for the extension, which reflects the existing.
- design and access statement appears to show extensive coloured glazed infilling under the entire length of the canopy.
- glazing is kept to a minimum so as to reduce the visual impact of the pier.

### ENVIRONMENT AGENCY:

No objection subject to a condition to ensure mitigation measures are provided in respect of piling works.

### THAMES WATER:

No objection subject to the London River Services liaising with Thames Tideway Tunnel to coordinate the construction programme for the extension of the pier with the Thames Tideway Tunnel construction.

### LONDON BOROUGH OF LAMBETH:

Raise no objection.

### TRANSPORT FOR LONDON (PLANNING):

- No objection;
- the uplift in passengers and pedestrians at the site is quite small.

### PORT OF LONDON AUTHORITY:

No objection in principle. A condition is recommended to secure details of a Construction Environmental Management Plan (CEMP).

### WESTMINSTER SOCIETY:

No objection.

### HIGHWAYS PLANNING:

No objection.

### HISTORIC ENGLAND (ARCHAEOLOGY):

Any comments to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 30.

No. of responses: 4.

### PEDESTRIAN SAFETY:

- further enlargement of the pier should incorporate additional entry and exits.
- enlargement of the pier would cause a safety issue for passengers entering and exiting the pier.
- health, safety and welfare of passengers using the pier.
- provision of a new brow to service the eastern end of the Pier in order to manage increased passenger numbers.

**OTHER CONSIDERATION**

- title of application had referred to 'upstream' extension and not downstream but this has been corrected.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

Westminster Pier is located downstream of Westminster Bridge on the River Thames. Westminster Pier is accessed from Victoria Embankment which also provides pedestrian access to Westminster underground station.

The Pier itself is not listed but is located within the Whitehall Conservation Area. The pier is located within close proximity to several notable sites including the Grade II listed Westminster Bridge, Grade II star County Hall on the opposite side of the river, Grade II star Norman Shaw Building South and the Grade I listed Norman Shaw Building North.

**6.2 Recent Relevant History**

None relevant.

**7. THE PROPOSAL**

Permission is sought for the downstream extension of Westminster Pier measuring 32 metre (length) by 10 metre (width) including the modification of the existing V-berth end pontoon and the installation of one pile and associated works.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

Policy S37 of the Westminster Plan (2013) and saved Policy RIV 7 encourages the improvement to piers in order to encourage public access to the Thames for water dependent leisure, tourism or public transport.

The proposed extension of the pier will allow the London River bus services, which currently does not stop at Westminster Pier, to serve the pier thereby improving the river service along this part of the river, and to also improve the capacity for other vessels which already serve the pier.

The proposed extension of the pier will provide waiting room facilities which is welcomed.

## 8.2 Townscape and Design

The proposal matches the existing in both design and massing. The pier is at a low level and is therefore unlikely to affect views or the setting of the surrounding listed buildings. The extension remains sufficiently off set from the river wall and therefore sits comfortably within its context. The proposals are not considered to harm the character of the conservation area. Furthermore, the proposals allow additional boats to use the pier, which is considered a public benefit.

Historic England note that Figure 1.4 of the Design and Access Statement shows coloured glass. However, this would appear to be a lighting system as noted on paragraph 2.8. The use of lighting is considered acceptable, however this should be kept to a minimum. Therefore a condition is recommended to secure details of the lighting.

The applicant has also confirmed that the proposed extension of the pier will still enable the City Council to access the river wall safely for routine inspections of the flood defence.

## 8.3 Residential Amenity

Given the location of the application site there are no residential properties within the vicinity of the site which would be affected by the proposals.

## 8.4 Transportation/Pedestrian Movement

Westminster Pier is located on the Victoria Embankment which forms part of the Transport for London Road Network (TLRN). The site is also located adjacent to the proposed Cycle Superhighway along Victoria Embankment.

Victoria Embankment provides a popular pedestrian route through to Westminster Bridge, Westminster underground Station and the Houses of Parliament located to the south of the site and to Parliament Street to the west of the site, as well as pedestrians accessing and exiting from Westminster Pier itself. As such the area adjacent to Westminster Pier along Victoria Embankment is a fairly busy and active pedestrian route.

Given the competing interests around the application site objections have been raised from existing boat operators that the extension to the existing pier will increase passenger numbers and that the existing arrangements to provide access onto and off the pier are inadequate to accommodate this increase.

The applicant has confirmed that the number of boat operators currently serving the pier will not change as a result of the proposed extension. The additional boat service will be the River Bus which will be operated by the Thames Clipper service. The applicant has provided a pedestrian modelling survey which was based on the worst case scenario that the vessels serving the pier would be at full capacity. In reality this is unlikely to occur but the applicant has provided additional information to address the objections raised. This has been assessed by Transport for London (Planning Division) and the City Council's Highways Planning Manager who have confirmed that whilst there will be an increase in passenger numbers using the pier, this increase is slight. The applicant has also stated



that the increased use and promotion of Oyster cards as a method of travelling will reduce queuing for tickets.

The applicant has also stated that they already have in place a 'Pier Operational Plan' which is a site specific plan for all TfL owned piers, which is managed on a day to day basis by the pier Controller. This plan is reviewed every six months, usually in April and October, or when significant changes occur to boat service patterns. On this basis it is considered that the proposed extension to the pier is unlikely to cause an adverse impact on the surrounding area in terms of pedestrian movement.

