



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 19th July, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Robert Davis (Chairman)  
Susie Burbridge  
Barbara Grahame  
Tim Mitchell

**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. DEAN BRADLEY HOUSE, 52 HORSEFERRY ROAD, LONDON, SW1P 2AF</b>                      | <b>(Pages 7 - 62)</b>    |
| <b>2. 22 GROSVENOR SQUARE, 43 NORTH AUDLEY STREET AND 1 LEES PLACE, LONDON, W1K 6DT</b> | <b>(Pages 63 - 94)</b>   |
| <b>3. 18 WELLS STREET, LONDON, W1T 3PG</b>  | <b>(Pages 95 - 116)</b>  |
| <b>4. 16, 18-25 &amp; 26 PARK CRESCENT &amp; 77-81 PORTLAND PLACE, LONDON, W1B 1PE</b>  | <b>(Pages 117 - 160)</b> |
| <b>5. 7-11 QUEENSWAY, LONDON, W2 4QJ</b>  | <b>(Pages 161 - 184)</b> |
| <b>6. 27 CLIFTON HILL, LONDON, NW8 0QE</b>  | <b>(Pages 185 - 208)</b> |
| <b>7. DEVELOPMENT SITE AT FORMER WESTMINSTER COLLEGE, CASTLE LANE, LONDON</b>           | <b>(Pages 209 - 230)</b> |

8. GROVE HOUSE, 88 - 94 WESTBOURNE GROVE,  
LONDON, W2 5RT

(Pages 231 -  
242)

Charlie Parker  
Chief Executive  
11 July 2016

This page is intentionally left blank

# Agenda Item

CITY OF WESTMINSTER  
PLANNING APPLICATIONS COMMITTEE – 19th July 2016  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	
1.	<b>RN NO(s) :</b> 15/07690/FULL  St James's	Dean Bradley House 52 Horseferry Road London SW1P 2AF	Demolition of Dean Bradley House and redevelopment to provide a building of double basement, ground, and nine upper floors accommodating 263 sqm of retail floorspace (Class A1/A3) at ground floor level, 975 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, with car and cycle parking at basement level. Creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following:</p> <p>i. Provision of 3 affordable housing units on-site (social rented tenure unless otherwise agreed)</p> <p>ii. Payment of £1,875,000 to the City Council's Affordable Housing Fund (index linked and payable on commencement of development);</p> <p>iii. The applicants to comply with Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to the commencement of development and provide a financial contribution of £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;</p> <p>iv. Unallocated residential parking;</p> <p>v. Lifetime (25 years) car club membership for residents of the development;</p> <p>vi. Car lift maintenance and management plan;</p> <p>vii. Highway works surrounding the site required for the development to occur;</p> <p>viii. Costs of monitoring the S106 agreement.</p> <p>If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <p>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;</p> <p>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.</p>				
Item No	References	Site Address	Proposal	
2.	<b>RN NO(s) :</b> 16/01401/FULL 16/01402/LBC  West End	22 Grosvenor Square, 43 North Audley Street And 1 Lees Place London W1K 6DT	The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel, restaurant and private members club/bar (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including extension of the basement floor to the	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 19th July 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.	
<b>Recommendation</b>				
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.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	
3.	<b>RN NO(s) :</b> 16/02143/FULL  West End	18 Wells Street London W1T 3PG	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 two residential units (Class C3) over fifth and sixth floors. Installation of plant at rear ground floor levels and at main roof level with associated screening. Creation of terraces/balconies at first to sixth floor levels.	
<b>Recommendation</b>				
1. Grant conditional permission, subject to a S106 legal agreement to secure the following:				
a) Provision of £941,000 towards public realm improvements in the vicinity of the site;				
b) Highways works				
c) The costs of monitoring the S106 agreement.				
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:				
(a) The Director of Planning shall consider whether it would be possible and 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 the 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.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	
4.	<b>RN NO(s) :</b> 16/02343/FULL 16/02344/LBC  Marylebone High Street	16, 18-25 & 26 Park Crescent & 77-81 Portland Place London W1B 1PE	DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and partial demolition of 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.	
<b>Recommendation</b>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 19th July 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

For Committee's consideration:

1. Does the Committee agree that a financial contribution of £8,986,710 in lieu of on-site affordable housing provision is acceptable?
2. Subject to 1. above, does the Committee agree to a phased payment of the affordable housing contribution, with one third of this sum being payable on commencement of development, one third after 18 months and one third on first occupation?
3. Subject to 1. and 2. above, and subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
  - i. Provision of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
  - ii. The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
  - iii. £30,000 per annum for the City Council's Environmental Inspectorate/Environmental Sciences Team to oversee the construction phase;
  - iv. The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
  - v. Provision of the on-site play space;
  - vi. Public access to the ice house;
  - vii. Highway works associated with the development;
  - viii. Unallocated parking
- 2.If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution 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. Grant conditional listed building consent.
5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

Item No	References	Site Address	Proposal
5.	<b>RN NO(s) :</b> 16/01450/FULL  Lancaster Gate	7-11 Queensway London W2 4QJ	Use of basement and ground floors at 7-11 Queensway (site including southern end of Queens Court) as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.
<b>Recommendation</b> Grant conditional permission.			

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 19th July 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	
6.	<b>RN NO(s) :</b> 16/00579/FULL	27 Clifton Hill London NW8 0QE	Demolition of existing 3 storey dwellinghouse and erection of replacement dwellinghouse comprising basement, ground and two upper floors with associated works.	
	Abbey Road			
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	
7.	<b>RN NO(s) :</b> 16/02588/FULL	Development Site At Former Westminster College Castle Lane London SW1	Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.	
	St James's			
<b>Recommendation</b> Grant conditional permission subject to a deed of variation to the S106 agreement dated 5 January 2015 to secure:  i) A financial contribution towards affordable housing of £2.5m payable on commencement of development; ii) Lifetime car club membership (25 years) for each residential unit; iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (Index linked); iv) Highway works to Wilfred Street v) S106 Monitoring contribution.  If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:  (a) The Director of Planning shall consider whether it would be possible and 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 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 the proposals are unacceptable in the absence of the 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.				
Item No	References	Site Address	Proposal	Applicant
8.	<b>RN NO(s) :</b> 14/10572/FULL	Grove House 88 - 94 Westbourne Grove	To advance the front face of the subject building onto a margin of the adopted highway Westbourne Grove.	



CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 19th July 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Bayswater	London W2 5RT		
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. That the Committee authorises the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) to notify the Mayor of London of the unwithdrawn objections to the draft Order being made pursuant to section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of a part of the highway adjacent to 88-94 Westbourne Grove in accordance with planning permission granted on 09 September 2015 (RN 14/10572/FULL), and to seek the Mayor of London's decision as to the need for a local inquiry, in the special circumstances of the case.</li> <li>2. If the Mayor of London decides that the holding of such an inquiry is unnecessary, that the Committee authorises the City Transport Advisor to make the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit.</li> <li>3. If the Mayor of London decides that the holding of such an inquiry is necessary and the matter is referred to the Secretary of State, that the Committee authorises the City Transport Advisor to either make or refuse the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit, taking into account the report of the Planning Inspector (or other such person who held the inquiry on behalf of the Secretary of State) and having first obtained the consent of the Mayor of London to the making of the Order where relevant.</li> </ol>			

This page is intentionally left blank

# Agenda Item 1

Item No.
----------

1
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 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>Dean Bradley House, 52 Horseferry Road, London, SW1P 2AF,</b>		
<b>Proposal</b>	Demolition of Dean Bradley House and redevelopment to provide a building of double basement, ground, and nine upper floors accommodating 252 sqm of retail floorspace (Class A1/A3) at ground floor level, 1051 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, with car and cycle parking at basement level. Creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.		
<b>Agent</b>	Mr Guy Bransby		
<b>On behalf of</b>	Mayfair Charities Limited		
<b>Registered Number</b>	15/07690/FULL	<b>Date amended/ completed</b>	18 August 2015
<b>Date Application Received</b>	18 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Smith Square		

## 1. RECOMMENDATION

1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following:
  - i. Provision of 3 affordable housing units on-site (social rented tenure unless otherwise agreed)
  - ii. Payment of £1,875,000 to the City Council's affordable housing fund;
  - iii. 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 £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
  - iv. Unallocated residential parking;
  - v. Car club membership for residents of the development;
  - vi. Car lift maintenance and management plan;
  - vii. Highway works surrounding the site required for the development to occur;
  - viii. Costs of monitoring the S106 agreement.

If the S106 legal agreement has not been completed within three 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

Dean Bradley House is an 8 storey building located at the junction between Horseferry Road and Dean Bradley Street. The building is located within the Smith Square Conservation Area and the Core Central Activities Zone. It is currently in use as offices and commercial premises at ground floor.

Planning permission is sought for the demolition of 46-60 Horseferry Road and its replacement with a new 10 storey building (with two levels of basement) including balconies and mechanical plant, and a three storey infill building facing Romney Street, in connection with the use of the buildings as 48 residential units (45 x private residential units and 3 x affordable residential units), office use at first floor level, and retail/restaurant use at ground floor level.

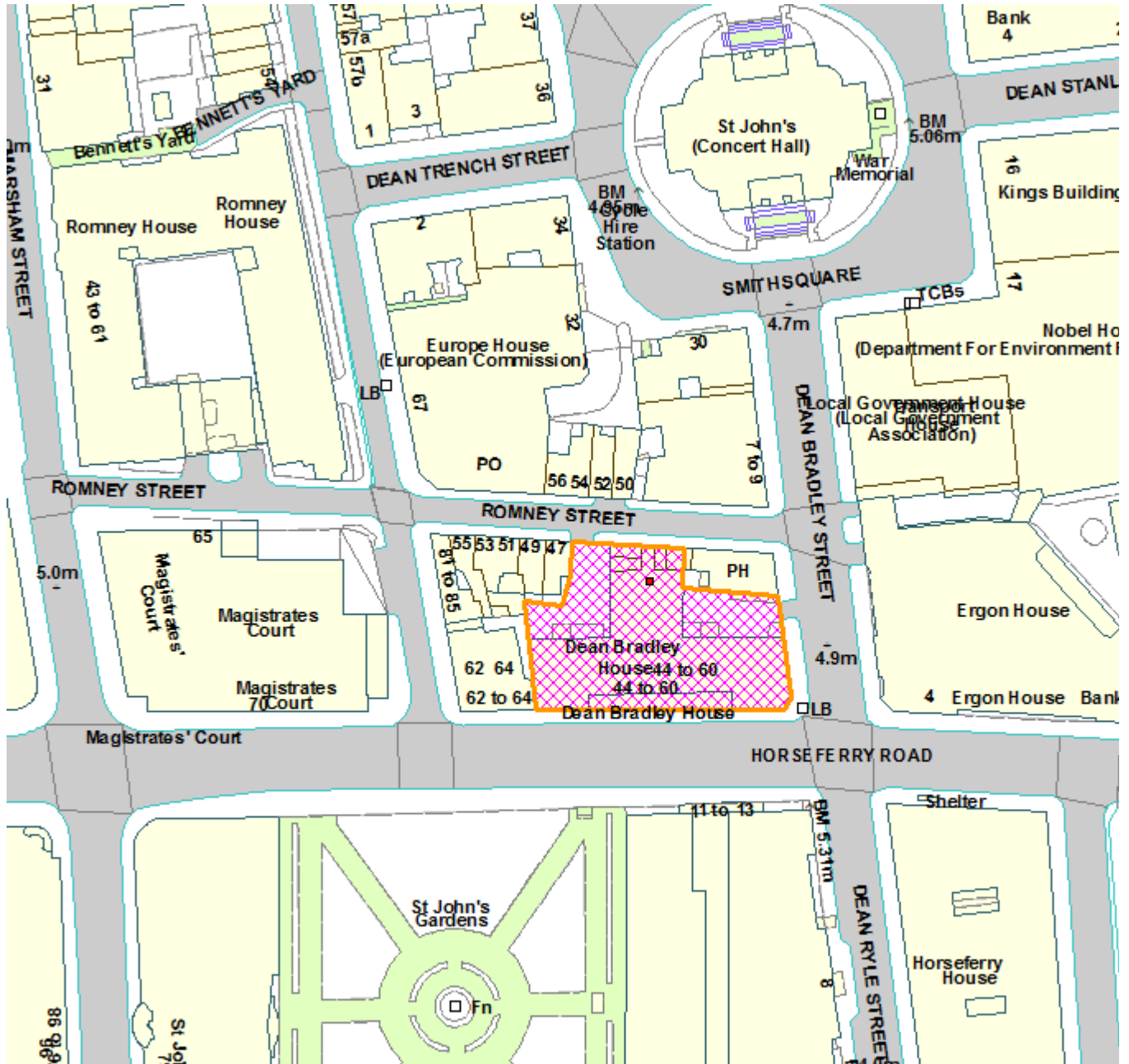
The key issues in this case are:

- \*The impact of the scheme on the character and appearance of the conservation area
- \*The change of use to residential and the provision of affordable housing
- \*The impact of the scheme on amenity of neighbouring occupiers
- \*Parking and servicing arrangements

Objections have been received from the Thorney Island Society and surrounding residents principally on the grounds of land use, amenity and design. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion.

The proposed building is considered acceptable in terms of land use, design, highways and amenity policies and the application is accordingly recommended for approval subject to appropriate conditions and a S106 legal agreement as set out in the recommendation.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Horseferry Road Elevation



**Horseferry Road Elevation**



**Romney Street Elevation**



## 5. CONSULTATIONS

WARD COUNCILLORS FOR ST JAMES'S  
Requested to make representations at Committee

### HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### THAMES WATER UTILITIES LTD

No objection with regards to sewerage infrastructure capacity and water infrastructure capacity.

### THORNEY ISLAND SOCIETY

Objects on the following grounds:

- No consultation prior to submission of the application. Not everyone was informed of the exhibition.
- Loss of local shops in particular the pharmacy.
- Unsympathetic relationship with the neighbouring buildings in particular the adjoining listed building in Horseferry Road and the pub in Dean Bradley Street.
- Lack of affordable housing.
- Inaccuracies in the daylight and sunlight report.

### LONDON BOROUGH OF LAMBETH

Raises concerns about: not reasonable mix of land uses, loss of office floorspace, and adequate capacity in local education establishments.

### ENVIRONMENT AGENCY (Thames Region)

No objection

### GREATER LONDON AUTHORITY

Generally acceptable in strategic planning terms but further information required on viability, sustainability and transport. The car parking ratio is considered excessive and the applicant should be encouraged to restore the historic building line along Romney Street.

### TRANSPORT FOR LONDON

No objection subject to recommended conditions

### ENVIRONMENTAL HEALTH

No objection but concurs with the comments of the GLA on air quality and sustainability.

### BUILDING CONTROL

No objection.

### HIGHWAYS PLANNING

Refuse on transportation grounds. Following revisions - Unacceptable on transportation grounds but could be made acceptable

**METROPOLITAN POLICE**

No objection. Protective gate or shutter is recommended to guard the space immediately in front of the car lift doors. Access control system to call the lift remotely is recommended.

**CLEANSING**

No response to date

**ARBORICULTURAL OFFICER**

Lack of information on landscaping sustainability.

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

No. Consulted: 782

First consultation

Total No. of replies: 16

No. of objections: 16

No. in support: 0

Second consultation following revision:

Total No. of replies: 9

No. of objections: 7

No. of neutral representations: 2

Letters of objection raise the following issues:

Design:

\*opportunity to improve Romney Street streetscape to be taken into consideration

\*new building is too tall, oversized – damage to visual amenity

\* not in keeping with the neighbouring properties in terms of size in particular the adjoining listed building

\*proposed design fails to make a positive contribution; the building is described as hideous monstrosity, bland, generic, and boring. The proportion of the arches does not reflect the existing building and creates an unwelcoming private space.

\*no case for the demolition of an unlisted building of merit which makes a positive contribution to the character of the area, refurbishment would be more sustainable, modification of internal structure only.

\*density contrary to policy, over-development.

\*improvements to the Romney Street façade (following revision).

Land use:

\*loss of shops that serve local needs and cafes

\*loss of offices, reduction of employment

\*many residential schemes in the surroundings

\*risks that the residential units are for investment only

\*number of family sized units does not meet policy

\*lack of affordable housing is not justified in viability terms.

\*inadequate internal layout.

Amenity:

- \*risk of overshadowing, loss of daylight/sunlight. Inaccuracies in the daylight/sunlight assessment.
- \*overlooking and loss of privacy
- \*noise nuisance due to the plant in particular at night-time
- \*loss of views

Highways:

- \*car parking access should be restricted to Dean Bradley Street
- \*ensure that Romney Street will not be used for construction traffic. Safety control to operate during demolition and construction works.
- \*congestion and safety issues in relation to the car lift
- \*inadequate provision of cycle parking in terms of access. No secure location for the office users.

Other:

- \*nuisance during construction works in terms of traffic, parking, noise, dust, air pollution, vibration
- \*potential damage to neighbouring properties due to excavation works
- \*additional landscaping in Romney Street and protection of existing trees
- \*cost of relocation for existing office occupiers and detrimental to business continuity.
- \*working hours to be respected
- \*lack of community involvement prior to submission
- \*inadequate outdoor amenity space
- \*too many post planning permission changes
- \*loss of value of neighbouring properties
- \*shoe-box size of the flats

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Dean Bradley House, 44-60 Horseferry Road is a corner property at the junction between Horseferry Road and Dean Bradley Street. The rear of the application site faces Romney Street. The property is located within the Smith Square Conservation Area and the Core Central Activities Zone. Built in the 1930's, the building is designated as an 'unlisted building of merit' within the Smith Square Conservation Area Audit. It comprises 8 storeys in a T-shape plan and one level of basement. The building is currently in office use with commercial units at ground floor level.

The main entrance to the site is from Horseferry Road; there are two secondary access points with servicing access (one in dean Bradley Street and the other in Romney Street).

The building adjoins a Grade II Listed building on Horseferry Road. To the rear of the

site is a three storey public house and four storey townhouses facing Romney Street. The surrounding area is characterised by a mixture of offices and residential uses above with few commercial uses at ground floor level.

## 6.2 Recent Relevant History

In 1985 an established use certificate for office was issued.

In 2005, 2006, 2007, and 2010 applications were granted for the installation of air conditioning units at roof level.

Permission was granted for the renewal of all windows in 2005.

In 2007 planning permission was granted at No 46 Horseferry Road for the change of use of the ground floor from office (Class B1) to estate agent (Class A2) with the installation of new shopfront and relocation of main entrance.

Certificate of lawfulness was issued for the use as a café/restaurant (class A3) at No 48 Horseferry Road in 2011.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and erection of a ten storey building with double basement to provide 45 flats (14 x 1 bedroom, 18 x 2 bedrooms, 12 x 3 bedrooms, and 1 x 4 bedrooms), 1051 m<sup>2</sup> of office floorspace at first floor, and 252 m<sup>2</sup> of retail/restaurant floorspace at ground floor. The works include:

- excavation works for the creation of two levels of basement for parking;
- installation of two car lifts facing Dean Bradley Street;
- creation of landscaped external spaces;
- creation of balconies on Horseferry Road and Dean Bradley Street and terraces at eighth and ninth floor levels;
- provision of plant at ninth floor level;
- installation of a green roof at roof level.

The application has been revised to remove the highway works in Romney Street and to include an infill building to provide 3 additional flats (2 x 1 bedroom and 1 x 2 bedrooms).

The detailed design of the infill building has been amended and a third retail unit has been introduced at ground floor level. An addendum to the daylight/sunlight report has also been submitted to provide corrected and additional information not included in the original submission. A second consultation was carried out following the revisions.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below provides a breakdown of existing and proposed floorspace.

Use	Existing (m2 - GIA)	Proposed (m2- GIA)	Change (+ or – m2 - GIA)	Proposed (m2- GEA)
Retail (A1/A3)	1,040.34	252	-789.34	294
Office (Class B1)	6,006.46	935	-5,071.46	1,051
Residential	0	6,271	+6,271	7,694
Ancillary (basement - car parking)	0	2,348	+2,348	2,820
<b>Total</b>	<b>7,046.8</b>	<b>9,806</b>	<b>+2,759.2</b>	<b>11,859</b>

#### **Loss of office use**

The proposal would result in the loss office floorspace. Five letters of objection have been received on the grounds of loss of office floorspace which corresponds to demand and loss of employment. One office occupier of the application site pointed out the cost and difficulty to relocate within the borough.