### **8.5 Economic Considerations**

The economic benefits of the scheme are welcomed.

### **8.6 Access**

As highlighted in section 8.4 the applicant already has a Pier Operational Plan in place for all TfL owned piers, which does not change the current access arrangements.

### **8.7 Other UDP/Westminster Policy 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.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. 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 NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposed extension to Westminster Pier will involve a new pile been inserted within the riverbed. A condition is recommended to ensure that the proposed piling activities do not have an adverse impact on marine life.

### **8.12 Other Issues**

Comment has been made that the description of development incorrectly referred to works being 'upstream'. The development proposals have been amended and correctly refer to the works to the pier as 'downstream'.

The proposed extension to the pier is within close proximity to the relocation of the Tattershall Castle, which is being relocated as a result of the works to the Thames Tideway Tunnel. The City Council has formally consulted Thames Water over the proposed works, and in addition the applicant has also liaised directly with representatives of the Thames Tideway Tunnel. No objection has been raised subject to the applicant informing the Thames Tideway Tunnel concerning the construction programme in order to coordinate activities.

## **9. BACKGROUND PAPERS**

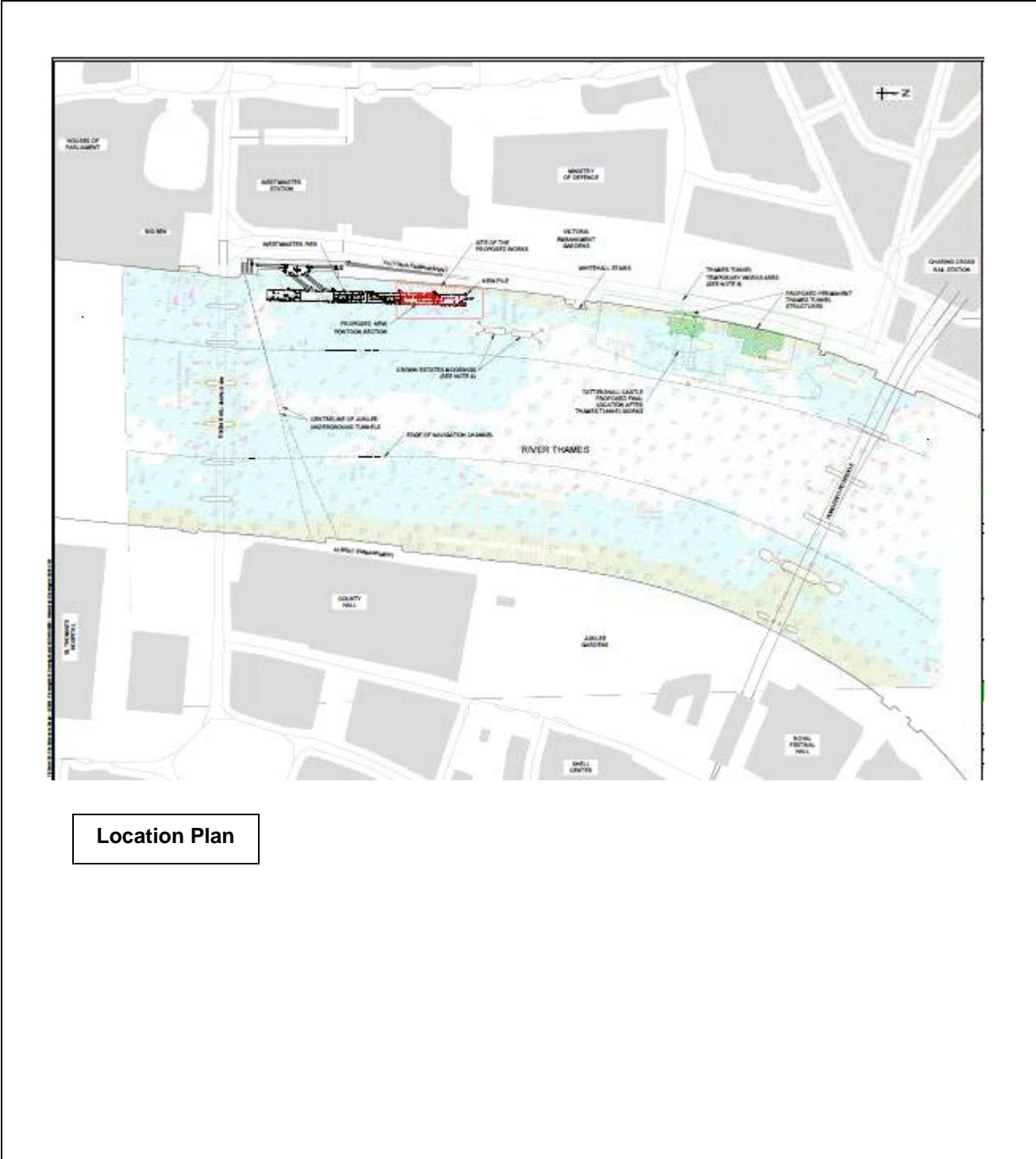
1. Application form.
2. Letter from Historic England dated 16 June 2015.
3. Letter from Environment Agency dated 18 June 2015.
4. Letter from Thames Water dated 23 June 2015.
5. Letter from the London Borough of Lambeth dated 25 June 2015.
6. E-mail from TfL Planning, Transport for London dated 26 June 2015 and 8 January 2016.,
7. E-mail from the Port of London Authority dated 13 January 2016.
8. Memorandum from Westminster Society dated 16 June 2015.
9. E-mail from Highways Planning dated 3 February 2016.
10. E-mail from the representative of Thames River Services, Westminster Pier dated 21 June 2015.
11. E-mail from the representative of Westminster Party Boats Ltd, Circular Cruise Westminster dated 23 June 2015.
12. E-mail from the representative of Circular Cruise Westminster dated 23 June 2015.
13. E-mail from the Company Director of City Cruises Plc dated 3 July 2015.