The City Council's policy towards the loss of offices to residential accommodation is in the process of changing. In March 2015 a policy directive was issued confirming that the City Council is concerned over the loss of commercial floorspace within the borough and it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. As of 1 September 2015, the loss of office floorspace to residential development has been assessed in line with emerging policy. The September date was chosen to take account of development proposals which had been prepared and submitted prior to the aforementioned policy announcement, as in this case.

The change of use needs to be assessed in the context of Policy S47 of the City Plan which 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 introduction of residential use would provide social benefits with the provision of 48 residential units including 3 on-site affordable units.

The retention of one storey for office use is welcome as the mix of uses will contribute to the aims of Policy S1 of the City Plan and Policy CENT 3 of the Unitary Development Plan to promote within the Core CAZ a mix of uses consistent with supporting its vitality, function and mixed character.

### **Retail use**

The loss of shops and restaurants and in particular the pharmacy has caused particular concern amongst objectors. The existing ground floor uses are considered to be essential services to the local community.

The proposal includes the provision of 252sq.m of A1/A3 retail at ground floor level. Whilst it is recognised that would result in a reduction of the retail capacity at this location, a large part of the retail floorspace was at basement level and not providing an active frontage. Furthermore the site is not identified as a CAZ frontage within the Westminster City Plan.

The provision of retail units at ground floor level will provide activity at street level and is in line with our retail policies. During the course of consideration of the application a revised ground floor plan has been submitted showing three units instead of two, the revised layout is considered to be an acceptable response to the objectors' comments and will be secured via condition. It should be noted that there is no policy basis on which to protect the individual pharmacy. Given that retail floorspace is being provided in the proposed development which could potentially be occupied by a pharmacy or other local services, permission cannot be withheld on this basis.

### **Residential use**

The creation of 7,631sq.m (GEA) of new residential floorspace is considered acceptable in land use terms, and complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster.

UDP Policy H3 seeks to maximise the amount of land or buildings in housing use on sites outside the CAZ. Policy S14 states that housing is a priority across the borough. The introduction of 48 residential units on the site would make an important contribution of the new housing provision helping the Council meet its target.

The residential mix and tenures are summarised below:

<b>Unit Type</b>	<b>Affordable housing</b>	<b>Market</b>	<b>Total No. of units</b>	<b>% unit mix</b>
<b>1 bed</b>	<b>2</b>	<b>14</b>	<b>16</b>	<b>33.3%</b>
<b>2 bed</b>	<b>1</b>	<b>18</b>	<b>19</b>	<b>39.6%</b>
<b>3 bed</b>		<b>12</b>	<b>12</b>	<b>25%</b>
<b>4 bed</b>		<b>1</b>	<b>1</b>	<b>2.1%</b>

The City Council wants to encourage more families to move into and stay in 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). This proposal provides only 27.1% family-sized accommodation. Whilst the proportion falls slightly below the 33% requirements, the range of unit sizes offered and the introduction of affordable housing units on site is considered to provide sufficient benefit.

Objectors are concerned that the proposals are an overdevelopment of the site. The London Plan density matrix (Table 3.2 in support of the London Plan policy 3.4) suggests an indicative residential density of between 650 to 1,100 habitable rooms per hectare for this development. With 976 habitable rooms per hectare the proposed development is considered to fall within the suggested ranges in the London Plan and the GLA have not objected to this aspect of the scheme.

### **Standard of accommodation**

The proposed residential units have been designed to meet the national space standards and the Mayor's dwelling space standards set out in the London Plan Policy 3.5 with 39 of the 48 units benefiting from private amenity space in the form of balconies or terraces.

The proposed units would range in size as follows:

- One bedroom: 52-71sq.m
- Two bedroom: 84-106sq.m
- Three bedroom: 113-268sq.m
- Four bedroom: 174sq.m

The new flats would provide a good standard of accommodation in terms of unit size in accordance with the requirements of the national space standards.

8 of the 48 units are single-aspect flats. Whilst this is not ideal, all those units are oriented to the south and benefit from balconies and adequate fenestration.

The application is supported by an acoustic report which assesses the potential impact on noise levels within the new flats. Mechanical plant is provided to allow for cooling and ventilation so that future residents have the option to keep windows closed. Subject to the standard conditions relating to internal noise and vibration, it is considered that the new flats would provide an acceptable standard of accommodation for future occupiers.

Subject to appropriate conditions, the scheme is generally considered to provide a good standard of accommodation for future occupiers.

### **Affordable housing**

Objections were received from the Thorney Island Society and neighbours regarding the lack of provision of affordable housing.

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or those including over 1000sq.m of additional residential floorspace, must provide affordable housing.

The expectation of the London Plan, the UDP, and the City Plan is that affordable housing should be provided on site. Policy S16 states “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 higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing...”

The interim guidelines expect that that a development of the size proposed should provide 23 units of affordable housing (1907.75 sqm).

The applicant has produced a viability report in line with the guidance contained in the London Plan to support the argument that only 3 on-site units and no off-site provision will be viable. This report has been subject to an independent review by Bilfinger GVA acting on behalf of the Council. The Council’s consultants have reviewed the original findings and considered that provision of 1,160 sqm of on-site affordable housing was viable.

The applicant argues that this level of provision of affordable housing on-site is not practical and would involve a complete redesign of the scheme along with a separate core for the affordable units. They provided a drawing showing the impacts of the introduction of a secondary staircase into the scheme, which are as follows:

- loss of a residential unit on every floor the core serves;
- loss of proposed office floorspace.

The applicant also states that the introduction of an additional core would significantly reduce the outdoor space available and it would severely compromise the building by making it very inefficient. These claims have not been substantiated.

The Council’s Head of Affordable and Private Sector Housing commented that based upon the indicative layouts of the affordable housing being located within the same building as the market housing it is very likely that this configuration would not be attractive to a potential Registered Provider (RP) if the sharing of services meant that the service charges that would be payable by the affordable residents there would make these units unaffordable to tenants and might consequently be difficult to let. However, if the applicant was prepared to fundamentally redesign the scheme to create completely separate core for the affordable housing, it might be possible to increase the overall provision beyond that which is currently proposed in the separate block facing Romney Street. He strongly recommends that the applicant engage a local RP in Westminster to advise on the redesign such that the affordable homes that the affordable homes there would remain sustainable.

It is not considered that a complete re-design of the scheme is a reasonable request. The Head of Affordable Housing has confirmed that if a redesign is not feasible at this stage then the 3 homes within the Romney Street block and a policy compliant payment in lieu would be acceptable. He has commented that the City Council may need these 3 units as social rented housing, but has requested flexibility in this regard. The nature of the tenure of the 3 affordable housing units would have to be agreed with the Director of Housing at a later date so the option to change the rent level will be incorporated to the legal agreement securing the provision of the 3 affordable housing units.



Regarding the off-site provision, the applicant has advised that they do not own other sites in the immediate or wider vicinity that could provide affordable housing. In these circumstances, it is accepted that a contribution to the City Council's affordable housing fund would be the most appropriate means of addressing the affordable housing policy.

The current scheme would generate a requirement for a financial contribution of £7,548,192 in lieu of on-site provision.

The applicant's viability report concludes that the scheme is able to support £895,000 of financial contribution to the Council's affordable housing fund. However, the Council's consultant has assessed the applicant's viability case and considers that the scheme can support a £1,875,000 affordable housing contribution whilst remaining viable. Although this is short of the full affordable housing contribution, this is considered to be the maximum reasonable amount of affordable housing contribution that the development can support. The applicant has since confirmed that they are willing to pay this sum.

Subject to a S106 legal agreement to secure the affordable housing contribution, the application is considered acceptable in land use terms.

## 8.2 Townscape and Design

### **Demolition of unlisted building of merit**

The existing floor to ceiling heights due to existing ceiling level structural beams would limit the conversion of the existing building into both residential or office uses. The demolition of the existing building, whilst it is considered to make a positive contribution to the conservation area, is considered acceptable, as the harm (deemed less than substantial under paragraph 134 of the NPPF) caused by its loss is considered to be outweighed by the benefits of the scheme as a whole.

The proposed replacement building is considered of acceptable quality. The additional storeys are set back, separating them from the main body of the building and therefore reducing its visible mass. The overall height of the proposal is similar to that of the surrounding buildings, excluding the adjoining listed building. The proposed height and scale are considered suitable within the context of Horseferry Road, which is dotted with other modern buildings of substantial size. Whilst the height of the building is greater than that of the listed building, the listed building's setting is not considered to be diminished as it is already substantially enclosed, plus the juxtaposition of modern taller buildings against those of more traditional scale is a common feature of predominantly commercial areas. The proposed building is therefore considered to preserve the character and appearance of the conservation area.

The proposed construction utilises traditional building materials, which have been arranged in a modern fashion in order to reflect both a vernacular appearance and the designs modern architectural aesthetic. The palette of materials is therefore considered suitable to Horseferry Road and the conservation area as a whole.

In summary, it is considered that the loss of the existing building is justified by the quality of its replacement and as such the proposals are considered to preserve the character and appearance of the Smith Square conservation area.

### **Infilling in Romney Street**

During the course of the application, revised drawings have been submitted to include a three storey infill building on Romney Street. This amendment is welcome in design terms as the infill closes an existing gap within the street scene. Upon officer's recommendations the details of the building have been amended and are now considered to contribute positively to the streetscape.

The overall scale, height and detailed design are considered to be appropriate to this site, subject to the recommended conditions and are in line with DES1, DES4, DES6, DES9 and DES10 of the UDP.

## **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 residential dwelling, and that developments should not result in a significant increase 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 the development.

The site is located in an area that characterised by a mix of commercial and residential uses, however there are a number of residential properties within close proximity. Objections have been received from residents within Westminster Green in Dean Ryle Street, and Romney Street, on amenity grounds including loss of light, increased overlooking, and noise.

### **Sunlight and Daylight**

Policy ENV13 seeks to ensure good lighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication "Site layout planning for daylight and sunlight" (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

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 all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows 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 less than 0.8 (i.e. a loss of 20%) then the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The No-Sky Line (NSL) method has also been used, which measure the daylight distribution within a room, calculating the area of working plane inside the room that has

a view of the sky. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 80% of its former value.

In terms of sunlight, the BRE guidelines state that if any window received more than 25% of the Annual probable Sunlight Hours (APSH) 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 in the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face 90 degrees of due South.

Objections have been received from the occupants of Westminster Green flats (8 Dean Ryle Street) on the grounds that the proposals will result in a loss of daylight to windows facing the application site. The North elevation of Westminster Green directly faces the application site. The submitted daylight and sunlight assessment shows that of 166 windows tested 152 would see no reduction of VSC or a loss which complies with the BRE guidelines. The NSL analysis of this property shows that most of the rooms will comply with the criteria given by BRE guidance. The most affected rooms/windows are located at second, third and fourth floors and are all located below projecting balconies.

The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. Notwithstanding the loss, the actual losses to light would be marginal and would not be sufficient to justify refusing the application. An additional assessment omitting the balconies shows that all windows would comply with criteria given in the BRE guide.

In Romney Street there are several buildings with rear windows obliquely facing the application site (Nos 47 to 55), along with the buildings opposite with their front elevation facing the site. Objections from residents in Romney Street have been received and they point out the deficiencies in the daylight/sunlight assessment originally submitted. One objection comes from an office building occupier - their property has not been assessed and our planning policies do not afford offices protection from loss of daylight/sunlight. The revised daylight and sunlight assessment has taken into consideration the neighbours' comments, in particular the window layout to the ground floor at 55 Romney Street.

The submitted report shows that there are some very minor material impacts on one window at third floor level in 47 Romney Street and two windows at 51-53 Romney Street (ground and second floor study). The windows in question have very low light levels as a starting point and it would be difficult to undertake any additional development without an impact in this case.

There is no material impact on the Westminster School building at the corner of Dean Bradley Street and Romney Street.

In summary most reductions in VSC and NSL to neighbouring habitable rooms would meet the tests set down in the BRE guidelines and that the surrounding residential occupiers will continue to receive reasonable levels of natural light for this dense urban environment. In these circumstances, it is not considered reasonable to refuse permission on loss of daylight/sunlight grounds.

### **Privacy**

Objections have been received from residential occupiers in Romney Street and Dean Ryle Street on the grounds of loss of privacy and overlooking. The existing office building does not give much opportunity for overlooking due to the limited hours of occupation during the working day and it's distance from the adjoining residential properties. Whilst the new building will be closer to the Romney Street properties the orientation of the rear elevation and the position of the windows are considered to mitigate any potential for overlooking. The distance between the new building and the existing residential properties in Dean Ryle Street will remain as existing.

A terrace is proposed at eighth floor which will extend to the edge of the building. However it will be surrounded by railings which limit the possibility to look down and the terrace is at high level which reduces the possibility of overlooking towards the existing outdoor amenity space in Romney Street.

The terrace at ninth floor level is set back and it is not considered to result in loss of privacy to neighbouring residential occupiers.

The introduction of a residential use and associated balconies would lead to a mutual degree of overlooking between the units and the adjoining residential properties but given the level of separation, the level of overlooking will be no more than one would reasonably expect in such a dense urban environment and similar relationships are found throughout the City.

Four windows of one of the ground floor retail unit will directly face the residential courtyard. As it is for the enjoyment of the residential occupiers only it is recommended that obscure glazing is applied to those windows.

### **Sense of Enclosure**

The proposed building will be substantially higher than the existing building, though it is comparable in height to other buildings along this part of Horseferry Road. As a point of reference, the overall increase in height is approximately 8m above existing. Nearby residential units on the opposite side of Horseferry Road and the north side of Romney Street are well set back from the application site and it is not considered a sense of enclosure would result.

One of the more sensitive sides of the site is to the rear in its relationship with the rear of the houses on the south side of Romney Street. The footprint of the building changes significantly, but it is well set back from the boundary with the Romney Street houses – it is considered the main impact from this location is the proximity of the south west elevation rather than the overall height of the building. It is considered that some degree of enclosure will result, but given the surrounding context, the relationship is acceptable.

Objectors mention the loss of views from their flats due to the new height of the proposal and consequent loss of rental and property values. Whilst our policies protect against excessive degrees of enclosure, there is no policy which specifically protects private views. Rental income/property values are not a material consideration in the determination of applications.

### **Noise**

Objections have been received on the grounds of noise disturbance due to the installation of mechanical plant.

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be mitigated through operational controls and/or attenuation measures. The application is supported by an acoustic report.

Environmental Health has reviewed the report and raises no objection to the proposals subject to standard conditions including the requirement for a supplementary acoustic report to be submitted to demonstrate that the selected equipment will operate in accordance with the standard noise conditions. On this basis it is considered unreasonable to refuse permission on plant noise and vibration grounds.

### **8.4 Transportation/Parking**

43 car parking spaces are provided at basement level and the applicant has confirmed that these would be on a first-come first serve unallocated basis with a right to park system in operation. Transport for London (TfL) stated that this level of car parking is considered excessive for this highly accessible location

This is considered acceptable and consistent with TRANS21 and TRANS23 and would not increase on-street car parking pressures.

The GLA has requested indication of the blue badge parking bay, this is considered to fall outside the scope of this scheme.

Objections raise concerns about congestion and safety issues in relation of the car lift operation. The basement car parking is accessed via two car lifts which are set back from the highway boundary by a minimum of 5 metres. This is considered to allow sufficient space for a vehicle to wait off-street should the lift already be in operation and will not result vehicles obstructing other highway users. Pedestrian visibility splays for vehicles exiting the car lift are indicated and are considered satisfactory. In addition, it is recommended that the legal agreement should include details of arrangements to ensure continuing maintenance and management of the car lifts and stacker systems to ensure that any breakdowns are speedily repaired.

In addition the applicant has agreed to provide car club membership to future residential occupiers from first occupation to ensure low car ownership.

No car parking is proposed for the non-residential uses; given the site location this is welcomed and consistent with TRANS21 and TRANS 22.

One objector mentions the cycle parking provision. The proposal includes the provision of 141 secure cycle parking spaces. This breaks down as 18 cycle parking spaces at ground floor for the office and retail uses and 123 at basement level for the residential occupiers. The quantum of cycle parking is consistent with the minimum requirements of the London Plan (March 2015).

The Transport Assessment indicates 9 spaces will be active Electric Vehicle charging points and 9 spaces will be passive provision, but there is no indication of those spaces on the drawing. This will be dealt via condition.

### **Servicing**

Originally the scheme included a 20m long loading bay in Romney Street within the existing footway area of the highway. This on-street servicing provision would have created an extensive and unnecessary conflict point with pedestrians and is contrary to Policies S42 and TRANS20 which require off-street servicing. Upon officer's comments this has been omitted from the scheme.

A delivery and servicing plan has been submitted which contains many overarching principles on how servicing will be managed but limited details on the specific processes to be followed. Therefore further information is required in particular with the provision of A class retail. It is recommended via condition the submission of a final Service Management Plan to ensure that the servicing activity is closely managed and the impact on the local highway network is minimised. An informative will detail the expected content of a Service Management Plan.

### **Other highways issues**

Originally the building line of the proposed building extended onto the highways. Following officer's advice, amended drawings have been received to show that the existing building line which is chamfered on the corner of Dean Bradley Street and Horseferry Road.

The GLA has requested a travel plan and blue badge to be secured through the S106 legal agreement. Given the relatively small scale of the development it is not considered necessary to secure a travel plan in this instance. It is considered that matters relating to Blue Badge parking fall outside the scope of this scheme.

## **8.5 Economic Considerations**

The proposal is in accordance with the City Plan and UDP and the economic benefits generated by the proposed residential units and modern office accommodation is welcomed.

At this stage it is estimated that the Community Infrastructure Levy generated by the scheme is £1,679,269.39, the figure takes into account the social housing relief.

## **8.6 Access**

The proposed building provides step free access. All residential units are served by a wheelchair accessible lift. The entrances to individual dwellings are accessed from corridors designed in accordance with Building Regulations. There is a full level access within the building and in all other respects the residential units will meet Lifetime Homes Standards.

## 8.7 Other UDP/Westminster Policy Considerations

### *Refuse /Recycling*

Waste and recycling storage areas are located at ground floor level and would be accessible via Dean Bradley Street and Romney Street. These arrangements are considered to be acceptable and in line with UDP Policy ENV12.

### *Trees*

One letter mentions the requirements to protect the plane trees in Dean Bradley House.

Two London Plane trees are located on street to the side elevation of the site on Dean Bradley Street and one of the London Plane trees on the opposite side of Horseferry Road has foliage almost touching the existing building. The trees may need pruning depending on the amount of growth before work starts. Any tree works must be carried out by the council at the developer's expense. The Arboricultural Manager considers it should be possible, with care, to protect the London Plane trees during construction and thereafter, subject to a number of matters being reserved by condition.

The proposal includes landscaping at ground level and green roofs. There is no illustration in the sections or drawings that there is sufficient space for soil to support this landscaping by natural or artificial means. There is no mention of rainwater storage for irrigating landscape areas so this would require mains water unless there is sufficient soil below the landscape areas to store rainfall to allow the plants to survive through long dry periods. In addition the sustainability and BREEAM Assessment mentions grey water use but there is no detail.

Details of the soft and hard landscaping will be dealt via condition, providing clear information whether the green spaces in the proposal are sustainable as the landscaping is shown as a benefit in the Ecological Report and the BREEAM assessment.

### *Sustainability*

An energy statement has been submitted in support of this proposal. It has been prepared in accordance with the "Be Lean, Be Clean, Be Green" hierarchy set out in the London Plan and sets out the anticipated carbon reduction methodology. In response to GLA's comments revised information has been submitted.

Based on the passive measures contained with the Energy Strategy, the proposed scheme achieves a 9 % reduction in Carbon Dioxide emissions over baseline.

The location of the energy centre has been confirmed as basement level 1, it will contain thermal stores, the CHP, boilers, and other necessary ventilation plant. Details of the management arrangements of the CHP have been provided.

Overall the development targets a BREEAM excellent and will exceed the required level of carbon reduction set out in the London Plan.