**Selected relevant drawings**

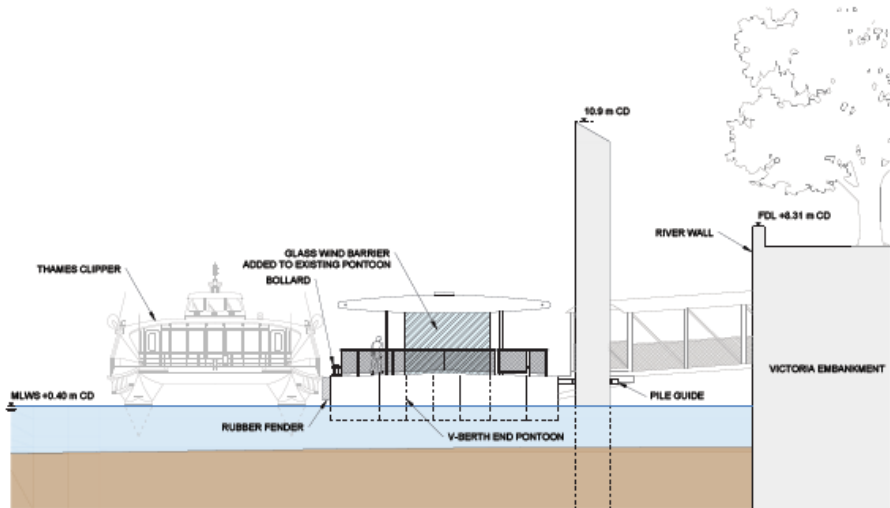
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