Nevertheless an amending condition will require the removal of the photovoltaic panels proposed to the South elevation at roof level in the submitted Energy Strategy report. Whilst no details have been provided, their prominent position in the building is not

considered acceptable in design terms. Whilst their removal is regrettable in terms of on-site renewable energy generation to reduce emissions, the negative impacts in terms of conservation and design outweigh the sustainability consideration. Policy S40 of the city plan recognises that practical constraints and local heritage constraints may limit the provision of on-site renewable energy.

Transport for London and the Council's Environmental Health officer pointed out that the level of car parking is excessive for the location. The submitted Air Quality Neutral Assessment recognises that the development's transport emissions exceed the benchmark. The inclusion of the mitigation measures recommended will be dealt via condition. In addition it is considered that the applicant's agreement for the provision of car club membership is a positive contribution.

### **8.8 London Plan**

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but there are outstanding issues in relation to transport, affordable housing, urban design, inclusive design, and sustainable transport. Amendments were made to the application and it is considered that these issues have been addressed elsewhere in this report. The full Stage 1 response is provided in the background papers to 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**

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**

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 Council's own Community Infrastructure Levy was introduced on 1 May 2016.

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

- i. on-site provision of 3 affordable housing units to be completed ready for occupation prior to first occupation of the market residential units;
- ii. payment in lieu of £1.875m (index linked) toward the Council's affordable housing fund to be provided upon commencement of development;
- iii. 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.;
- iv. unallocated car parking;
- v. all necessary highway works;
- vi. car club membership for residents of the development – the developer to undertake to pay annual access charge for 25 years from first occupation;
- vii. S106 monitoring payment.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations.

## **8.11 Environmental Impact Assessment**

The development is not of sufficient scale to require an Environmental Statement under the 2011 Regulations. Other environmental impact issues have been covered elsewhere in this report.

## **8.12 Other Issues**

### *Basement*

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. The report has been considered by our Building Control officers who advised that the structural approach appears satisfactory.

### *Construction impact*

Objections on the grounds of noise, dust, dirt, disruption, and loss of car parking spaces during construction works do not in themselves form a sustainable reason to refuse permission. The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a construction management plan to help mitigate noise and disruption during construction. Construction works traffic must avoid Romney Street.

A draft Construction Management Plan (CMP) has been submitted which sets out the proposed measures to minimise the impact of construction vehicle activity in the immediate vicinity of the development site on the surrounding public highway during the strip out, demolition and construction phases of the proposed development.

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 SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a more detailed construction management plan to help mitigate noise and disruption during demolition and construction.

A highway licence would be required before any construction equipment such as scaffolding or skips can be placed on the road or pavement.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed concerning the works.

#### *Flood risk*

The application is accompanied by a Flood Risk assessment report. The Environment Agency has confirmed that they have no objection to the application but they have recommended that the application raises finished floor level to 5.11m AOD for this site.

#### *Crime and security*

The scheme does not raise significant issues with regard to crime and security subject to condition of the installation of an access control system is employed to call the car parking lift remotely.

#### *Community Consultation*

Objections were received on the grounds that public exhibition was not carried out prior to submission. Whilst engagement with local community should be ideally done as early as possible on the process, the timing is not considered a reason to withhold permission.

#### *Community infrastructure*

The London Borough of Lambeth points out the adequate capacity enhancements to be made in local education establishments to cope with additional children, however the number of units to be provided do not trigger requirements in terms of education infrastructure.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water Utilities Ltd, dated 1 September 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 1 September 2015
4. Response from Metropolitan Police, dated 14 September 2015
5. Response from Thorney Island Society, dated 15 September 2015
6. Response from Thorney Island Society, dated 16 September 2015
7. Response from Environment Agency, dated 16 September 2015
8. Response from Transport for London, dated 30 September 2015
9. Response from Lambeth Borough Council, dated 23 October 2015
10. Stage 1 referral report from Greater London Authority dated 4 November 2015
11. Memo from Environmental Health, dated 9 February 2016
12. Response from Transport for London, dated 11 February 2016
13. Response from Building Control, dated 19 May 2016
14. Memo from Tree section, dated 20 May 2016
15. Response from Historic England (Archaeology), dated 31 May 2016
16. Response from Highways Planning, dated 30 September 2015 and 01 July 2016
17. Letter from occupier of 55 Romney Street, London, dated 25 August 2015
18. Letter from occupier of 55 Romney Street, London, dated 8 September 2015
19. Letter from occupier of 15 Sackville Street, dated 9 September 2015
20. Letter from occupier of 8 Dean Ryle Street, London, dated 13 September 2015
21. Letter from occupier of 8 Dean Ryle Street, London, dated 14 September 2015
22. Letter from occupier of 55 Romney Street, London, dated 14 September 2015
23. Letter from occupier of 29 Tufton street, London, dated 15 September 2015
24. Letter from occupier of 55 Romney Street, London, dated 15 September 2015
25. Letter from occupier of 3 Smith Square, London, dated 16 September 2015
26. Letter from occupier of 701 Westminster Green, 8 Dean Ryle Street, London, dated 16 September 2015
27. Letter from occupier of 53 Romney Street, London, dated 17 September 2015
28. Letter from occupier of 3 Tufton Court, Tufton Street, dated 18 September 2015
29. Letter from occupier of 47 Romney Street, Westminster, dated 18 September 2015
30. Letter from occupier of 49 Romney Street, Westminster, dated 18 September 2015
31. Letter from occupier of 4th Floor Dean Bradley House, 52 Horseferry Road, dated 18 September 2015
32. Letter from occupier of 506 Westminster Green, 8 Dean Ryle Street, dated 24 September 2015
33. Letter from occupier of 701 Westminster Green, 8 Dean Ryle street, dated 12 October 2015
34. Letter from occupier of 703 Westminster Green, 8 Dean Ryle Street, dated 22 October 2015
35. Letter from occupier of flat 703, 8 Dean Ryle Street, dated 22 October 2015
36. Letter from occupier of 8 Dean Ryle St, London, dated 11 January 2016
37. Letter from occupier of 55 Romney Street, London, dated 14 January 2016
38. Letter from occupier of 79, Marsham Street, London, dated 17 January 2016
39. Letter from occupier of Apartment 802, Westminster Green, 8 Dean Ryle Street, dated 20 January 2016
40. Letter from occupier of Apt 502, 8 Dean Ryle St, dated 21 January 2016
41. Letter from occupier of 703 Westminster Green, 8 Dean Ryle Street, dated 10 February 2016

42. Letter from occupier of 46 Horseferry Road, dated 25 April 2016
43. Letter from occupier of 72B Cumberland Street, dated 23 May 2016
44. Letter from occupier of 79 Marsham Street, dated 27 May 2016
45. E-mail from the Westminster Green Management Company dated 6 July 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 LOUISE FRANCIS ON 020 7641 2488 OR BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

10. KEY DRAWINGS



Existing view from Horseferry Road



Proposed view from Horseferry Road



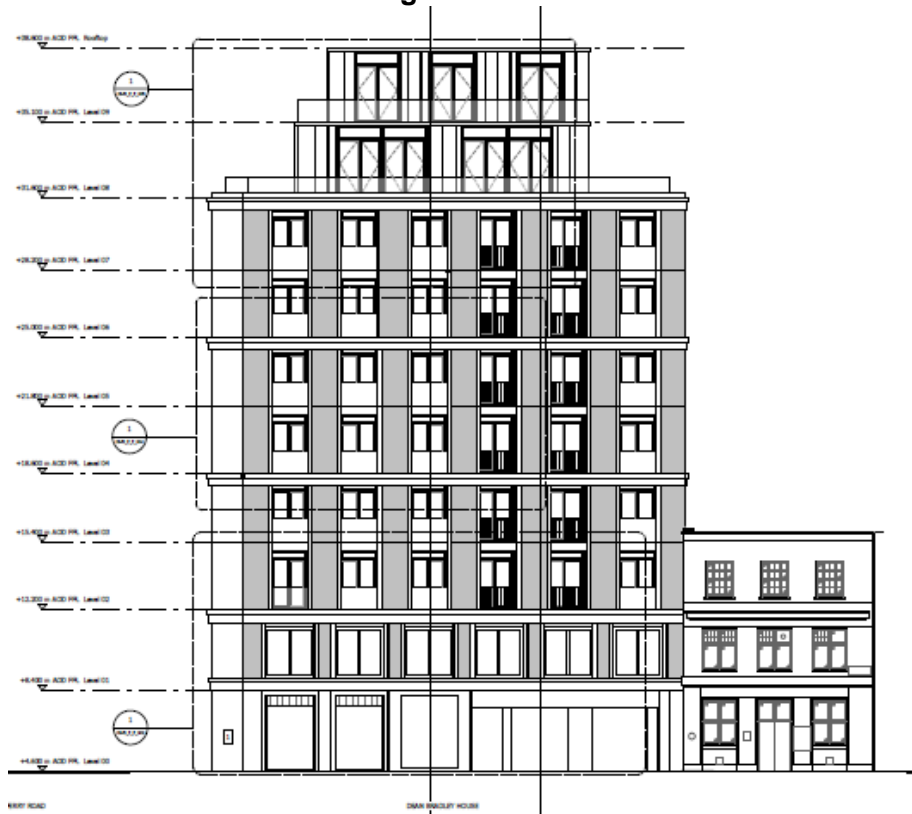
**Existing South elevation (Horseferry Rd)**



**Proposed South elevation**



Existing East elevation



Proposed East elevation



**Existing North elevation (Romney St)**

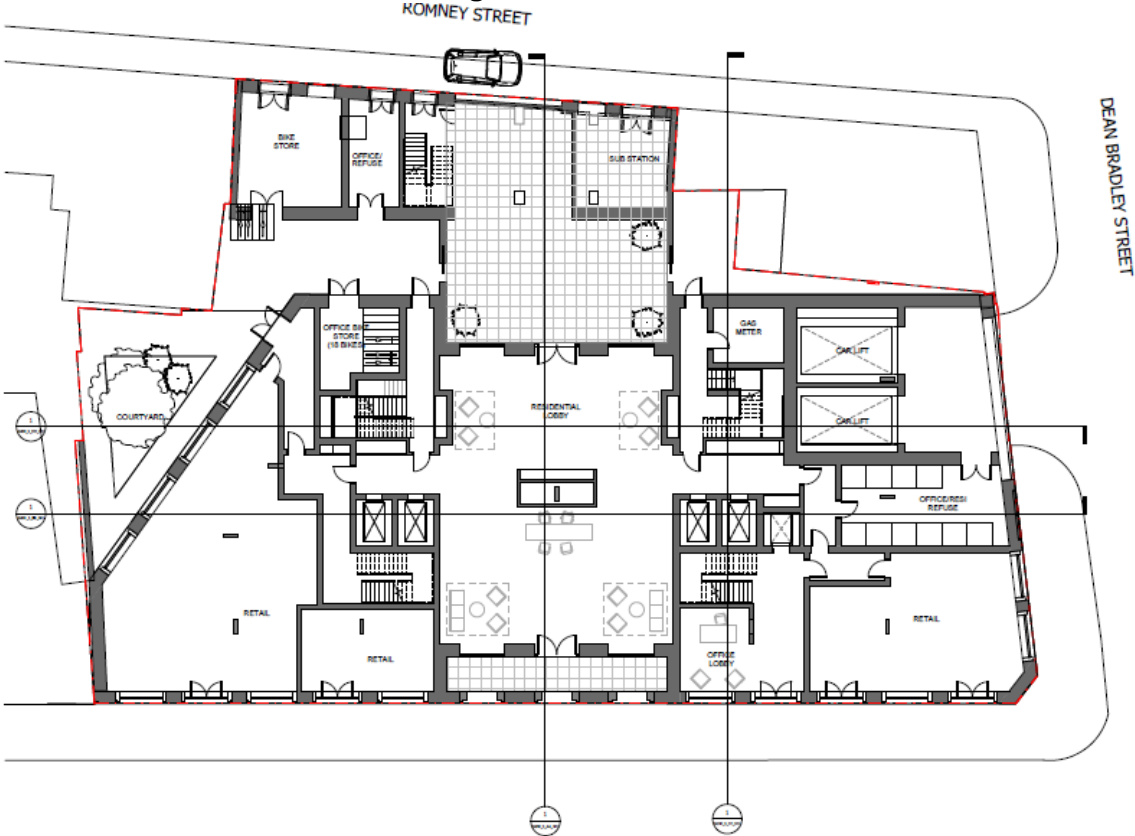


**Proposed North elevation**

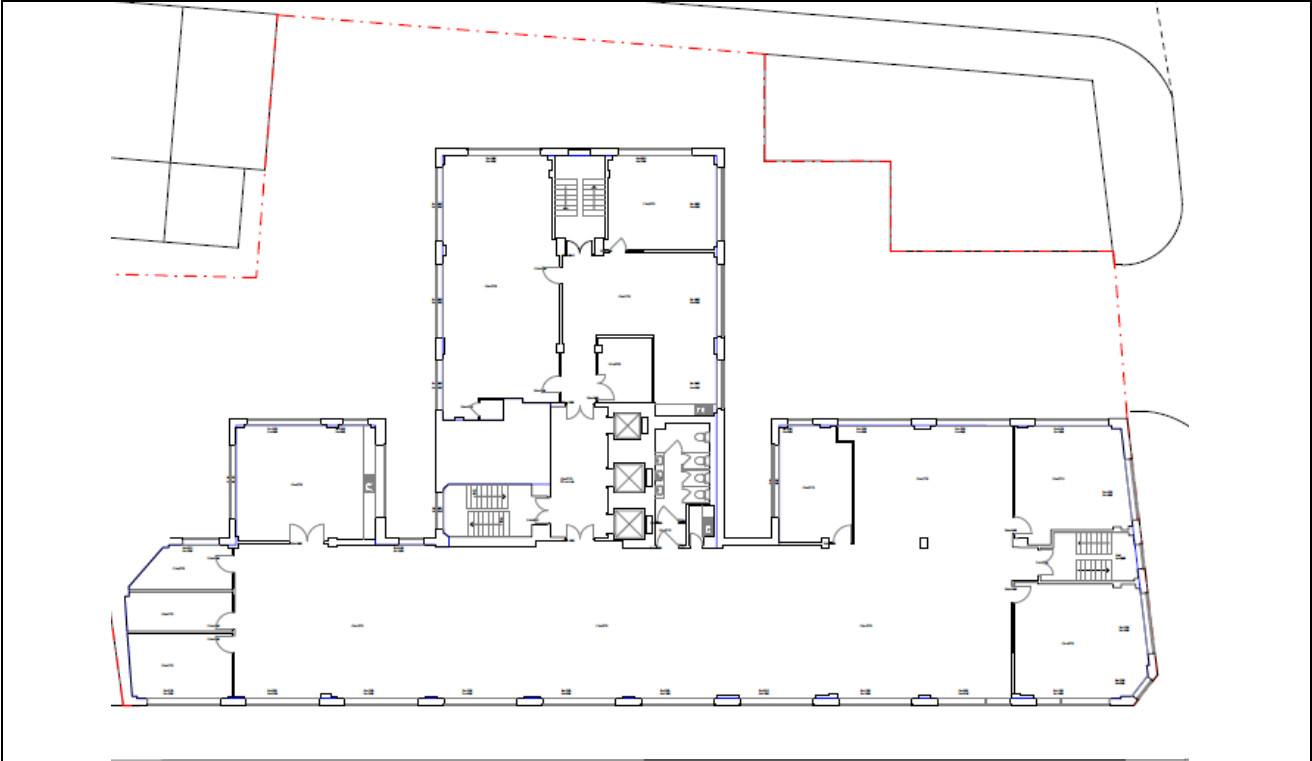




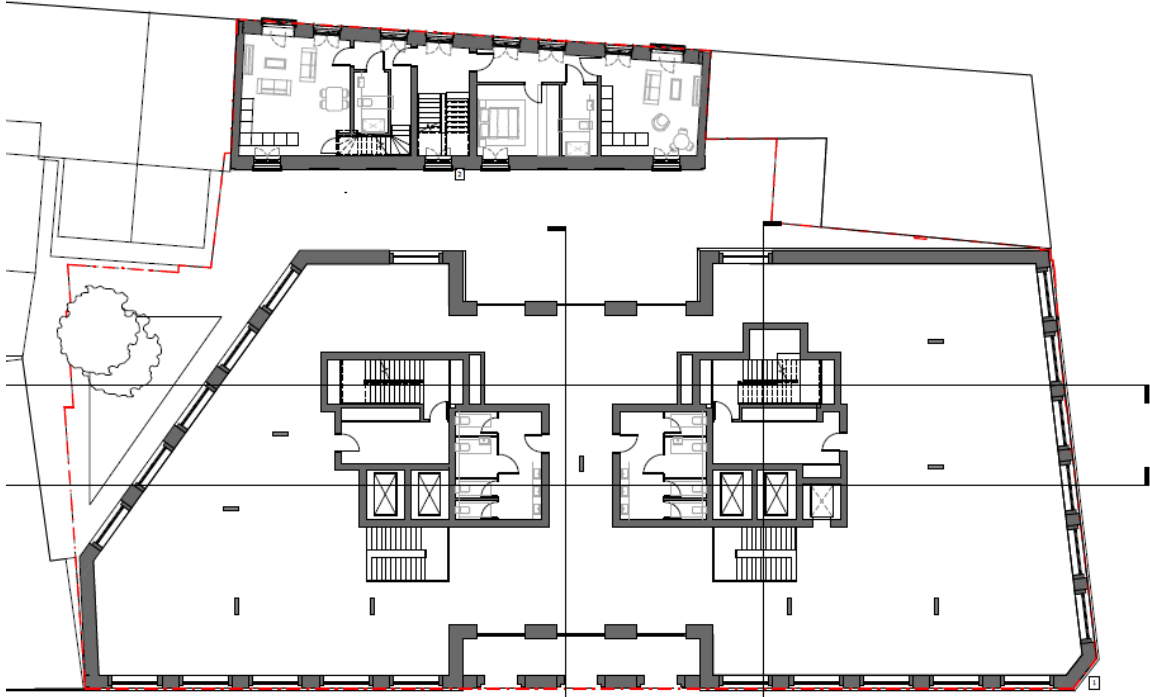
**Existing Ground Floor Plan**



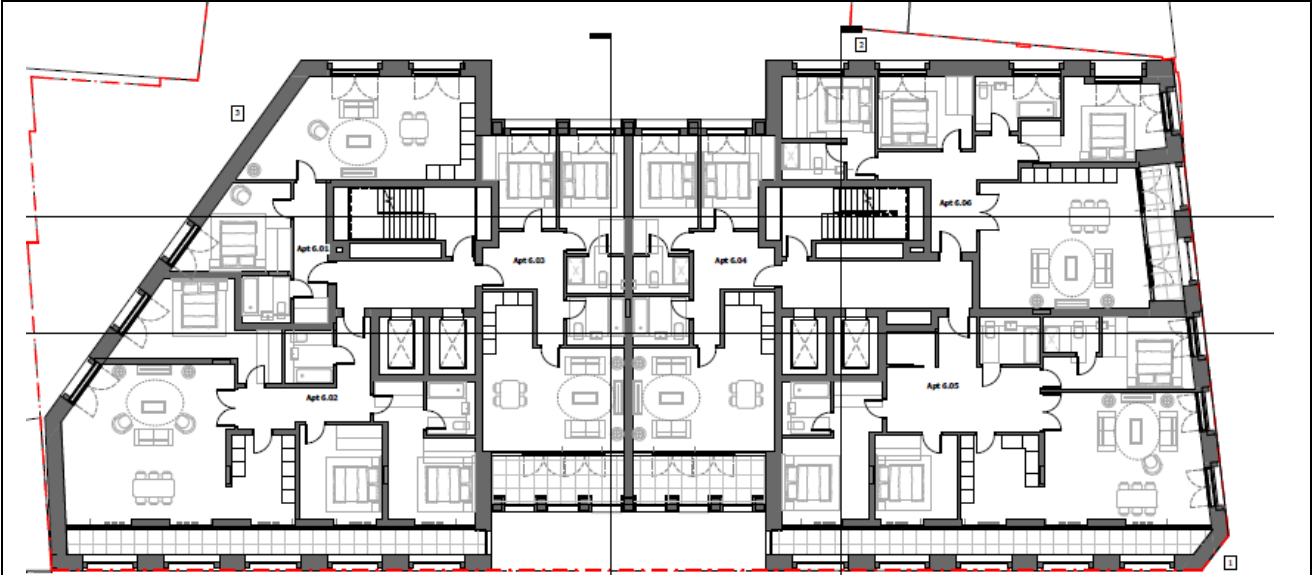
**Proposed Ground Floor Plan**



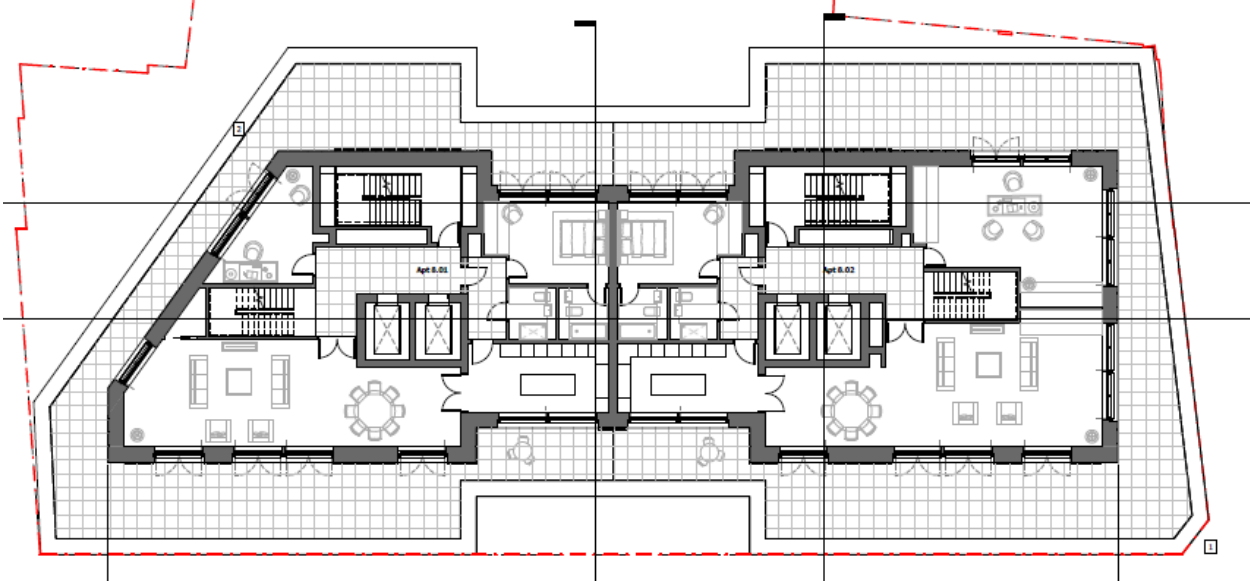
Existing typical floor plan



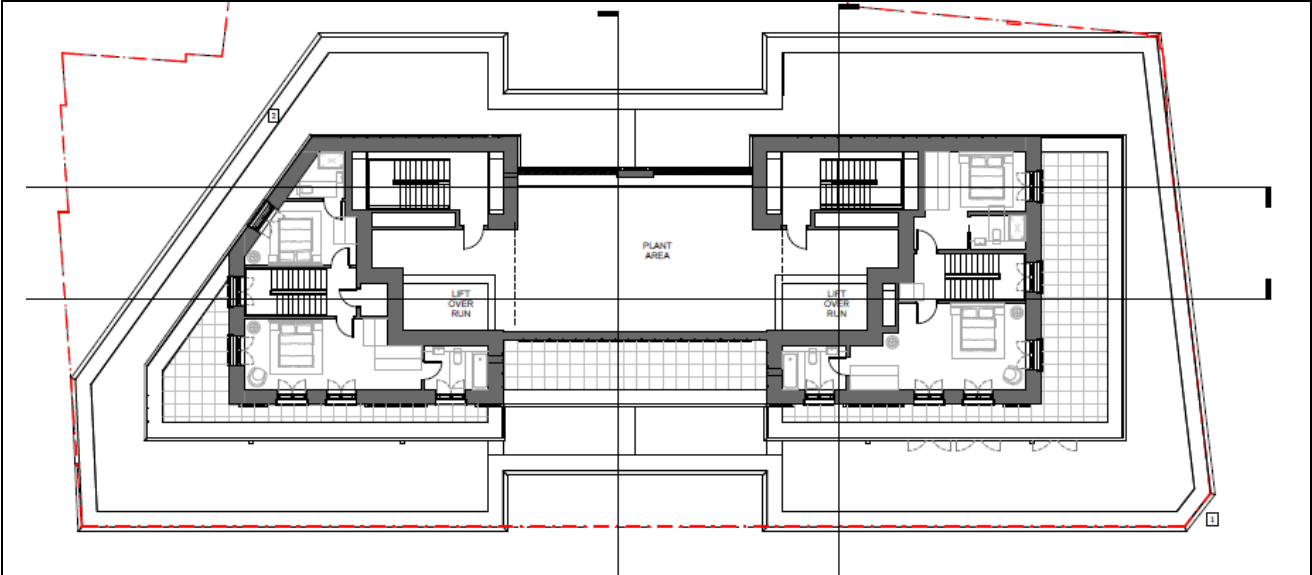
Proposed First Floor Plan



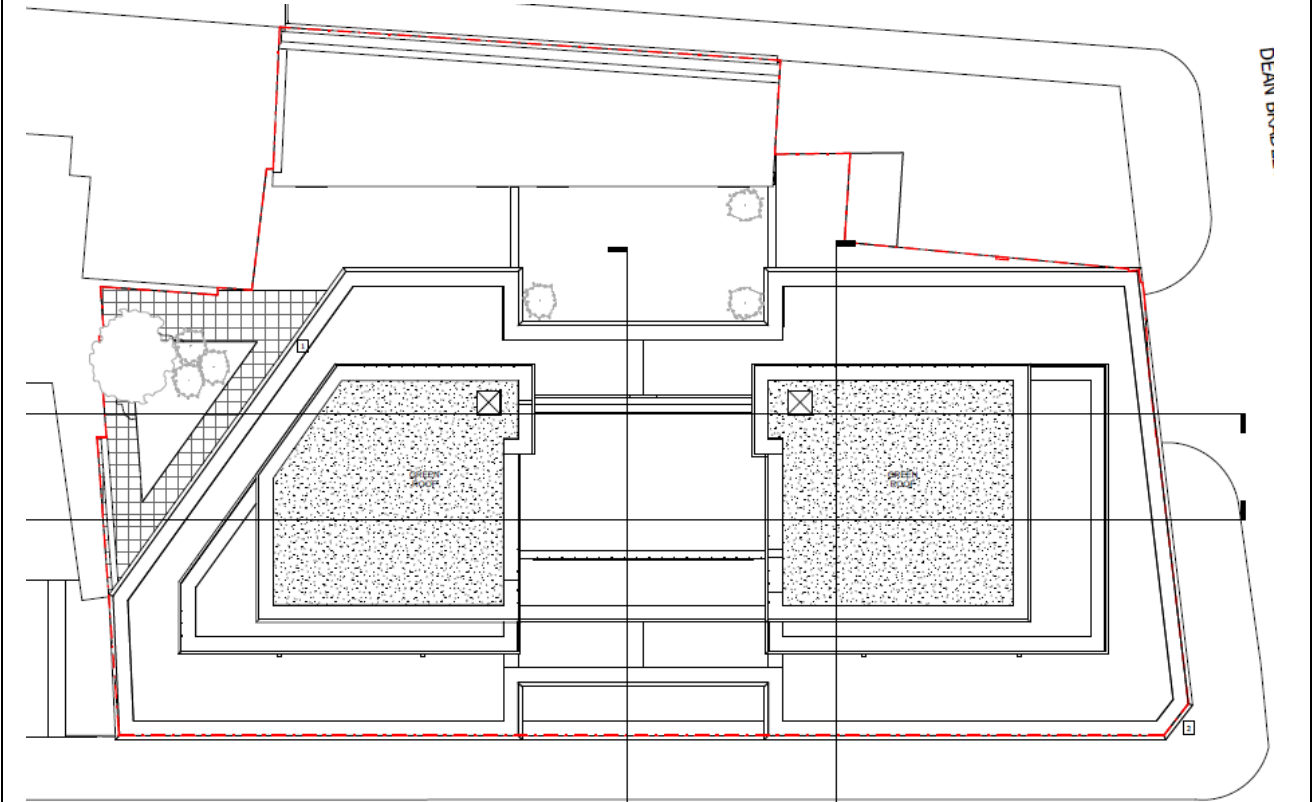
**Proposed Sixth to Seventh floor plan**



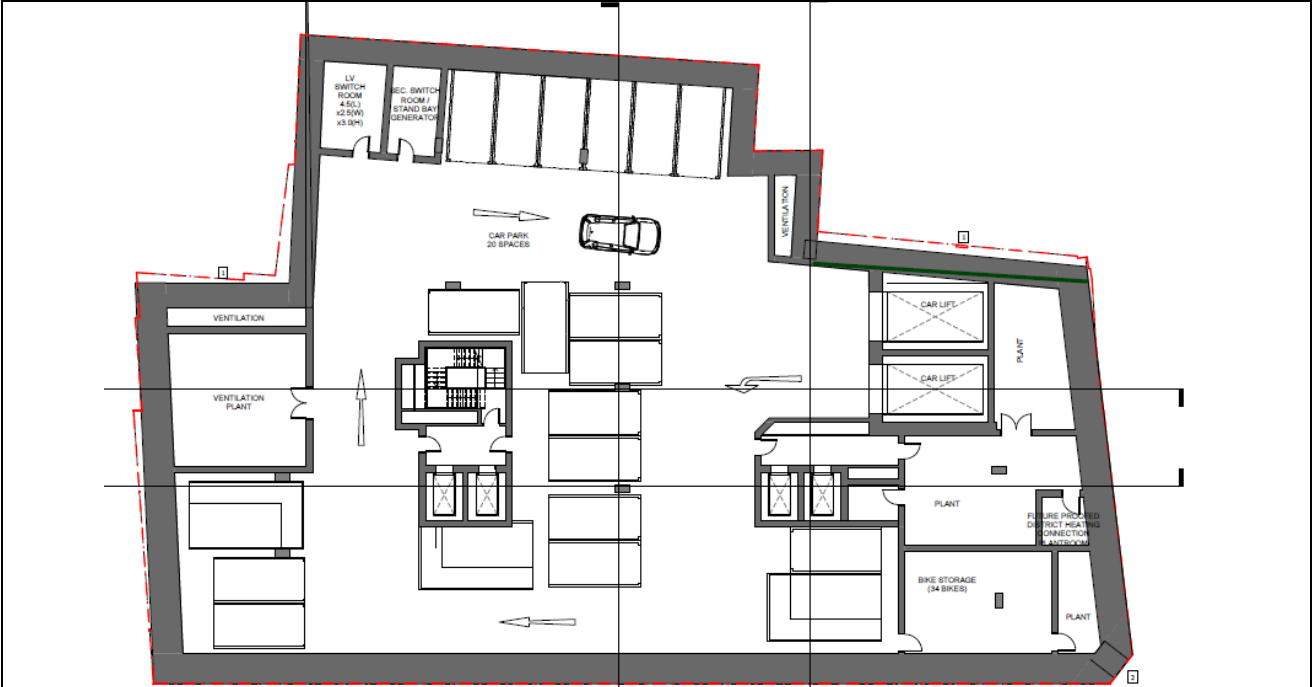
**Proposed Eighth floor**



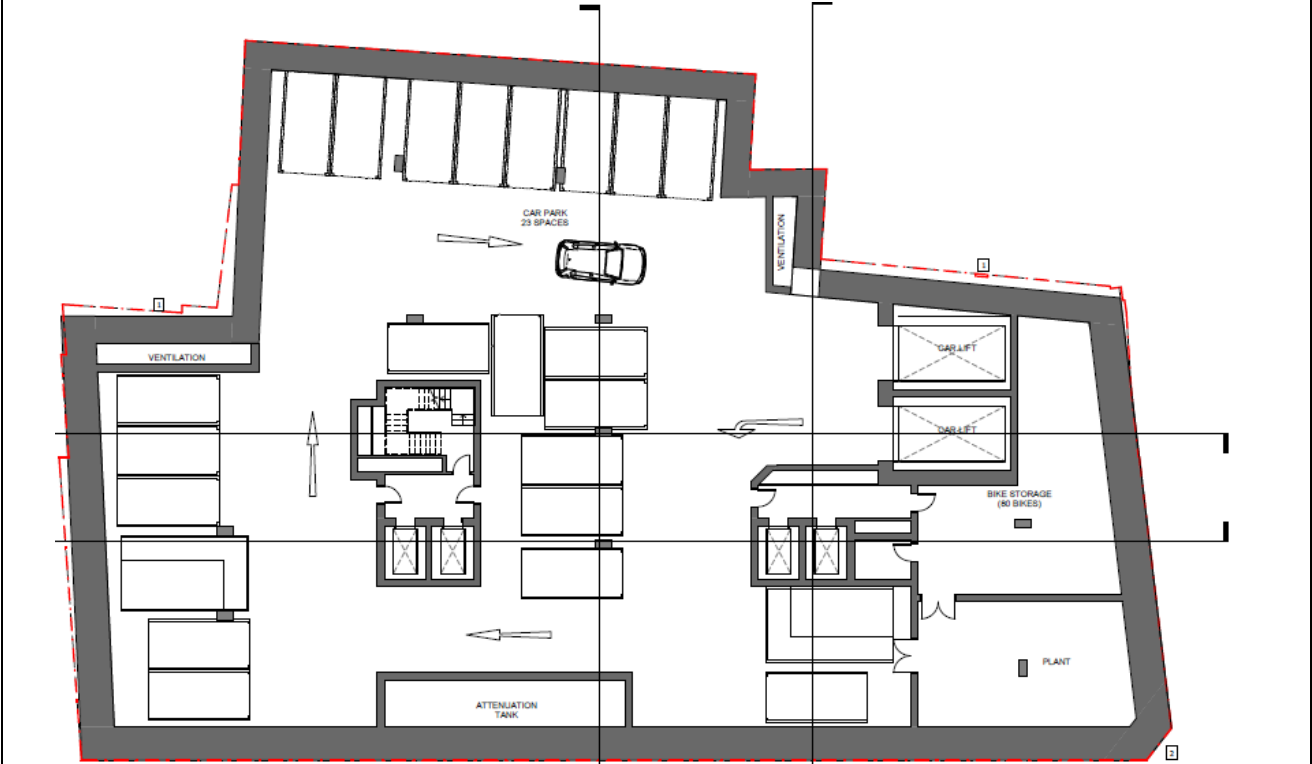
**Proposed Ninth floor**



**Proposed roof plan**



**Proposed basement level 1**



**Proposed basement level 2**

**DRAFT DECISION LETTER**

**Address:** Dean Bradley House, 52 Horseferry Road, London, SW1P 2AF,

**Proposal:** Demolition of Dean Bradley House and redevelopment to provide double basement, ground, and nine floors for car and cycle parking at basement level, 263 sqm of retail floorspace (Class A1/A3) at ground floor level, 975 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, and creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.

**Reference:** 15/07690/FULL

**Plan Nos:** JA12 Z0\_P\_001; JA12 P\_00\_001; JA12 P\_TY\_001; JA12 E\_N\_001; JA12 E\_S\_001; JA12 E\_E\_001; JA12 E\_W\_001; JA12 S\_AA\_001; C645\_E\_E\_001 A; C645\_E\_E\_002 A; C645\_E\_E\_003 A; C645\_E\_E\_004 A; C645\_E\_E\_005 A; C645\_E\_N\_001 B; C645\_E\_N\_002 A; C645\_E\_N\_003 A; C645\_E\_N\_004 A; C645\_E\_N\_005 A; C645\_E\_N\_006 B; C645\_E\_N\_007; C645\_E\_S\_001 A; C645\_E\_S\_002 A; C645\_E\_S\_003 rev. A; C645\_E\_S\_004 rev. A; C645\_E\_S\_005 A; C645\_E\_S\_006 B; C645\_E\_W\_001 A; C645\_E\_W\_002 A; C645\_P\_-01\_001 A; C645\_P\_-02\_001 A; G200\_P\_00\_001; C645\_P\_01\_001 B; C645\_P\_02\_001 B; C645\_P\_03\_001 A; C645\_P\_04\_001 A; C645\_P\_05\_001 A; C645\_P\_06\_001 A; C645\_P\_07\_001 A; C645\_P\_08\_001 A; C645\_P\_099\_001 A; C645\_P\_RF\_001 A; C645\_S\_AA\_001 A; C645\_S\_BB\_001 A; C645\_S\_CC\_001 A; C645\_S\_DD\_001 A; C645\_Z0\_P\_AL\_001 A; C645\_Z0\_S\_AA\_001 A; C645\_Z0\_S\_BB\_001 A; Revised design statement dated December 2015; Noise Assessment dated 17.11.2015; Addendum planning statement dated December 2015; Heritage and townscape appraisal dated December 2015; Sustainability and BREEAM 2014 Pre-Assessment Report dated 17 August 2015; Archaeological/Historic Environment Baseline and Impact Assessment dated 8 December 2015; Workplace Travel Plan Statement dated 17.08.15; Preliminary Ecological Appraisal dated August 2015; Air Quality Assessment dated 13.11.15; Air Quality Neutral Calculation dated 8.12.15; Surface Water Drainage Strategy dated August 2015; Energy Strategy Report dated 16. 11.15; Delivery and Servicing Plan dated 08.12.15; Residential Travel Plan Statement dated 8.12.15.

For information only: Flood risk assessment dated 12.11.15; Construction Methodology Statement dated November 2015; Construction Management Plan dated November 2015; Daylight and Sunlight Assessment dated November 2015; Transport Statement dated 8.12.15; Statement of Community Involvement dated August 2015; Residential strategy report dated August 2015; Structural Methodology Statement and Basement Impact Assessment dated 12.11.15

**Case Officer:** Aurore Manceau **Direct Tel. No.** 020 7641 7013

**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 put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

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)

- 4 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 Smith Square 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)

- 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 Smith Square 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows,
  - ii) Doors,
  - ii) Balconies,
  - iv) Railings,
  - v) Typical bay (scale 1:10),

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 works according to the approved detailed.

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 Smith Square 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 Smith Square 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 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 Smith Square 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 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces and balconies. (C26NA)

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 Smith Square 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)

10 **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 protect the archaeological heritage of the City of Westminster 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. (R32BC)

- 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 make sure that the development is completed and used as agreed, and to make sure that it meets of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 12 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. The residential car parking space must not be sold, leased or allocated to individuals on either a temporary or permanent basis or to be used on any other basis other than on a first come first served basis without the prior written consent of the local planning authority.

Reason:

To provide parking spaces for people using the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 13 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 14 Prior to the occupation of the new/reconfigured flats hereby approved, you shall submit, and have approved in writing by the City Council as local planning authority, details of a vehicle signalling system for the car lift entrance. The approved vehicle signalling system shall be installed, permanently retained and operated in accordance with the approved details.

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)

- 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 Prior to the occupation of the flats hereby approved, electric vehicle charging points (active) for a minimum of 9 parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 9 vehicles (20%) within the new car park (43 spaces) hereby approved shall be provided. These charging points shall be permanently retained and maintained for the life of the development.

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 All vehicles must enter and exit the site in forward gear

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 Prior to any occupation of the Class A and B1 units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

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)

- 19 All servicing must take place between 7.00 to 23.00 on Monday to Saturday and 8.00 to 20.00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 20 Prior to commencement of the development hereby approved you shall submit a Car Parking Management Plan to detail how parking will be managed, including access for all residential tenures.

Reason:

To provide parking spaces for people using the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 21 (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.

- 22 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.

- 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 21 and 22 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 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.