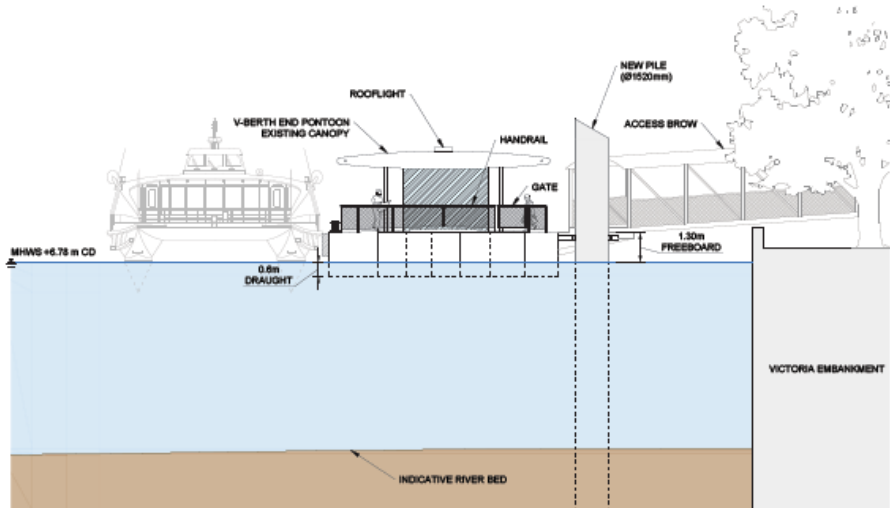
10. KEY DRAWINGS



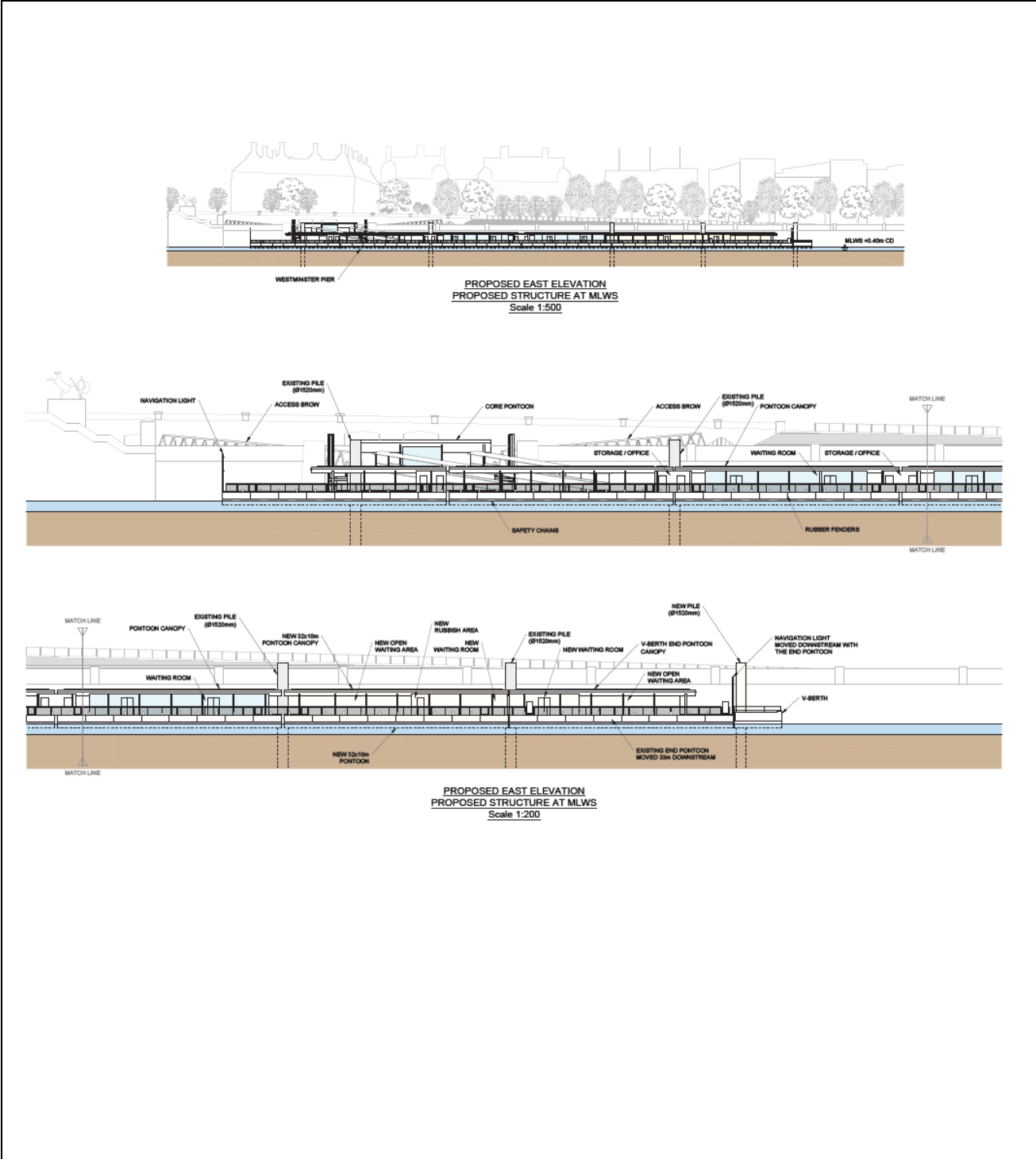
Location Plan

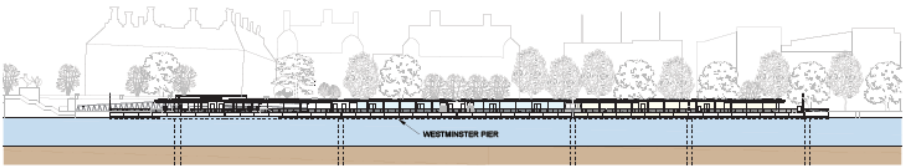


PROPOSED NORTH ELEVATION  
AT MLWS  
Scale 1:100

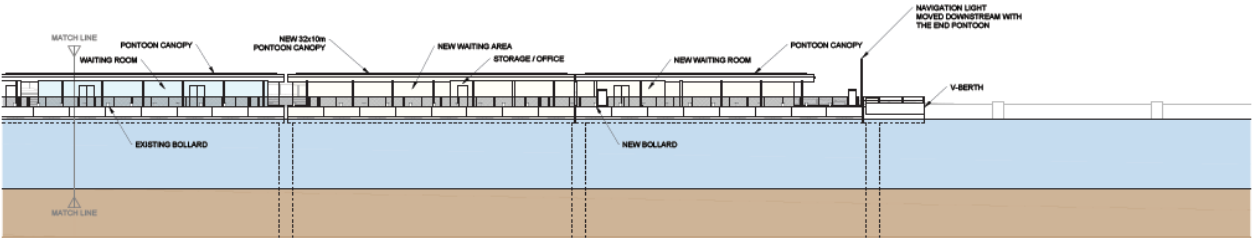
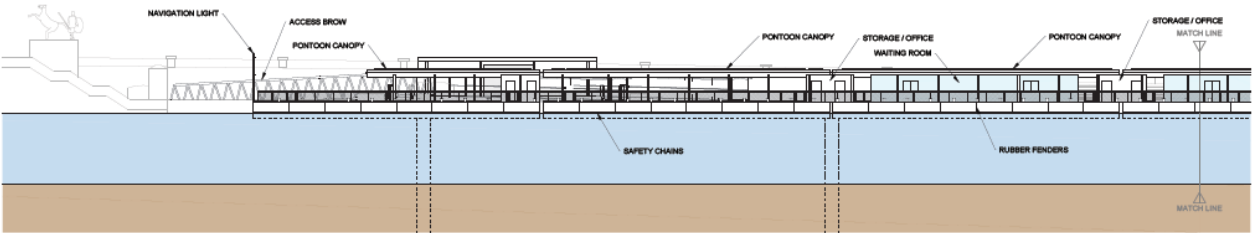


PROPOSED NORTH ELEVATION  
AT MHS  
Scale 1:100

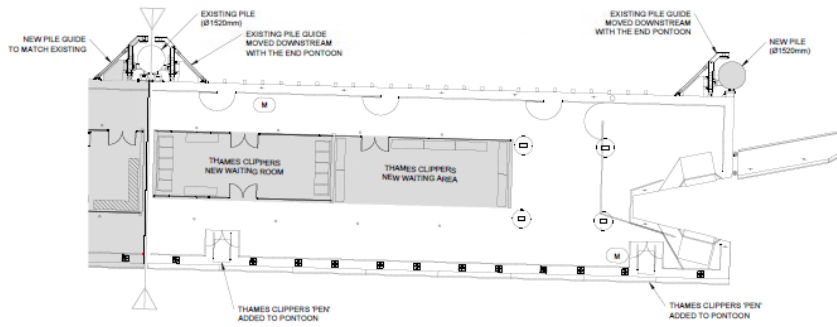
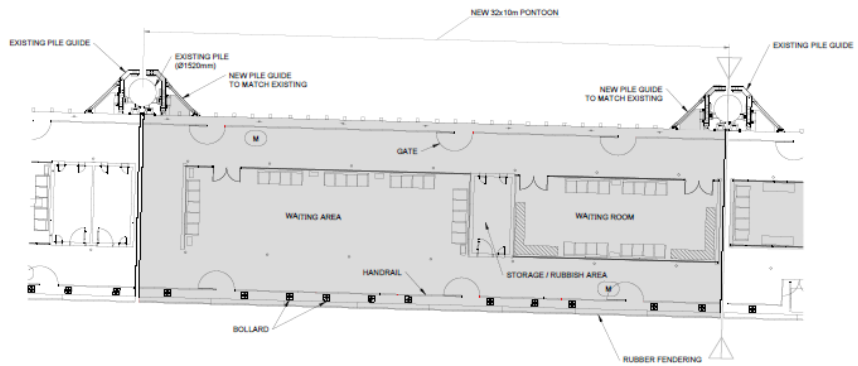




PROPOSED EAST ELEVATION  
 PROPOSED STRUCTURE AT MHWs  
 Scale 1:500



PROPOSED EAST ELEVATION  
 PROPOSED STRUCTURE AT MHWs  
 Scale 1:200





**DRAFT DECISION LETTER**

- Address:** Westminster Pier, Victoria Embankment, London, SW1A 2JH,
- Proposal:** Downstream extension of Westminster Pier measuring 32 metre (length) by 10 metre (width) including the modification of the existing V-berth end pontoon and the installation of one pile and associated works.
- Reference:** 15/04038/FULL
- Plan Nos:** 1430-01-3101, 1430-01-3111, 1430-01-3112, 1430-01-3113, 1430-01-3121, 1430-01-3122, 1430-01-3123, 1430-01-3131, 1430-01-3132, 1430-01-3141, 1430-01-3142, 1430-01-3143, 1430-01-3144, 1430-01-3145, 1430-02-SK5, Westminster Pier Extension Planning Statement, Flood Risk Assessment prepared by Beckett Rankine dated April 2015, Method Statement prepared by Beckett Rankine dated April 2015, Westminster Pier Environmental Method Statement dated 10 April 2015, Design and Access Statement prepared by Beckett Rankine dated April 2015, Archaeological Risk Assessment prepared by Museum of London Archaeology dated March 2015, Ecology Report (Project No.: V-BRP-103) prepared by Thomason Unicomarine dated January 2015, Environmental Evaluation Report dated 27 April 2015, Hydrodynamic and Scour Assessment (DDR5344-RT-006-R01-00 dated February 20105, Westminster Pier Pedestrian Modelling Results dated September 2015, Navigation Risk Assessment of Westminster Pier Extension (Report Number 14UK1027 Issue 02) dated 22 December 2015 and E-mail dated 14 January 2016.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details of the external lighting. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The following measures must be taken for all piling activities:

- Use silent or vibrational piling methods;
- Use gradual ramping-up sound before impact piling;
- Use a non metallic pad between the hammer and the head of the pile;
- You must not undertake piling between sunset and sunrise;
- Piling activity should be avoided during the key spawning and migration periods.

Reason:

Piling has been identified as having the potential to impact upon fish. The mitigation techniques outlined in the condition, should reduce the impact of the work on fish in the tidal Thames. The National Planning Policy Framework paragraph 109 recognises that the planning system should

aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity.

- 6 You must apply to us for approval of a Construction Logistics Plan. The plan must account for how pedestrian routes in the vicinity of the site will be maintained during the construction and measures to ensure satisfactory access and movement around the site. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To minimise the impact of the development construction on the surrounding area. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of a Construction Environmental Management Plan (CEMP). The plan must account for the following:
- a) Lighting on the crane barge which may overspill, with the potential detrimental impact on birds, fish or bats;
  - b) Dust and air pollution as a result from the use of generators, cutting etc.
  - c) Vibration impacts from the works/piling on the marine environment; and
  - d) Litter.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

As requested by the Port of London Authority.

- 8 The pier must not be used by permanently moored or static boats.