- 25 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.
- 26 Customers shall not be permitted within the Class A1/A3 premises before 8.00 or after 23.00 each day. (C12AD)
- 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)
- 27 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.
- Green roofs
- 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)
- 28 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the removal of the photovoltaic panels in the Energy Strategy Report dated 16 November 2015
- You must not start on these parts of the work 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 Smith Square 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)

- 29 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 all external trees and shrubs. You must also include details of the depth and specification of the new soil which you propose to use to create an adequate rooting environment for the new tree planting and landscaping including details of the drainage layer and other components and details of 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 12 months of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is 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. (R30BC)

- 30 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London Plane trees. 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)

- 31 Reason:  
To protect the trees and the character and appearance of this part of the Smith Square 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)

- 32 **Pre Commencement Condition.** 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 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)

- 33 You must provide the waste store shown on drawing G200\_P\_00\_001 E before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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)

- 34 The new flats shall not be occupied until the air quality mitigation measures detailed in the report dated 17 August 2015 by RPS Group have been incorporated within the development and those measures should be permanently maintained thereafter.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 35 You must apply to us for approval of full details of the on-site and/or off-site mitigation measures detailed in the Air Quality Neutral Assessment dated 13 August 2015 by RPS to be adopted. You must then incorporate those measures within the development and those measures should be permanently maintained thereafter.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.



- 36 The retail ground floor windows facing the courtyard must not be clear glass and they must be fixed 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.
- 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)
- 37 The retail floorspace must be provided and kept as at least 3 self-contained units. At least one of these units must be in A1 retail use unless agreed otherwise in writing with the Local Planning Authority
- Reason:  
To protect the special retail character of the area as set out in S21 of Westminster's City Plan: Strategic Policies adopted 13 November 2013 and SS 4 (B) of our Unitary Development Plan that we adopted in January 2007. (R15BC)
- 38 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for the retail units. 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 retail units. (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)
- 39 The residential part of this development must achieve a BREEAM 'excellent' rating (or any such national measure of sustainability for house design that replaces the scheme of the same standard). You must not occupy any of the residential units until a copy of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each unit built has achieved the required level, has been submitted and approved by us.
- 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)

**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 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 3 affordable housing units on-site, social rented housing unless agreed otherwise under the legal agreement terms;
  - ii. Payment of £1,875,000;
  - iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to the commencement of development and provide a financial contribution of £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - iv. Unallocated residential parking;
  - v. Car club membership for residents of the development;
  - vi. Car lift maintenance and management plan;
  - vii. Highway works surrounding the site required for the development to occur;
  - viii. Costs of monitoring the S106 agreement.
- 4 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs. It is recommended that the archaeological fieldwork should comprise of the following:

## Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Archaeological monitoring of any geotechnical investigation would also be a useful exercise and may enable the scope of the archaeological watching brief to be refined.

- 5 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following:
- a. Site Information:
    - i. Environmental management structure;
    - ii. Location of any potentially sensitive receptors;
  - b. Environmental Management:
    - i. Summary of main works
    - ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings)
    - iii. Noise and vibration (predictions, managing risks and reducing impacts)
    - iv. Dust and Air Quality (risk rating, managing risks and reducing impacts)
    - v. Waste management (storage, handling, asbestos, contaminated land)
    - vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk)
    - vii. Lighting
    - viii. Archaeology and built heritage (if applicable)
    - ix. Protection of existing installations (if applicable)
    - x. Urban ecology (if applicable);
    - xi. Emergency procedures;
    - xii. Liaison with the local neighbourhood.
  - c. Monitoring:
    - i. Details of receptors
    - ii. Threshold values and analysis methods ;
    - iii. Procedures for recording and reporting monitoring results;
    - iv. Remedial action in the event of any non-compliance.
- 6 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)

- 7 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)
- 8 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. (I54AA)
- 9 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)
- 10 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)
- 11 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)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a

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

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

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

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

- 14 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.

- 15 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.
- 16 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)

- 17 Condition 30 and 31 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 18 The London plane trees adjoining the site are protected by a Tree Preservation Order. You must obtain our consent before you carry out any tree works. The Town and Country Planning (Tree Preservation)(England) Regulations 2012 allow for exception from the need to obtain consent, so far as such work is necessary to implement a planning permission, but for the avoidance of doubt any tree work not necessary to implement the planning permission will require a separate tree works application on the standard application form.
- 19 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.

- 20 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 5.11m AOD.
- 21 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 23 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.

- 24 The term 'clearly mark' in condition 33 means marked by a permanent wall notice or floor markings, or both. (188AA)
- 25 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is 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.



Item No.
<b>1</b>

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.

This page is intentionally left blank

# Agenda Item 2

Item No.
----------

2
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 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>22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1</b>		
<b>Proposal</b>	The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel, restaurant and private members club/bar (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, partial demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Audley Grosvenor Limited		
<b>Registered Number</b>	16/01401/FULL 16/01402/LBC	<b>Date amended/ completed</b>	26 February 2016
<b>Date Application Received</b>	17 February 2016		
<b>Historic Building Grade</b>	Grade II (22 Grosvenor Square/43 North Audley Street)		
<b>Conservation Area</b>	Mayfair		

## 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

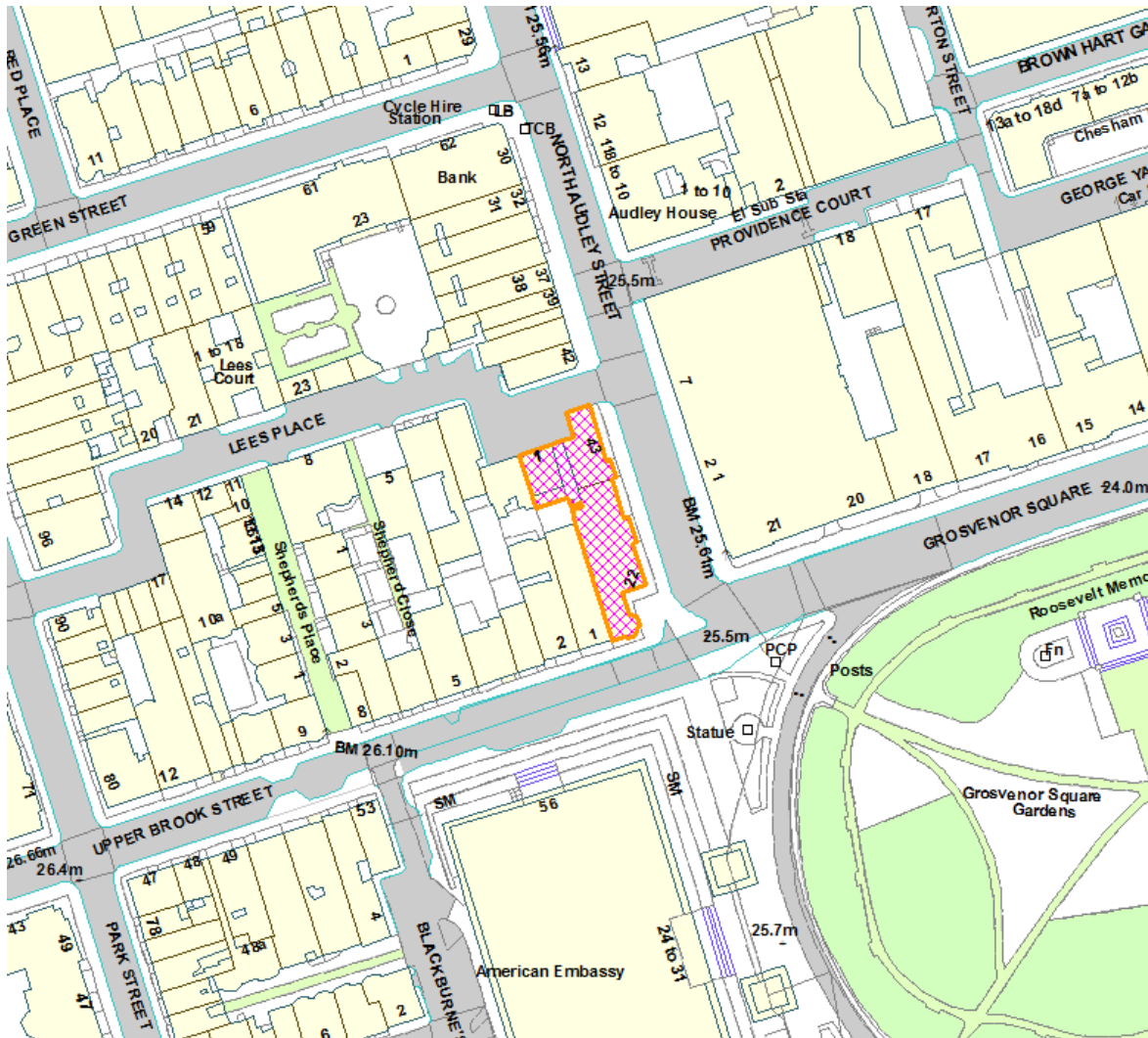
These applications relate to a prominent building on the corner of Grosvenor Square at the junction with North Audley Street and Upper Brook Street. Largely occupied as offices with one flat on part ground floor, permission has previously been granted to convert the main building into six flats and the lower northern section (known as 43 North Audley Street) into a restaurant. The current proposal now include the mews house 1 Lees Place and seeks consent to create a single building predominantly used as a hotel but incorporating a restaurant and private members' club/bar.

The main issues are considered to be:

- The loss of residential accommodation from the site and the applicant's offer of previously approved residential accommodation to offset this loss;
- The extent of demolition and rebuilding of the northern section/wing of the listed building.

Following revisions to reduce the amount of demolition and rebuilding, the proposals are considered to be acceptable in listed building and design terms, as well as with regard to land use, amenity and highways considerations. In particular, the proposals will contribute to the mixed use character and function of this part of the Core Central Activities Zone, in accordance with the Mixed Use Revision to the City Plan.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

22 Grosvenor Square



43 North Audley Street



1 Lees Place (and rear of 43 North Audley Street)



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Initial concern that the demolition of the north wing (43 North Audley Street) will mean the loss of a large quantity of original fabric, and even if the stone and brick were to be reused, the patina of age would be lost and a significant and prominent change would be made to a clear part of the overall architectural design and streetscape value of this listed building.

Following revisions to retain the ground floor frontage of 43 North Audley Street and re-use other elements (such as the stone balustrade) confirm that their concerns have been overcome and have issued a draft letter authorising the granting of listed building consent.

### THE VICTORIAN SOCIETY

Raise objection to the total demolition of 43 North Audley Street and the erection of a taller replacement that adversely impacts the view of the main building; also concerned about the impact of the rear extension on the appearance of the main building.

Welcome the reinstatement of the missing chimneys to the southern roofscape.

Any response to be reported verbally on reconsultation of the revision to retain the ground floor portion of the north wing.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

### COUNCIL FOR BRITISH ARCHAEOLOGY

Representation from the London and Middlesex Archaeological Society: express concern about the demolition of 43 North Audley Street – any replacement should be conditioned to match the existing.

### THE GEORGIAN GROUP

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

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

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER

No objections; request that where possible and appropriate the applicant adopts the principles and practices of 'Secured by Design'.

### ENVIRONMENTAL HEALTH

No objection subject to conditions and informatives.

**HIGHWAYS PLANNING MANAGER**

No objection in principle but queried apparent works to the vaults beneath North Audley Street [the applicant subsequently confirmed that there is no change].

**CLEANSING MANAGER**

Initial objection overcome by the submission of additional information.

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

No. Consulted: 108; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The main part of the site, on the north west corner of Grosvenor Square and extending along North Audley Street, comprises basement, ground and four upper floors and is known as 22 Grosvenor Square. At the northern end of the site, at the junction of North Audley Street and Lees Place, the building drops down to first floor level – this part is known as 43 North Audley Street. These parts are connected internally. The main entrance is on North Audley Street (close to Grosvenor Square), with a secondary entrance further along North Audley Street to the lower part of the building. A short passage or ‘alleyway’ runs along the rear of 43 North Audley Street, linking the rear of 22 Grosvenor Square with Lees Place.

Most of the building is occupied as Class B1 offices, apart from a flat that occupies part of the ground floor. The building is listed Grade II and is within the Mayfair Conservation Area and the Core Central Activities Zone. The site is not within a Stress Area.

1 Lees Place adjoins the site to the west: comprising part lower ground, ground and two upper floors, its lawful use is as a residential single dwelling house, which is currently vacant. It is not listed but is also within the Mayfair Conservation Area

North Audley Street links Grosvenor Square with Oxford Street and has a number of restaurants and shops at ground floor level with residential and offices on the upper floors. The nearest existing residential is adjacent to the site at 1 Upper Brook Street and within Lees Place. A new residential development is currently under construction opposite the site (at 19-20 Grosvenor Square).

**6.2 Recent Relevant History**

22 Grosvenor Square was originally purpose built as a single dwelling house in 1906 but in 1927 was converted into serviced flats with showrooms at basement and ground floor levels. It suffered serious bomb damage during the Second World War, which subsequently resulted in the entire south wing being reconstructed. In the 1950s permission was granted for use of the building as offices (though part of the ground floor was retained as the existing flat), initially restricted to professional offices but this restriction was removed in 1991.

In November 2015 planning permission and listed building consent were granted to convert 22 Grosvenor Square into six residential units with associated internal and external alterations, including the infilling of the rear alleyway at ground and first floor levels, installation of a new steel staircase to the front lightwell, alterations to the windows at rear third and fourth floor levels, new plant and enclosure and creation of terraces and stair accesses at main roof level. This was subject to a legal agreement to secure the provision of £2,373,000 towards the City Council's affordable housing fund and the provision of lifetime car club membership (minimum 25 years) for all 6 flats.

Planning permission and listed building consent was also granted in July 2015 for use of the basement, ground and first floors as a restaurant (Use Class A3), infilling of the rear alleyway at ground floor level and installation of plant within an associated enclosure at rear first floor level, creation of a new entrance door on the front elevation and installation of a high level extract duct to the rear of 22 Grosvenor Square from rear first floor level to terminate at main roof level. Associated internal alterations at lower ground, ground and first floor levels. The capacity was restricted by condition to 90 and the opening hours from 07.00 to midnight seven days a week.

At 1 Lees Place permission was granted in January 2015 for the erection of two storey extension to the rear at lower ground and ground level with external amenity space at lower ground floor level and associated external alterations to include the creation of Juliette balconies at first and second floor levels. Works to extend existing single family dwelling house.

None of these permissions have been implemented.

## **7. THE PROPOSAL**

In summary, it is proposed to:

- Convert the existing buildings at 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place from office and residential to a hotel, with a restaurant open to the public and a private members' club/bar;
- Works to 22 Grosvenor Square including infilling of the rear alleyways and extensions to the rear from ground to fourth floor, installation of plant and creation of a terrace at roof level;
- Erection of a two storey extension to the rear façade of 1 Lees Place, including the extension of the basement floor to the front façade.
- Part demolition of 43 North Audley Street and rebuilding with a building of two storeys plus mansard; and
- Associated internal and external alterations to the buildings.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The land use changes can be summarised as follows:



<b>GEA (sqm)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>	<b>Incl. off-site residential</b>
<b>Office (Class B1)</b>	2,393	0	-2,393	-
<b>Residential (Class C3)</b>	345 (2 units)	0	-345	+454
<b>Hotel/ Restaurant/ Private Members Bar</b>	0	3,155	+3,155	-
<b>Total</b>	<b>2,738</b>	<b>3,155</b>	<b>+417 (15.2%)</b>	-

### **Loss of Offices, Increased Alternative Commercial Uses and Affordable Housing Requirements**

The change of use of this listed building from predominantly offices to a hotel, restaurant and private members' club/bar is considered to be acceptable in principle and in accordance with the Mixed Use Revision to the City Plan: policy S20 does not preclude loss of offices to other commercial uses and policy S1 encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations. In this respect the proposals are considered to be preferable to the approved residential scheme.

At the time the application was submitted, and before the Mixed Use Revision to the City Plan, Policy S1 of the City Plan stated that:

*'Where proposals increase the amount of commercial floorspace by 200sqm or more, or in the case of A1 retail or private educational, health and leisure (D1 or D2), by 400sqm or more, the provision of an equivalent amount of residential floorspace will be required on site, where the Council considers this to be appropriate and practical.'*

Alternatively, commuted payment towards the Council's affordable housing fund might be considered as an acceptable alternative: in this case the increase in commercial floorspace on the site (762 sqm) would generate a payment of £1,744,000. However, the applicant had advised that the scheme was not sufficiently viable to make this contribution. This claim has been assessed by independent consultants acting on behalf of the Council, who concur with the applicant that the scheme is not viable. (It is noted that the proposed operator expects exceptional future performance to provide improved revenue streams, hence their pursuit of these proposals).

However, in view of the Mixed Use Revision to the City Plan now being accorded significant weight as a material consideration, the issue of offsetting the commercial increase is no longer considered to be relevant in this case.

## **Hotel Use**

In addition to policy S1 encouraging development which promotes Westminster's World City functions and supports its living, working and, specifically in this case, its visiting populations, policy S23 directs new hotels to specified areas, including the Core Central Activities Zone (as in this case). The immediate area is mixed use in character and it is considered that the current proposal will contribute to that mix.

The applicant advises that the hotel and other uses are to be run by Blakes Management Ltd, who currently operate Blakes Hotel in Kensington. The intention is to provide a high-end boutique hotel, with a relatively small number of rooms (30). Given its small size and the existing mixed use character and function of the area, it is not considered that the proposal will have an adverse impact on the amenity of nearby residents. The main entrance would be on North Audley Street; in order to protect residents in Lees Place, it is proposed to condition the access to the hotel in that location to staff and deliveries only (apart from escape in an emergency). The hours of use of the roof terrace will also need to be conditioned, to protect residents in adjoining properties on Upper Brook Street.

## **Restaurant and Private Members' Club/Bar**

The principle of a restaurant use has already been agreed with the permission granted for part of the site. That restaurant comprised 470m<sup>2</sup> GEA over basement, ground and first floors, with a capacity of 90 and daily opening hours from 07.00 hours to midnight, though there was no specified user.

In the current proposal the restaurant would comprise 346 sqm (GIA, including apportioned back of house facilities shared with the other uses). It is therefore below the 500 sqm threshold that constitutes a 'large' entertainment use. The site is within the Core Central Activities Zone and therefore Unitary Development Plan Policy TACE 8 is applicable, as it was with the approved scheme. This states that such entertainment uses will generally be permissible, subject to environmental, amenity and traffic considerations, taking account of the number and distribution of existing entertainment uses in the vicinity, any cumulatively adverse effect, and no adverse effect on the character and function of the area.

Policy S24 of the City Plan states that new entertainment uses need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

As with the approved scheme, the proposals include a new high-level brick-clad kitchen extract that rises up the rear of 22 Grosvenor Square.

Although the number of covers is slightly larger than the approved scheme, it is considered that the latest proposals are also acceptable, subject to a number of conditions to safeguard local amenity. As well as conditioning opening times and capacity, a condition will require an updated Operational Management Plan to be submitted (a draft one has been provided as part of the application) once the proposals have been worked up.

The private members' club/bar would be located in the basement, and will have its own direct access from North Audley Street via stairs to the lightwell (as well as being internally linked with the hotel). The applicant advises that it will have a limited food menu and access will be only for hotel guests and members but other than this membership details are vague. Excluding hotel lounge and function rooms and shared circulation space and back of house facilities, the area of the private members' club/bar is indicated as being 229 sqm (GIA). Given the small size of this use and the fact that it forms part of the larger hotel, that is effectively a 24-hour use, there are not considered to be any planning reasons for restricting the capacity nor opening hours of it.

On the basis of relevant conditions, it is considered that the proposed restaurant use is acceptable and complies with UDP Policy TACE8 and S24 of the City Plan.

### **Loss of the Residential use**

Policy S14 of the City Plan seeks to protect all residential uses, floorspace and land. The proposal involves the loss of the existing residential flat in 22 Grosvenor Square (which is a one bedroom unit of 142 square metres), and the existing mews house at 1 Lees Place (which has a floorspace of 134 sqm excluding the garage).

The applicant wishes to re-provide this accommodation elsewhere. 18 Weighhouse Street was granted planning permission in September 2014, for various works and alterations which included the provision of 1x1-bedroom and 1x2-bedroom flats: these are currently under construction. Permission was also granted for works at 20 Bourdon Street, in January 2015, and comprises 2 x 2-bedroom residential units and this development is also currently under construction. The net additional units created at these sites are the 1-bedroom flat at 18 Weighhouse Street (71 sqm) and the 2-bedroom flat at 20 Bourdon Street (94 sqm).

Overall, therefore, the applicant argues that those proposals would re-provide the same number of residential units and the same mix. There would however, be a shortfall in residential floorspace re-provision of 111 sqm (existing 276 sqm versus 165 sqm proposed).

Grosvenor advises that it does not have any other residential schemes in Mayfair that are forthcoming in the near future that are not already committed as part of another land use package. It does, however, have another scheme that is also currently on site, which will provide five new residential units (3x1-bedroom, 1x2-bedroom and 1x3-bedrooms) creating 565 sqm of new residential floorspace at 15 North Audley Street, due for completion later in the year. Grosvenor has never linked these units to another scheme and, if accepted as part of an Estate wide strategy, are offering to also link their delivery to the 22 Grosvenor Square scheme, as well as the Weighhouse and Bourdon Street sites.

The normal expectation is for a land use package to be secured in advance of any permissions having been granted, rather than linking a residential requirement to residential schemes already approved. However, apart from the issue of timing, there would be no overall loss of residential accommodation when these developments are considered as a whole. All the sites are within Mayfair and therefore within the vicinity of the main site. Given the change in policy approach, the current proposal for continued commercial use for the majority of the site is also considered to be preferable than the

approved residential scheme and will ensure promote the mixed use character of the area. On this basis the residential proposals are considered to be acceptable and in this instance can be secured by condition.

## 8.2 Townscape and Design

The building has been substantially altered since it was first built and was partly rebuilt following bomb damage in World War II. Nevertheless, these changes have added to its interest and it was listed many years after most of them were carried out.

Previously approved alterations included demolition and replacement of the main staircase. This is not now proposed. Instead it will be slightly reconfigured at first floor level and extended to access a new roof terrace. This is acceptable in heritage asset terms.

The alterations at the rear (west) of the building are primarily visible from Lees Place and have a neutral impact in design terms. However, the most substantial and contentious alteration is the extension of the two-storey wing in North Audley Street to which Historic England and the Victorian Society strongly object. The proposal has been revised to retain the existing ground floor street and north facades to overcome objections to their demolition. The sheer-storey extension in Portland stone will be four windows wide and match the design of the original building, again to address the objections to its detailed design with regard to the number of windows. The north facade has been simplified, and the mansard roof has been revised to include four dormers to follow the fenestration pattern of the floors below. Noting these changes, the revised design is considered to fully and satisfactorily address the objections which to date has been confirmed by Historic England.

## 8.3 Residential Amenity

Policy S29 of the City Plan seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking. The nearest residential accommodation is in the properties adjacent to the site (1 Upper Brook Street and 2 Lees Place), with new residential accommodation being constructed opposite the site at 20-21 Grosvenor Square.

The proposed extensions have increased slightly from the approved scheme, with the small infill extension to the north-west corner of 22 Grosvenor Square and the additional floor to 43 North Audley Street; these proposals also incorporate the approved alterations and rear extensions to 1 Lees Place that were approved in January 2015.

As with the approved schemes, the alterations will have minimal impact on the daylight and sunlight to the neighbouring residential properties, verified by a daylight and sunlight study submitted as part of the application. Nor will the extensions increase the sense of enclosure. No letters of objection have been received on any amenity grounds from neighbouring occupiers.

The approved scheme did have terraces on the main roof, but these would have been for residents' use. A rooftop terrace is proposed as part of the hotel proposal and it is

considered that this could potential create noise nuisance and disturbance to nearby residents. It is therefore considered appropriate to restrict the use of the terrace to between 08.00 and 22.00 hours (Mondays to Sundays).

It is not considered that the proposed terrace will cause any loss of privacy through overlooking towards 20-21 Grosvenor Square given the distance between the properties of approximately 22m. However, to guarantee no overlooking of the much closer 1 Upper Brook Street, a condition requires details of adequate screening to be submitted.

#### Mechanical Plant

Policies ENV6 and ENV7 of the UDP and S32 of the City Plan seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. Most of the proposed plant would be located within basement vaults, though there is small plant room at roof level, as well as the rear kitchen extract duct. Environmental Health have assessed the plant and have no objections to it. Conditions will ensure that the plant operates within acceptable limits. Again, there have been no objections on these grounds.

### **8.4 Transportation/Parking**

The Highways Planning Manager has advised as follows:

#### **Coaches and Taxis**

No provision for coach party arrivals is provided. Given the number and types of rooms within the proposal it is considered unlikely that coaches will be generated by the site. Although he suggests that a suitable condition could be imposed to ensure this, given the small scale nature of the proposal this is not considered necessary.

#### **Trip Generation**

Given the nature and size of the proposal and the availability of public transport in the vicinity of the site it is considered that the proposal is unlikely to have an adverse impact on the surrounding highway network.

#### **Servicing**

TRANS20 requires off-street servicing. No off-street servicing is proposed for the development. The site is located within a Controlled Parking Zone, which means that locations single and double (restriction dependant) yellow lines in the vicinity allow loading and unloading to occur. In the approved scheme it was accepted that servicing for the restaurant could take place from Lees Place and this will be replicated in the current proposal. Whilst the hotel based scheme will require more servicing than the approved scheme, given the small scale nature of the proposals, the increased servicing requirements are not considered to have any adverse impact on amenity.

The largest regular service vehicle expected to be associated with the development in this location is the refuse collection vehicle which will service the site as it does currently. The applicant indicates that the daily trip generation is likely to be between 6 and 9 trips which is considered realistic. The area is likely to be able to accommodate this level of servicing without an adverse impact to the public highway.

The submitted Servicing Management Plan and proposed service access arrangements should help to reduce the impact of servicing generated by the proposal on the public highway. A condition should be imposed to ensure no goods are left on the highway during the servicing process.

### **Cycle Parking**

The Further Alterations to the London Plan (FALP) requires 1 cycle parking space per 20 rooms for hotel use, 2 spaces at a threshold of 100 sqm and 1 space per 175 sqm and the same for the Club. 6 cycle parking spaces are proposed within the site which is considered sufficient and FALP compliant.

### **Waste**

A waste store is indicated on the submitted plans and following additional information this is considered to be acceptable.

### **Vault**

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. The Highways Planning Officer was unclear whether the proposal included extending the basement vaults but the applicant has confirmed that they are not.

### **Doors**

Several doors appear to open over the public highway, which is unacceptable and contrary to TRANS2, TRANS3 and S41. A condition is proposed to prevent this on highway safety grounds.

## **8.5 Economic Considerations**

The applicant advises that the development will result in the provision of approximately 120 jobs and will lead to a net increase in annual expenditure above and beyond that generated by the existing office accommodation. It will also contribute to the provision of additional, high quality visitor accommodation, supporting the local economic function of the West End as a tourist and business destination, all of which is welcomed.

## **8.6 Access**

The hotel, restaurant and members' club/bar entrances are all located on North Audley Street but involve steps. The applicant advises that an accessible wheelchair lift was considered, however the restaurant (and secondary) entrance landing is too small to facilitate wheelchair use and so this has been discounted. The main entrance has less existing steps to navigate and it is proposed to provide a mobile ramp to facilitate wheelchair users as part of a hotel operator managed solution. Although not ideal, the constraints imposed by the listed status of the building and the relatively small size of the development are acknowledged.

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report.

## **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, now that the scheme has been demonstrated as being unviable in terms of a payment towards affordable housing and given the change in policy. With regard to the replacement residential accommodation, it is considered that this can be adequately secured by condition. An informative makes it clear that the replacement residential accommodation cannot be used as a credit for other commercial developments.

The applicant advises that the estimated Mayoral CIL payment is £34,959, and the Westminster CIL would be £113,800.

## **8.11 Environmental Assessment including Sustainability and Biodiversity Issues**

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.

It is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 24.1% from the national baseline, through the use of high performance building fabric and energy efficient engineering systems, including high efficiency mechanical ventilation with heat recovery. The targeted BREEAM score is 'Very Good'. Given the constraints imposed by this listed building, this aspect of the scheme is considered to be acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. No biodiversity measures are proposed, with use of the main roof as terraces for amenity purposes precluding the creation of any 'living' roofs. Although regrettable, it is acknowledged that this aspect is constrained by the nature of the site.

## 8.12 Other Issues

### Basement

The proposals do include a small amount of basement excavation beneath 1 Lees Place: this is partly the same as was allowed on this site previously, but whereas that only extended the basement at the rear part of the building's footprint, the current scheme extends this to include the whole of the building's footprint, towards the front of the site (but not extending beyond the front façade), mainly to accommodate a new goods lift. The application submission included a Structural Survey that sets out how the structural stability of the existing building will be safeguarded. There will be no structural impacts on nearby buildings and the proposed works will not exacerbate flood risk. The applicant will comply with the relevant parts of the council's Code of Construction Practice and has awareness of the need to comply with other public and private law requirements.

## 9. BACKGROUND PAPERS

1. Application form
2. Letters from Historic England, dated 31 March 2016 and 6 July 2016
3. Letter from The Victorian Society dated 25 April 2016
4. Email from London and Middlesex Archaeological Society dated 9 April 2016
5. Letter from the Designing Out Crime Office, dated 14 March 2016
6. Memorandum from the Environmental Health Consultation Team dated 7 April 2016
7. Memorandum from the Highways Planning Manager dated 16 May 2016
8. Memoranda from the Projects Officer (Waste) dated 21 March and 16 May 2016

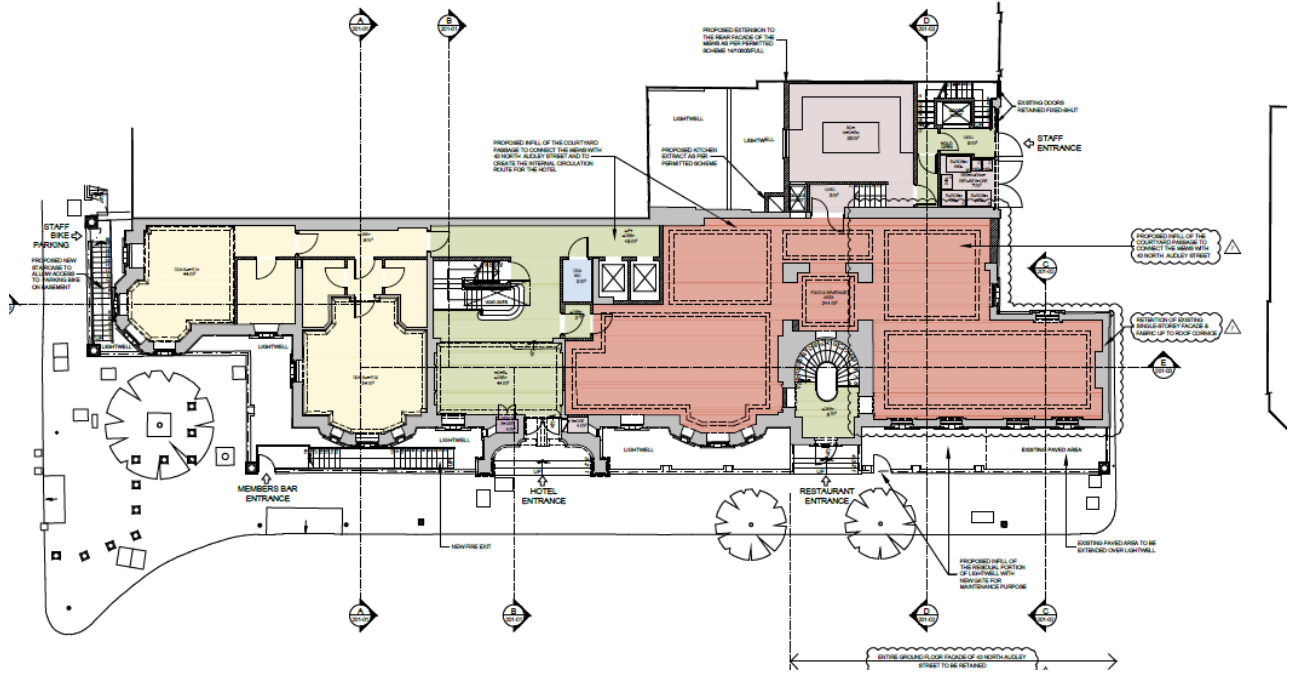
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK

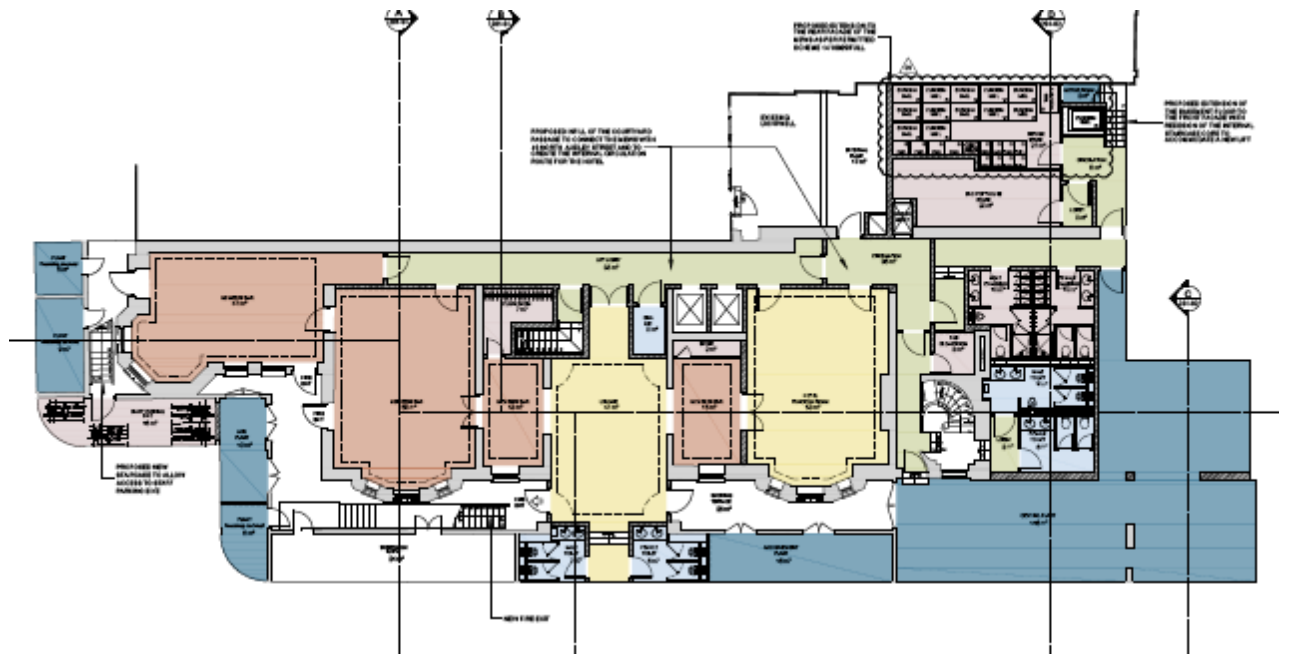


10. KEY DRAWINGS

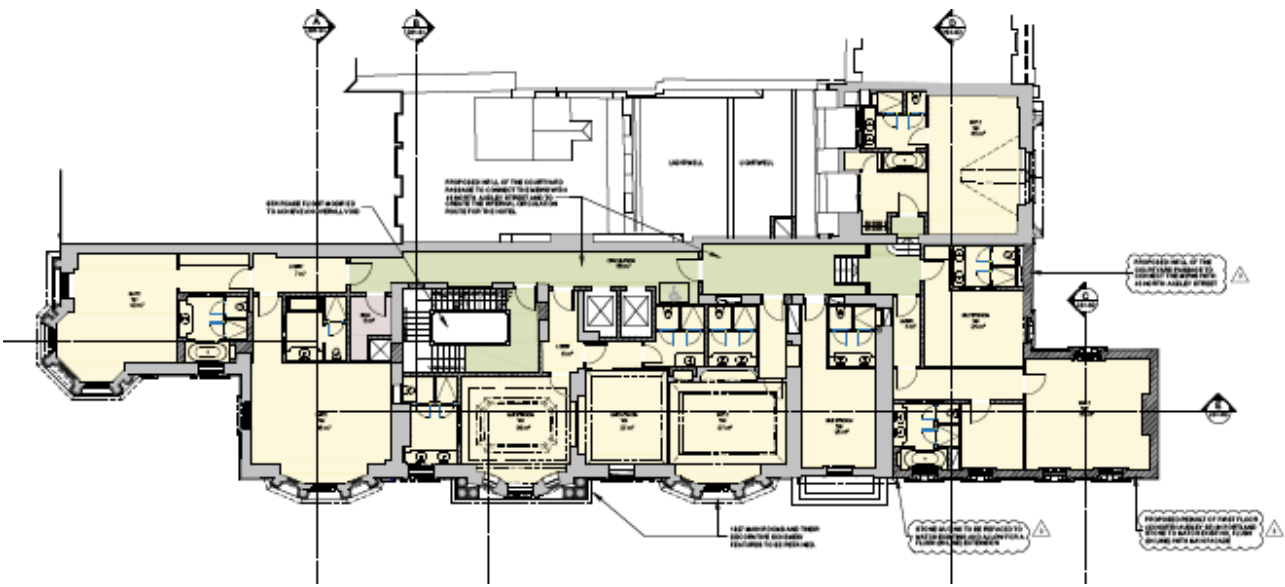
Proposed ground floor



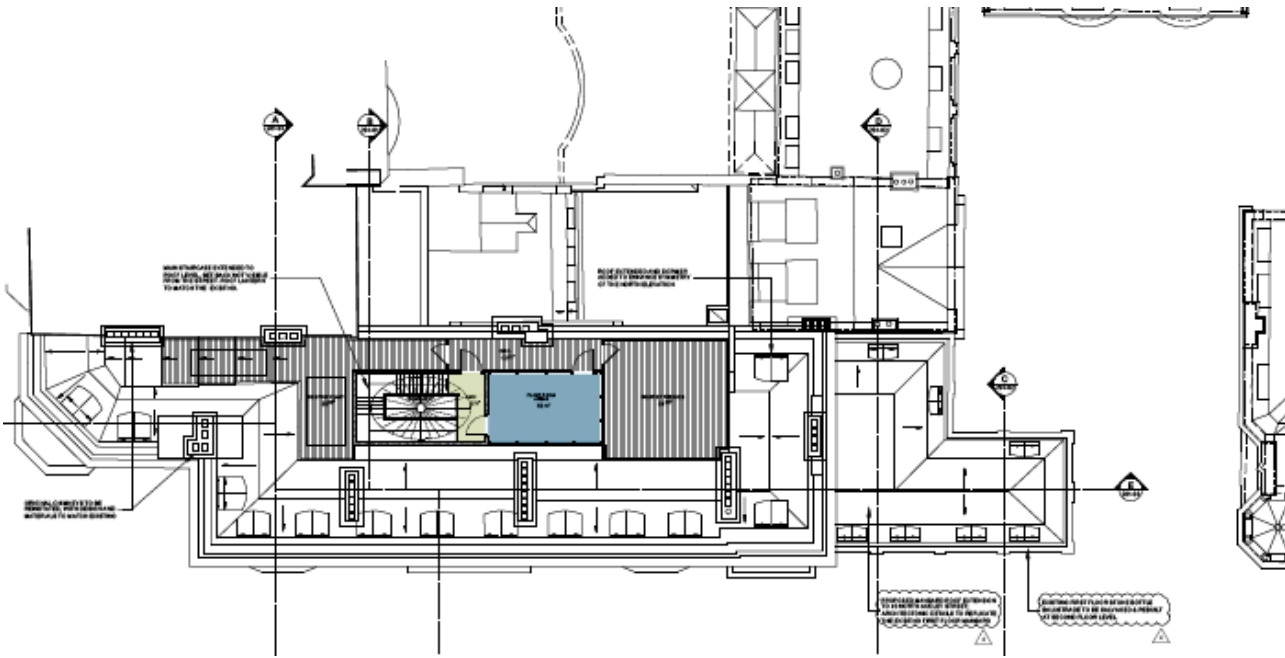
Proposed basement



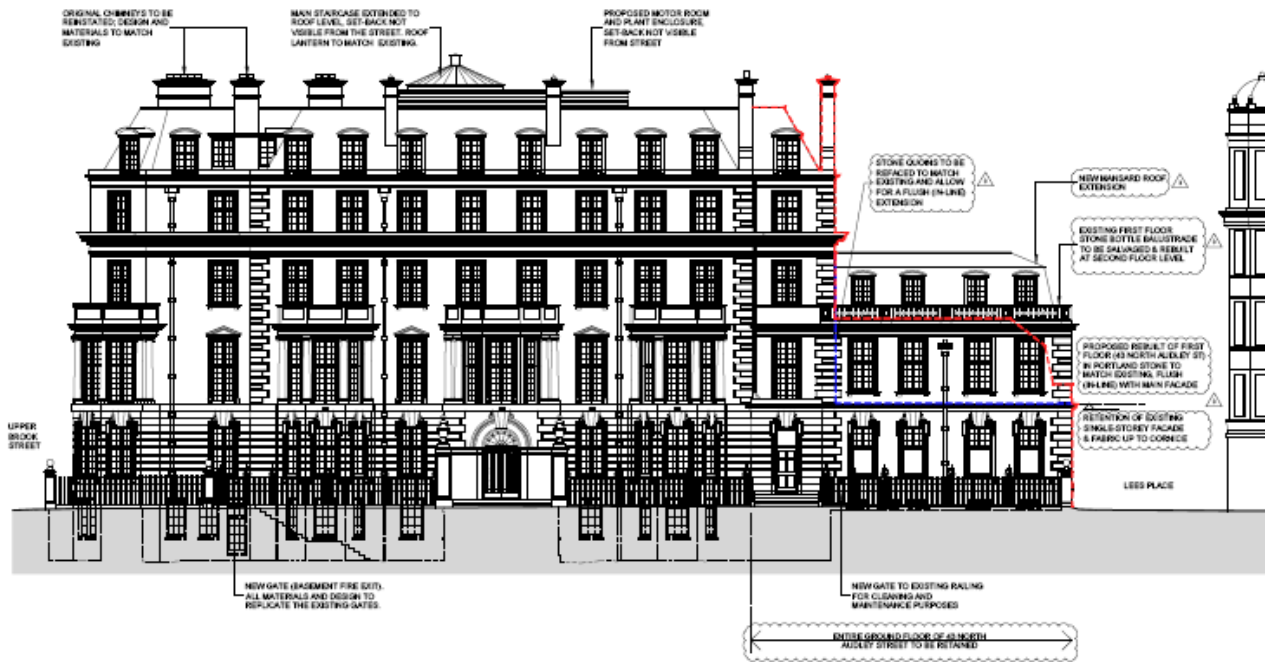
Proposed first floor plan



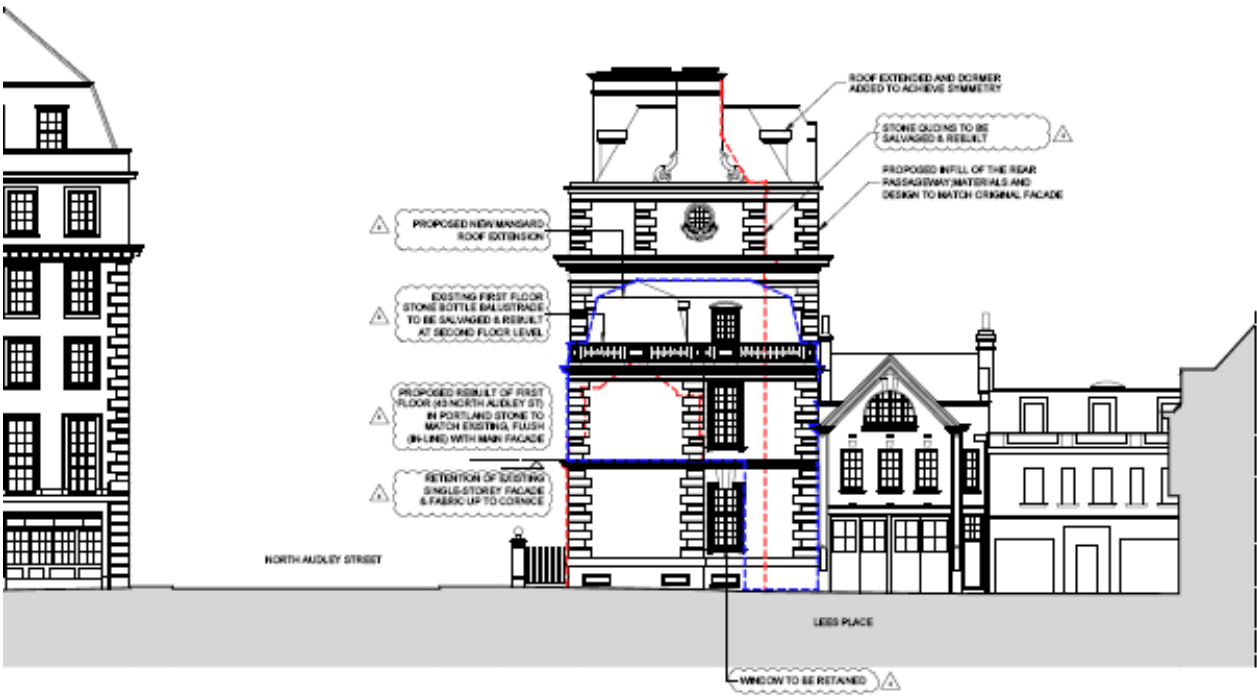
Proposed roof plan



Proposed east elevation



Proposed north elevation



**DRAFT DECISION LETTER**

**Address:** 22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1K 6DT,

**Proposal:** The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel (Use Class C1), restaurant (Use Class A3) and private members club (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.

**Reference:** 16/01401/FULL

**Plan Nos:** TO BE ADDED

**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 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 only use the restaurant part of the development as a sit-down restaurant with waiter service. If you provide a bar and bar seating, it must not take up more than 10% of the floor area of the property. You must use the bar to serve restaurant customers only, before, during or after their meals.

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 4 You must not allow more than 120 customers into the restaurant part of the property at any one time. (C05HA)

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 5 Customers shall not be permitted within the restaurant part of the premises before 07.00 hours or after 00.00 hours (midnight) each day. (C12AD)

## 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, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must apply to us for approval of an updated operational management plan, to include details showing how you will prevent customers who are leaving the building (for all of the uses) from causing nuisance for people in the area, including people who live in nearby buildings, to take account of any changes in the proposed management of the premises. You must not start any of the uses 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. (C05JB)

## 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)

- 7 (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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the uses 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 uses 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.

- 10 The restaurant use hereby permitted shall not commence until the high level kitchen extract flue has been fully installed on the rear of that part of the property known as 22 Grosvenor Square, as shown on the approved drawings. The duct shall thereafter be permanently retained.

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)

- 11 The amount of floorspace for the restaurant and private members's club/bar shall not exceed 350 sqm (GIA) and 230 sqm (GIA) respectively, including any shared/apportioned floorspace also used as part of the hotel.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 and S23 of Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016 and CENT 3 and COM 2 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide the waste store shown on drawing A-PL-1B1-01 Rev 08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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 not sell any hot take-away food or drink on the premises, nor operate a delivery service from the premises, even as an ancillary part of the restaurant use.

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)



- 14 All customers to the restaurant, hotel guests and members of the private club/bar entering and leaving the premises shall only use the entrances on North Audley Street and shall not use the access and egress on Lees Place except in cases of 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)

- 15 With the exception of collecting rubbish, all servicing must take place between 07.00 and 21.00 on Monday to Saturday and 09.00 and 21.00 on Sunday. Servicing includes loading and unloading goods from vehicles.

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)

- 16 No goods shall be left on the highway (including within Lees Place) during service deliveries.

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)

- 17 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 7 of this permission. You must not commence any of the uses hereby approved 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.

- 18 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 19 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.

- 20 None of the uses hereby approved shall be occupied until i) to iv) below have all taken place:
- i) the works to provide the residential accommodation at 20 Bourdon Street (14/12041/FULL), 18 Weighhouse Street (14/06746/FULL) and 15 North Audley Street (13/04953/FULL as varied by 16/01308/FULL) have been completed in accordance with the relevant planning permissions and the residential accommodation is ready for occupation;
  - ii) the City Council has been notified in writing that the residential accommodation is complete;
  - iii) access has been arranged to 20 Bourdon Street, 18 Weighhouse Street and 15 North Audley Street for a planning officer from the City Council to inspect; and
  - iv) the City Council has confirmed in writing that the works to provide the residential accommodation at 20 Bourdon Street, 18 Weighhouse Street and 15 North Audley Street has been completed to our satisfaction.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved, in particular to secure the replacement residential accommodation and ensure that there is no loss of residential floorspace or units in accordance with policy S14 of Westminster's City Plan: Strategic Policies.

- 21 The area of roof that may be used as a roof terrace shall be confined to the area annotated as "Rooftop Terrace 34 m<sup>2</sup>" on Drawing No. A-PL-105-01 Rev 04. Guests of any of the uses hereby approved shall only be allowed access to the roof terrace between 08.00 and 22.00 hours daily. No access shall be provided until detailed drawings have been submitted to the Council for approval showing the balustrading/screening to the terrace, and the access to it, in particular demonstrating how the amenity of residents in 1 Upper Brook Street will be protected. You must then carry out the work according to these details before access is granted to guests and thereafter maintain the screening for as long as part of the roof is to be used as a terrace.

## 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)

- 22 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)

- 23 The glass that you put in the two windows in the rear elevation of the second, third and fourth floors (opposite the hotel staircase and adjacent to the rear of 1 Upper Brook Street) must not be clear glass, and you must fix them 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

## 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)

- 24 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 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)

- 25 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 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)

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

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)

- 27 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:

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)

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

- 29 All new windows must be single glazed (including any existing windows where the glazing is replaced).

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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 30 All new stone for the facades must be natural Portland stone to match the colour texture and geological age of the existing Portland stone facades.

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)

- 31 You must apply to us for approval of details of a security scheme for the management of the building. You must not commence any of the uses until we have approved what you have sent us. You must then carry out the work according to the approved details before any of the uses commence and thereafter operate the premises in accordance with the approved security arrangements.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 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. (R16AC)

- 32 The development hereby approved shall be operated in accordance with the Ramboll 'Delivery and Servicing Plan' dated 16.5.16 (except where varied by any other conditions attached to this planning decision).

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)

**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 For the avoidance of doubt, you are advised that the residential accommodation at 20 Bourdon Street (14/12041/FULL), 18 Weighhouse Street (14/06746/FULL) and 15 North Audley Street (13/04953/FULL as varied by 16/01308/FULL) is accepted as replacement residential accommodation for this development and therefore cannot be used at any point in the future as a 'residential credit' in connection with any other developments.
- 3 With regard to condition 31, you are advised to liaise with the Design and Conservation Officer Matthew Pendleton to ensure that any crime and security proposals are also acceptable in listed building terms.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 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 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. (I54AA)

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 8 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 9 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)

#### **DRAFT DECISION LETTER – LISTED BUILDING CONSENT**

**Address:** 22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1K 6DT,

**Proposal:** Works in connection with use of the premises as a hotel (Use Class C1), restaurant (Use Class A3) and private members club (Sui Generis), including the infilling of the alleyway to the rear of 43 North Audley Street, demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.

**Plan Nos:** TO BE ADDED

**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 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 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)

- 3 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:

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)

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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)

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

- i) Detailed drawings at scale 1:10 with full size details of alterations to the main staircase and external lightwell staircase.
- ii) Detailed drawings at 1:10 with full size details of new internal joinery and decorative plasterwork, namely skirting boards, dados, architraves, doors, and cornices.
- iii) Detailed drawings at 1:10 with full size details of all new chimney pieces.
- iv) Detailed drawings of all secondary glazing (if any).

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. (C26DB)

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)

- 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 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)

- 8 All new windows must be single glazed (including any existing windows where the glazing is replaced).

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)

- 9 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 All new stone for the facades must be natural Portland stone to match the colour texture and geological age of the existing Portland stone facades.

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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, 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, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, 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)

# Agenda Item 3

Item No.
----------

3
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 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>	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 two residential units (Class C3) over fifth and sixth floors. Installation of plant at rear ground floor levels and at main roof level with associated screening. Creation of terraces/balconies at first to sixth floor levels.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Berners-Allsopp Estate		
<b>Registered Number</b>	16/02143/FULL	<b>Date amended/ completed</b>	9 March 2016
<b>Date Application Received</b>	9 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of £941,000 towards public realm improvements in the vicinity of the site;</p> <p>b) Highways works</p> <p>c) The costs of monitoring the S106 agreement.</p> <p>2. If the S106 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 it would be possible and 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;</p> <p>(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 the 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.</p>
---

## 2. SUMMARY

The application site 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.

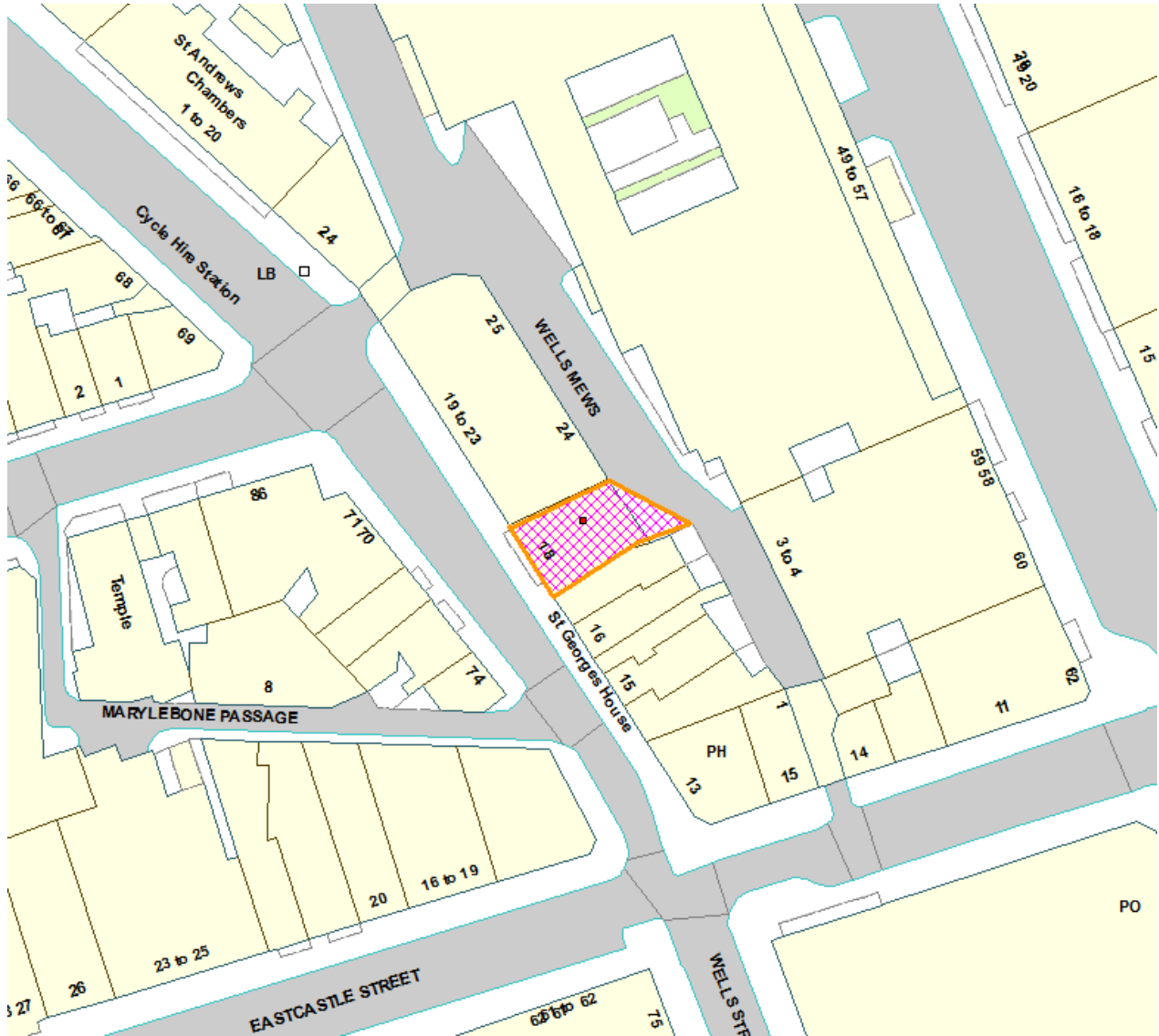
In February 2016, two applications were considered by Planning Applications Committee for this site. Both schemes were the same in terms of the detailed design, height and bulk, but the proposed uses differed. This is set out in detail in the main report, but to summarise, a fully residential scheme was approved and the part office, part residential scheme was refused.

Permission is sought for the resubmission of the part office, part residential scheme. The proposals therefore include the demolition of the existing building comprising lower ground, ground and six upper floors and construction of a new building for use of the lower ground and ground floor for retail purposes, to use the first to fourth floors for office purposes and two residential units over fifth and sixth floor levels. The design, height and bulk are the same as previously considered in February 2016.

This proposal would be linked to an approved scheme on Berners Street. The office uplift as per Policy S1 will be matched by the proposed residential uplift. Two residential units are now proposed and this therefore overcomes the previous reason for refusal.

The application is recommended for approval and now complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Do not wish to comment.

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

### ENVIRONMENTAL HEALTH

No objection

### CLEANSING

Objection – further drawings required to ensure that there are separate stores for commercial and residential part of the development.

### HIGHWAYS PLANNING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 1

No. of objections: 1 received on the following grounds:

#### Design

- Proposed façade does not enhance the streetscape.
- Proposed height of the building is not in keeping in the area.

#### Amenity

- Impact of light into office space.

#### Other

- Disruption caused by the demolition and rebuilding.

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 was refused on 2 March 2016 for the 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.

This application was refused on two grounds:

- 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; and
- 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.

Had the 2016 application been considered acceptable, a payment of £1,533,574 towards the City Council's affordable housing fund would have been secured by a S106 legal agreement in line with UDP Policy CENT 3 and COM2.

On the same date an application was also considered for the demolition of 18 Wells Street 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).

Planning permission was 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). This permission included the 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 level. Triple / alternative use of 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 two applications granted on the 10 April 2015 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

The application is a re-submission of the previously refused application for 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 creation of terraces/balconies at first to sixth floor levels. The design of the proposed scheme is the same as that previously approved in March 2016.

The below land use table sets out the approved combined land use figures for the approved Berners Street scheme granted in 2015 and the current proposals.

The 2016 residential consent for 18 Wells Street is not included as the applicants have confirmed that they are unlikely to pursue this scheme.

### Approved 2015 land use table for 41-44 Berners Street and 18 Wells Street.

Use	Existing	Approved	+/- difference
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 at the time of the decision as it was assessed under the previous mixed use policy, where the uplift in commercial floorspace was matched by the uplift in residential floorspace.

The current application proposes to use the part basement and ground floor levels as retail accommodation (Class A1), first to fourth floors as office (Class B1) and two residential units (Class C3) over the fifth and sixth floors. The proposed residential units will be in the form of 1 studio flat and a two bedroom unit. The office and residential elements of the scheme will share the same entrance.

### Current application and the approved 41-44 Berners Street land use table.

Use	Existing	Proposed	+/- difference
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>
<b>Total office</b>	<b>2606</b>	<b>3551</b>	<b>+945</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

The previously refused scheme was refused on two grounds, the loss of the residential unit, which will be addressed below. The second reason for refusal related to the uplift of commercial floorspace not being matched by the increase of residential floorspace. This second reason for refusal was in accordance with the relevant policies at the time of determination, namely, UDP Policies CENT3 and COM2 and replaced Policy S1 of the City Plan. The uplift in commercial was 934sqm which equated to a required contribution towards affordable housing of £1,533,574. The applicants agreed to make this payment but wanted the monies to be directed to public realm. This is the reason the application was refused as it did not comply with policy.

From the 7<sup>th</sup> June 2016 the City Council is taking the Mixed Use Revision into account as a material consideration with significant weight in determining planning applications (see 8.7 below).

Policy S1 (3) states that for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace: B) where the net additional floorspace is:

- i) between 30% and 50% of the existing building floorspace, and
- ii) more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace, less 30% of the existing building floorspace. The residential can be provided: on-site; off-site; by mixed use credits or as a payment in lieu.

The existing office floorspace comprises 2,606sqm and as a result of the proposals there is an increase of office floorspace of 945sqm which represents 36% of the existing building floorspace, thereby triggering the above policy. In order to calculate the net additional B1 office floorspace, 30% of the existing floorspace has to be taken from the net additional floorspace, which results in 164sqm. The proposed residential uplift is 163sqm, resulting in a shortfall of 1sqm. It is considered that this is acceptable and the proposal complies with Policy S1.