Reason:

To ensure the pier is not used to moor boats on a permanent basis in accordance with policy S25 and S37 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9, RIV 5, RIV 7, RIV 8 our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 In relation to Condition 4 you are required to submit details which show whether the proposed lighting is internal and external. The proposed lighting is to be kept to a minimum and you should include a night time image showing the proposed lighting. Excessive lighting is likely to have a detrimental impact on the character of the conservation area and the setting of the surround listed buildings.
- 3 Condition 5 has been requested by the Environment Agency in terms of the mitigation measures
- 4 You are requested to liaise with Thames Tideway Tunnel as the construction programme, final installation method and servicing arrangement details are finalised, to ensure the works are co-ordinated. Please contact Thames Water Utilities Limited, Ground Floor East, Clearwater Court, Vastern Road, Reading, RG1 8DB (T: 020 3577 9077; I: [www.thameswater.co.uk](http://www.thameswater.co.uk)).
- 5 You are advised that the Environment Agency's prior written consent is required for any proposed works or structures, in, under, over or within sixteen metres of the landward extent of any tidal Thames flood defences. This is under the terms of the Water Resources Act and the Thames Region Land Drainage Byelaws. For further information on obtaining a Flood Defence Consent please contact our Development and Flood Risk team on 0207 091 4028 or email [dc-london@environment-agency.gov.uk](mailto:dc-london@environment-agency.gov.uk).
- 6 You are advised to consult with TfL relating to construction works for the pier.

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

Item No.
<b>13</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Temple Station Buildings, Victoria Embankment, London, WC2R 2PN,</b>		
<b>Proposal</b>	Details of construction logistics plan pursuant to Condition 7 of planning permission dated 22 December 2014 (RN: 14/05095/FULL), for erection of new pedestrian bridge with incorporated garden extending over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank. (The Garden Bridge)		
<b>Agent</b>	Adams Hendry		
<b>On behalf of</b>	The Garden Bridge Trust		
<b>Registered Number</b>	15/07102/ADFULL	<b>Date amended/ completed</b>	22 July 2015
<b>Date Application Received</b>	22 July 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

Approve details.

## 2. SUMMARY

Planning permission was granted for the erection of a new pedestrian bridge with incorporated garden extending over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank on 22 December 2014 (The Garden Bridge).

A construction logistics plan (CLP) has been submitted to the Council to discharge Condition 7. The CLP is required to address construction matters relating to site installation, pedestrian routes, access arrangements for construction vehicles and traffic management. A copy of the CLP has been provided as a background paper.

Prior to submission the CLP was subject to a public consultation exercise and a consultation report accompanies the application.

A key objective of the CLP is to reduce the impact of the construction works on the local highway network, River Thames users and businesses and the local community in Westminster. It also seeks to reduce the number of deliveries where practicable.

The CLP sets out a number of changes to construction methodology compared to the consented planning application. These include more deliveries by river, construction teams to access the site by river or from a footbridge over the Victoria Embankment and concrete deliveries and piling for the north pier to be pumped from within the construction site area on Temple Place. This will mean less traffic disruption when compared to using Victoria Embankment which is welcome.

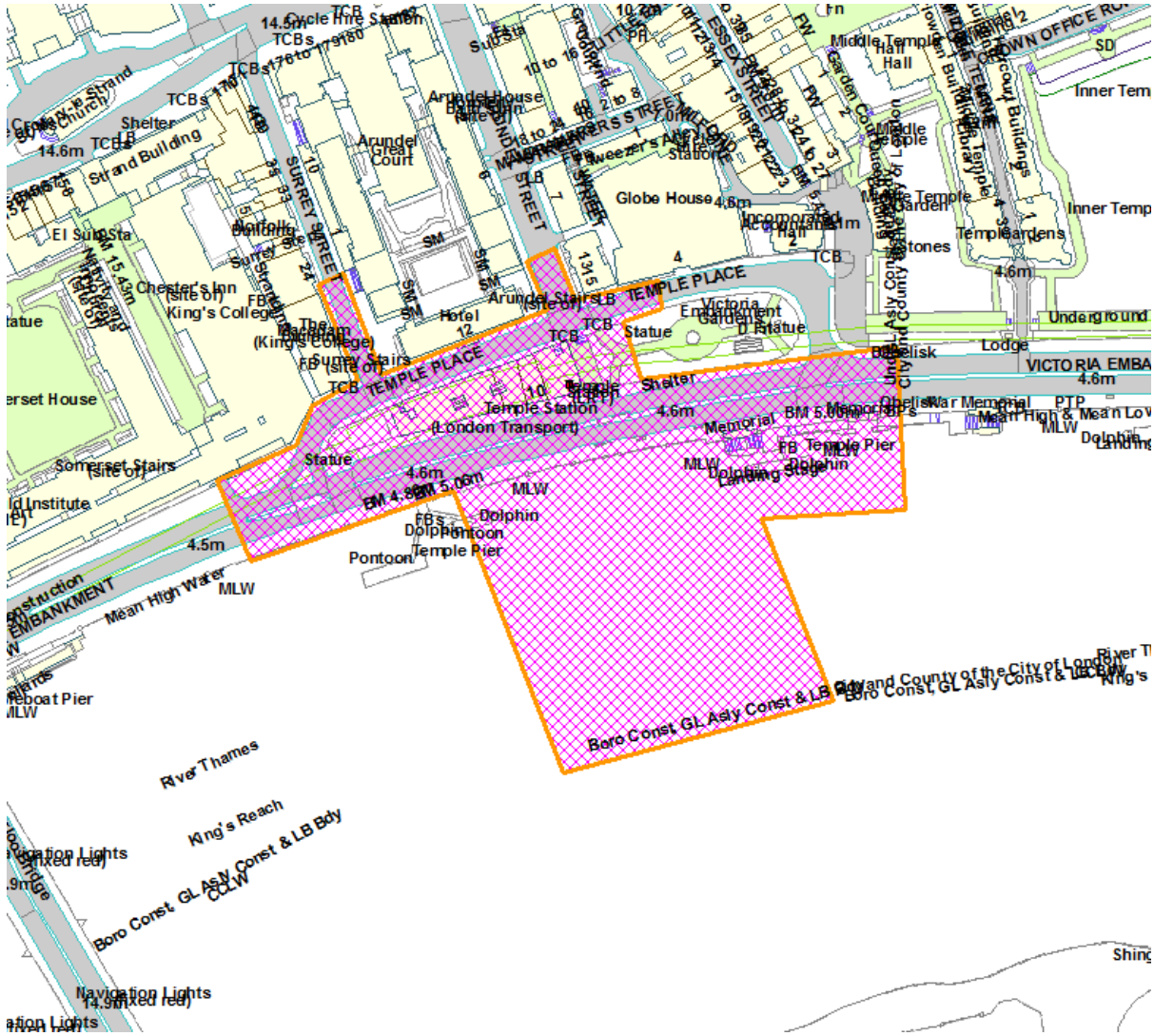
The site set up works are expected to commence in spring 2016 and Garden Bridge is due to be completed by autumn 2018. The construction will involve the use of two river-based and two land-based work sites in Westminster and Lambeth. The main site compound within Westminster will be located on Temple Place. Temple Place will remain open to traffic for the duration of the project although the applicant's preferred option is to close the road for 6 months when the ramp and highway works are undertaken. Pedestrian access to Temple Place will be maintained at all times. Temple Underground station will remain open to the public throughout the project apart from a small number of closures for safety reasons. The workforce will access the north pier platform on foot via a dedicated elevated walkway over the roof of Temple Station and over Victoria Embankment.

A key issue for the CLP has been the need to ensure that the site compound for the Garden Bridge takes into account the needs of the adjacent development site at Arundel Great Court (AGC). The AGC development does not yet have an approved construction plan in place but they have indicated that construction works are due to commence in early 2016. Following lengthy discussions between the Garden Bridge and AGC, the design of the construction compounds on Temple Place is broadly acceptable for both parties and for the Council's Environment Inspectorate team. It is considered that the applicant has responded to AGC's detailed concerns, as set out in their email dated 26 January, and the final version of the CLP dated 2 February 2016 is considered acceptable. However given site constraints and the complexity of the construction programme for both the Garden Bridge and AGC, the layout of the Garden Bridge construction compound in the CLP can only be approved on an indicative basis. The final layout at the respective stages of works will need to be agreed with the Environment Inspectorate who will be monitoring and reviewing both construction sites on a regular basis.

Following the receipt of comments from King's College the applicant has been asked to amend the CLP to include Kings College on the list of planned development sites, although at the time of writing there are no known development proposals on Surrey Street.

The Highways Planning Manager and Transport for London, who are the highway authority for Victoria Embankment, do not object to the CLP but advise that the document as currently proposed should not be set in stone and that formal notifications and approvals will be needed for temporary highway works required during the construction of the development.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Location of Garden Bridge



## 5. CONSULTATIONS

Highways Planning - Development Planning

The CLP is acceptable but it should not be set in stone.

Transport For London - Borough Planning

TfL is satisfied for the condition to be discharged.

Port of London Authority

Any comment to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 2

Arundel Great Court

The CLP should make specific reference to how the Garden Bridge construction will be undertaken alongside the redevelopment of Arundel Great Court.

The revised version of the CLP has been reviewed and the following detailed comments have been provided:

- discrepancies in the document highlighted
- AGC would want to be party to discussions relating to the final layout of the construction compound,
- Question raised about length of time to construct the ramp and highway works.
- AHC should be listed as being part of the Construction Forum.
- The widths and layouts for the unloading areas and site access/egress for AGC on Temple lace are the minimum required for the construction of AGC.

Kings College

The CLP should acknowledge the aspirations that Kings College has in Surrey Street and propose measures for an interface between their development site and the site in Surrey Street.

PRESS ADVERTISEMENT / SITE NOTICE: No

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

14/05095/FULL

Erection of a pedestrian bridge with incorporated garden, extending for a length of 366m over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank (in the City of Westminster), the structure of the bridge having a maximum height of 14.3m above Mean High Water and a maximum width of 30m; the development also comprising the erection of two new piers in the River Thames; works to the highway in Temple Place, erection of stairs and ramp connecting Temple Place and the roof of Temple London Underground Station; works to trees (including the removal of trees); relocation of the

Cabmen's shelter from Temple Place to Surrey Street; demolition and reconstruction works to Temple Station building including the replacement of its roof; associated construction works (including highway works at the Strand) and work sites; and works within the River Thames (including temporary and permanent scour protection, works to moorings and erection of temporary structures).

Application Permitted                      22 December 2014

## **7. BACKGROUND PAPERS**

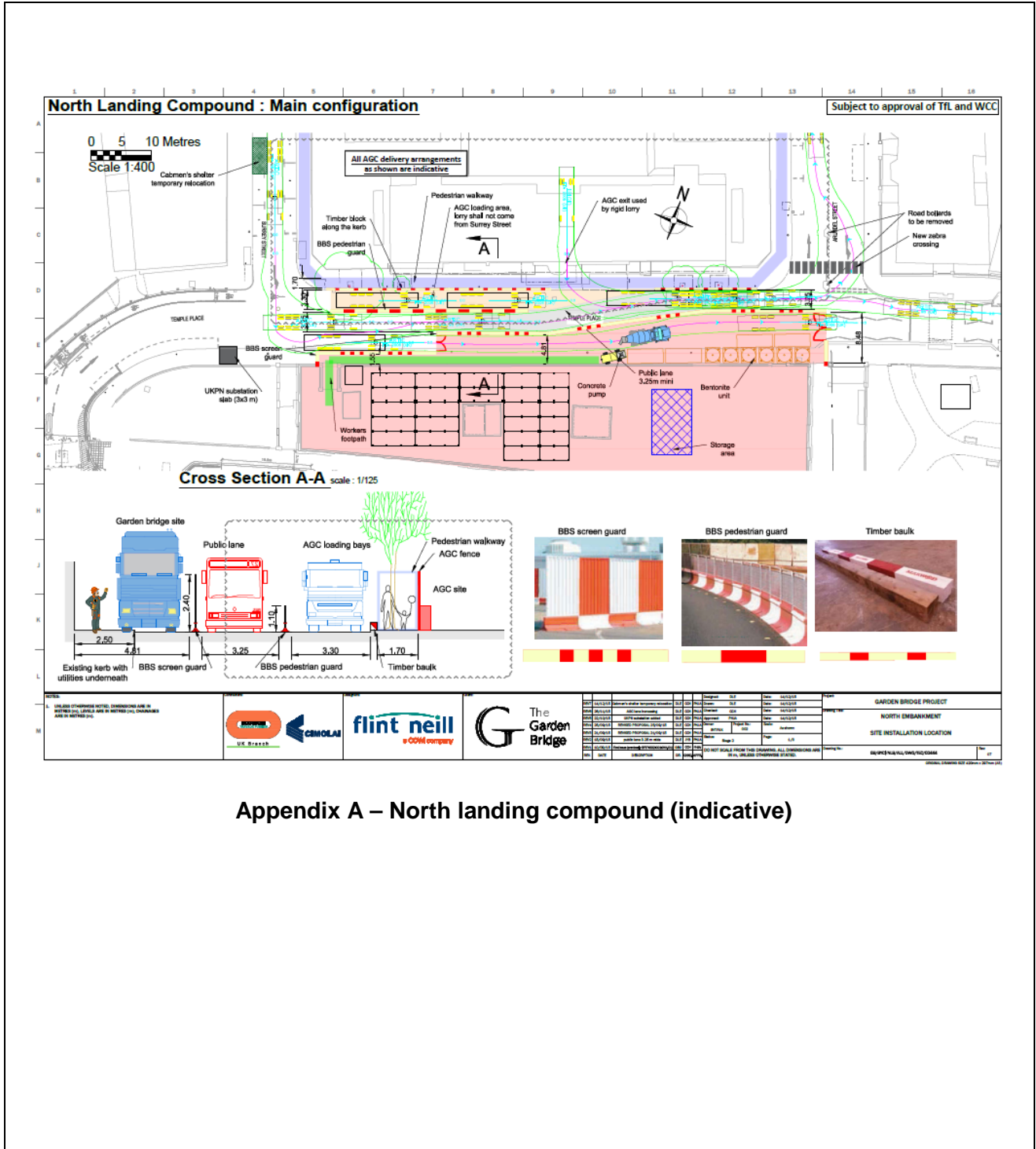
1. Application form
2. Email from Highways Planning Manager dated 15 September 2016.
3. Email from TfL dated 23 January 2016.
4. Email correspondence between Adams Hendry (planning agent) to Arundel Great Court.
5. Letter from Gerald Eve on behalf of AGC dated 26 August 2015.
6. Letter from King's College London dated 4 February 2016.
7. Copy of Construction Logistics Plan dated 02/02/2016.

### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

8. KEY DRAWINGS



Appendix A – North landing compound (indicative)

**DRAFT DECISION LETTER**

- Address:** Temple Station Buildings, Victoria Embankment, London, WC2R 2PN,
- Proposal:** Details of construction logistics plan pursuant to Condition 7 of planning permission dated 22 December 2014 (RN: 14/05095/FULL), for erection of new pedestrian bridge with incorporated garden extending over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the North Bank. (The Garden Bridge)
- Reference:** 15/07102/ADFULL
- Plan Nos:** Construction Logistics Plan (GB-BYCI-ALL-ALL-PLN-CON-00002) dated 02/02/2016

Indicative only:

Appendix A - North Landing Site installations and pedestrian diversions.

Appendix C - General Sequence.

Appendix D - Construction routes and construction sites around the GBP.

Appendix F - HGV and barges estimate.

Appendix H - contact details.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Informative(s):**

- 1 You are advised to liaise with John Kennedy, Lead Environmental Inspector regarding the final layout for the construction compound. Tel 020 7641 3801.

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