The planning permission at 41-44 Berners Street is linked to the consented scheme at 18 Wells Street by Grampian condition. In the event that the applicant wishes to implement these current proposals 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>). This application provides two residential units over the fifth and sixth floor levels (323m<sup>2</sup>). As there is now no loss in the number of residential units the proposal is acceptable and overcomes the previous reason for refusal.

The proposed housing would provide one 2-bed (74sqm) and one studio unit (52sqm). No three bedroom units are proposed. 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. Both the units would comply with the minimum space standards as set out in the London Plan.

The office and residential elements of the scheme 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. The top two floors and plant area are set back progressively from the Wells Street frontage to reduce their visual impact.

An objection has been received relating to the height and bulk of the proposed building has been received. As permission has previously been granted for the scheme it is not considered that the objection is sustainable to justify a reason for refusal.

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**

The proposed height and bulk have previously been approved. 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.

An objection has been received from the occupier of the office space on the top floor of 72 Wells Street which lies opposite the application site stating that that proposed building is too tall and will reduce the amount of light received into his working studio. Office floorspace is not afforded the same protection as residential properties and therefore do not need to be tested for loss of daylight and sunlight. The height and bulk of the proposed

building is the same as consented earlier this year. Therefore the objection is not considered sustainable to justify a reason for refusal.

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. 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.

Cycle parking is proposed at basement level. A condition is recommended to secure the cycle parking.

#### **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**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

## 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).

## 8.10 Planning Obligations

From the 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 permission 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 applicant has confirmed that they are willing to fund £941,000 towards the enhancement of the public realm in Berners Street as a goodwill gesture. This payment will be secured as part of a S106 legal agreement and is not material to the consideration of the planning merits of the proposals and has no weight in the decision making process.

The estimated CIL payment is: £102,142.97

## 8.11 Environmental Impact Assessment

Not applicable.

## 8.12 Other Issues

An objection has been received on the potential disturbance during the construction process. A Construction Management Plan has been submitted with the application,

however this document is outline only. It is noted that a more robust CMP has been approved for the demolition and rebuilding, but this has not been submitted with this application. A condition is therefore recommended to ensure that a CMP is submitted.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 19 April 2016
3. Response from Cleansing, dated 19 April 2016
4. Response from Highways Planning, dated 19 April 2016
5. Response from Environmental Health, dated 5 May 2016
6. Letter from occupier of 72 Wells Street, London, dated 30 April 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 THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS

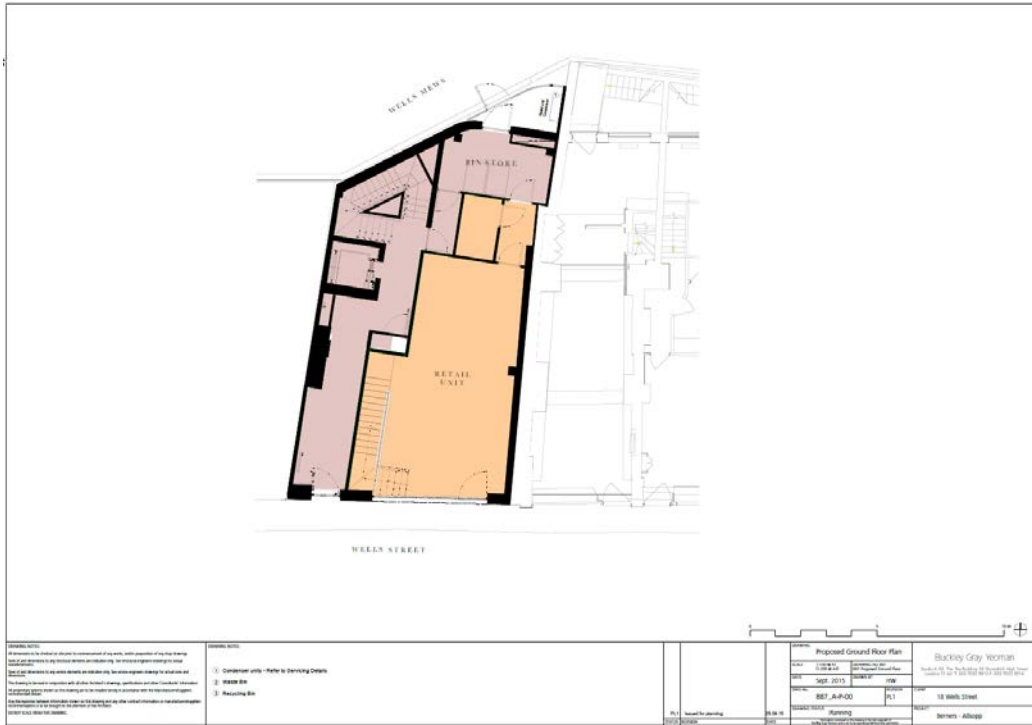
Proposed front elevation



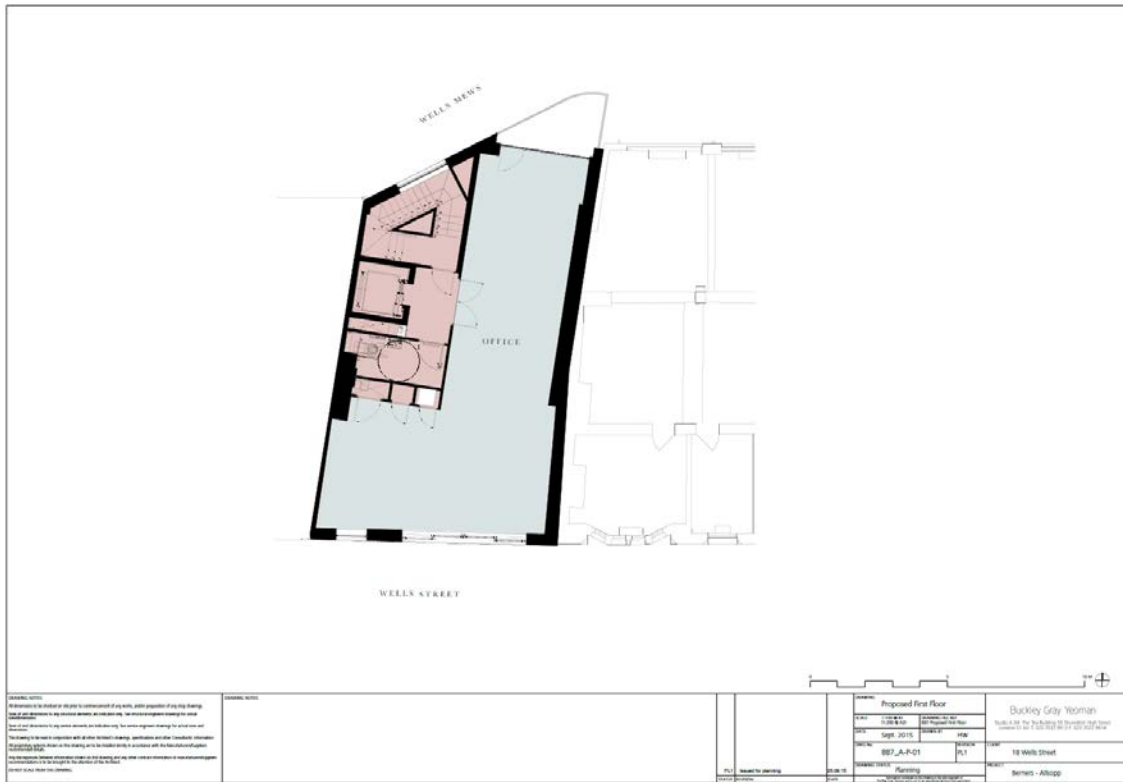
Proposed rear elevation



Proposed ground floor plan



Proposed first floor plan



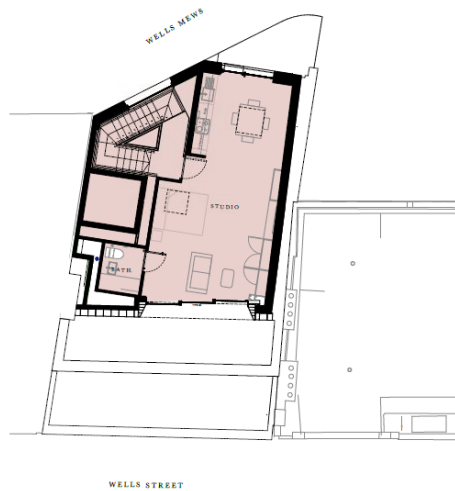


Proposed fifth floor plan



<p><b>DISCLAIMER NOTES:</b></p> <p>This document is for information only and does not constitute an offer of any financial product or service. It is subject to change without notice. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions.</p>	<p><b>PROPOSAL NOTES:</b></p> <p>Proposed Fifth Floor Plan</p>	<p>Client: Buckley Gray Yeoman</p> <p>Project: 18 Wells Street</p>
		<p>Phase: Planning</p> <p>Date: 18/08/16</p>

Proposed sixth floor plan



<p><b>DISCLAIMER NOTES:</b></p> <p>This document is for information only and does not constitute an offer of any financial product or service. It is subject to change without notice. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions. The information contained herein is for illustrative purposes only and should not be relied upon for investment decisions.</p>	<p><b>PROPOSAL NOTES:</b></p> <p>Proposed Sixth Floor Plan</p>	<p>Client: Buckley Gray Yeoman</p> <p>Project: 18 Wells Street</p>
		<p>Phase: Planning</p> <p>Date: 18/08/16</p>

**DRAFT DECISION LETTER**

**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 at rear ground floor levels and at main roof level with associated screening. Creation of terraces/balconies at first to sixth floor levels.

**Reference:** 16/02143/FULL

**Plan Nos:** 887\_A-DE-00 PL1, 887\_A-DE-01 PL1, 887\_A-DE-02 PL1, 887\_A-DE-03 PL1, 887\_A-DE-04 PL1, 887\_A-DE-LG PL1, 887\_A-DE-RF PL1, , 887\_A\_EE PL1, 887\_A-EW PL1, 887\_A-P-00 PL1, 887\_A-P-01 PL1, 887\_A-P-02 PL1, 887\_A-P-03 PL1, 887\_A-P-04 PL1, 887\_A-P-05 PL2, 887\_A-P-06 PL2, 887\_A-P-LG PL1, 887\_A-P-RF PL, 887\_A-S\_AA PL1

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**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 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 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 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 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.



# Agenda Item 4

Item No.
----------

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 <sup>th</sup> July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>16, 18-25 &amp; 26 Park Crescent &amp;, &amp; 77-81 Portland Place, London, W1B 1PE</b>		
<b>Proposal</b>	DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and partial demolition of 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	PCW PROPERTY HOLDING LIMITED (JERSEY)		
<b>Registered Number</b>	16/02343/FULL 16/02344/LBC	<b>Date amended/ completed</b>	22 June 2016
<b>Date Application Received</b>	4 March 2016		
<b>Historic Building Grade</b>	Grade I		
<b>Conservation Area</b>	Harley Street/Regent's Park		

## 1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree that a financial contribution of £8,986,710 in lieu of on-site affordable housing provision is acceptable?
2. Subject to 1. above, does the Committee agree to a phased payment of the affordable housing contribution, with one third of this sum being payable on commencement of development, one third after 18 months and one third on first occupation?
3. Subject to 1. and 2. above, and subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
  - i. Provision of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
  - ii. The community space to be fully fitted out and ready for occupation prior to the occupation of the

residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;

iii. £30,000 per annum for the City Council's Environmental Inspectorate to oversee the construction phase;

iv. The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);

v. Provision of the on-site play space;

vi. Public access to the ice house;

vii. Highway works associated with the development;

viii. Unallocated parking

ix. Monitoring costs.

2.If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution 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. Grant conditional listed building consent.

5. 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 Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, the two residential wings at the rear of the crescent (No. 22 Park Crescent) and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site. Planning permission was granted in October 2015 for the redevelopment of the site to accommodate 73 new residential units, including a terrace of nine mews houses, off street car parking for 73 cars, inclusion of a community use and landscaping works to the rear.

The main difference in the consented scheme and the current proposals involves the inclusion of the two residential blocks (No. 22 Park Crescent) and their gardens, revised entrance and access arrangements and an increase in residential units from 73 to 76.

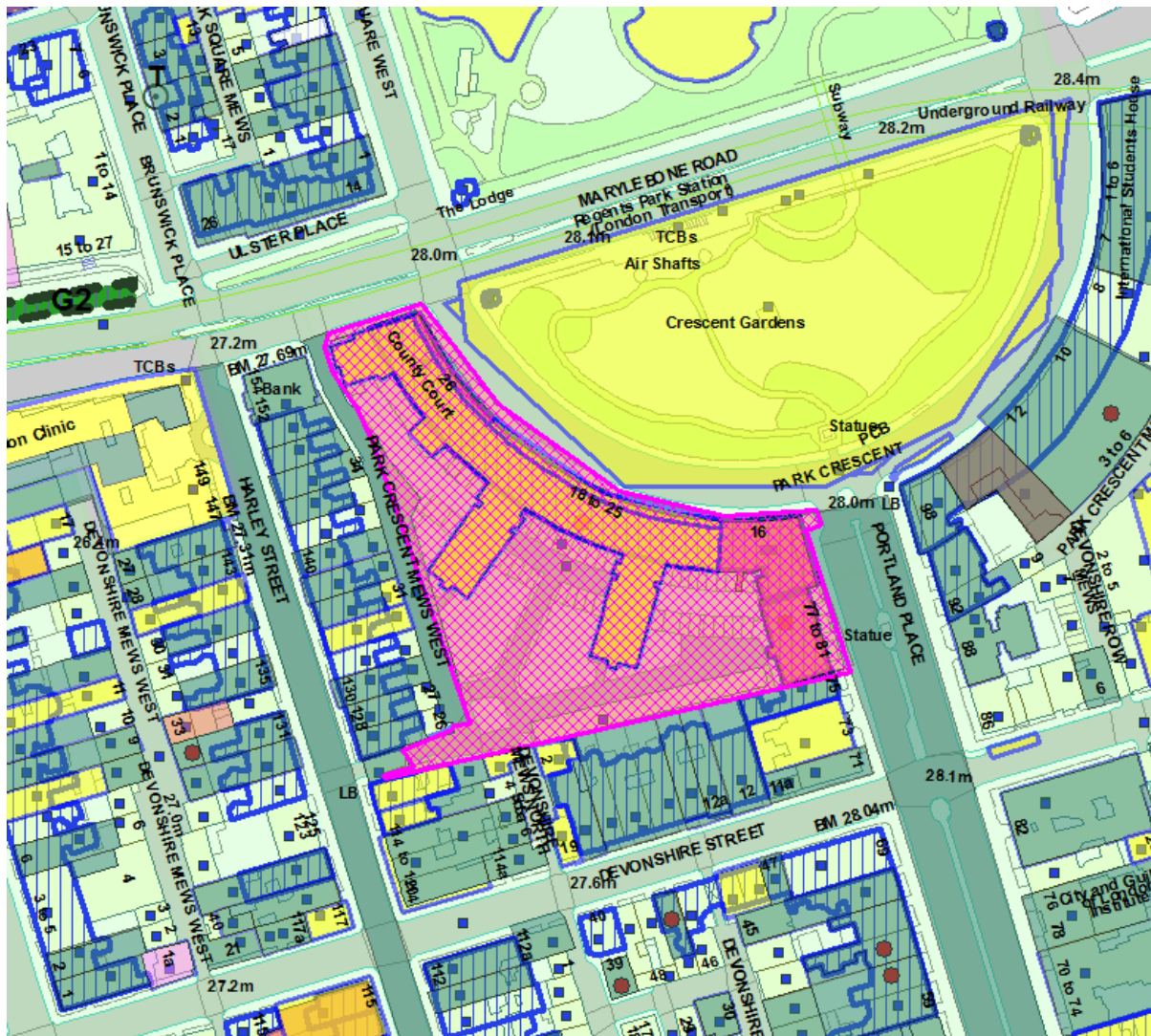
The key issues for consideration in this case are:

\* The acceptability of the affordable housing offer.

\* The impact of the proposals on the amenities of neighbouring residents.

The principle of a residential-led redevelopment of the site has previously been considered acceptable and works to implement the 2015 permission are currently underway. It is accepted that the financial contribution offered in lieu of on-site provision is the maximum achievable and Committee's views are sought on the issue of whether the principle of a phased payment of the affordable housing contribution is acceptable.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

The application is generally acceptable in strategic terms but the following changes are required to remedy full compliance with the London Plan: the preservation of any historic and/or architectural features should be secured by condition; adequate playspace should be provided; carbon dioxide savings should be verified and a Detailed energy Assessment submitted.

### TRANSPORT FOR LONDON

Recommends a reduction in car parking and asks that each residential unit be given 3-years funding towards membership of the cycle hire docking station network. A financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan, car park management, blue badge parking, electric vehicle charging points and car club membership should all be secured by condition

### HISTORIC ENGLAND

Authorisation received.

### COUNCIL FOR BRITISH ARCHAEOLOGY

Remain opposed to the overall scheme, but raise no objections to the demolition of the garages subject to a Making Good or Landscaping Condition in the event development does not follow demolition.

### THE GEORGIAN GROUP

Maintain the objections raised to the previous scheme and to the proposed detailing of the reconstruction and to the roof extension. This is a good opportunity to address the inaccuracies of the design as previously suggested which could be a way to mitigate the harmful roof extension, which should be omitted.

### THE ST MARYLEBONE SOCIETY

Defer to Marylebone Association

### MARYLEBONE ASSOCIATION

No response to date.

### LONDON UNDERGROUND LIMITED

No objections raised, subject to conditions.

### HIGHWAYS PLANNING MANAGER

No objections raised, subject to conditions.

### ENVIRONMENTAL HEALTH

No objections raised, subject to conditions

### BUILDING CONTROL

Any response to be reported verbally

**CLEANSING MANAGER**

No objections raised, subject to conditions.

**ARBORICULTURAL MANAGER**

Objections raised on the grounds that the existing trees within the rear garden make a significant contribution to the landscape and that the proposed soil depth is insufficient to support a substantial replacement landscape scheme. Concerns raised on the grounds that the proposed landscaping appears too formal an arrangement and unambitious for the space. Also concerned that foundation works will damage the roots to the London Plane tree in Devonshire Street.

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

No. Consulted: 308

Total No. of replies: 3

One letter requesting reinstatement of the front façade and two letters of objection raising the following concerns:

- \* Noise, dust, dirt, drilling, vibration, traffic and nuisance during construction.
- \* Problems with reduced access to 22 Park Crescent
- \* Impact on means of escape
- \* Loss of light caused by increase in dust
- \* Increase in vermin
- \* Lack of engagement by the developer
- \* Objections raised to the 2014 scheme apply equally to the current scheme

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application site comprises Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, the two residential wings at the rear of the crescent (No. 22 Park Crescent) and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site.

The building is five stories in height onto the Crescent itself and has lawful use as offices, courts and three residential flats (above 77-81 Portland Place). Access to 22 Park Crescent is from 18-25 Park Crescent. There are two vehicular accesses into the site providing access to surface level and basement car parking areas, one from Marylebone Road via Park Crescent Mews West and one from Harley Street.

The site is located outside of the Core Central Activities Zone (CAZ), however, Park Crescent, Portland Place and Marylebone Road are designated named streets within the Marylebone and Fitzrovia area of the CAZ.

The character of this part of Regents Park is a mix of commercial, medical and residential uses, however, the mews streets at the rear, including Park Crescent Mews West and Park Crescent Mews north, are residential in character. There are also a number of other residential properties within the immediate vicinity of the site, including 75 Portland Place directly adjacent to the site.

## 6.2 Recent Relevant History

Planning permission was granted in October 2015 for the demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats); the development of nine mews properties comprising of part lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car parking, refuse storage and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level 1 and basement level 2 as a community use (Class D1). Works to implement this permission have commenced.

The site is also subject to a current S73 application to vary the consented scheme. This application seeks to remove the remaining section of the Crescent façade and entrance to No. 22 Park Crescent, additional demolition works including removal of the entrance hall and stair and boiler rooms to No. 22.

## 7. THE PROPOSAL

The application involves the redevelopment of the site to accommodate 76 new residential units, including a terrace of nine mews houses, excavation of two basement levels to provide parking, plant and servicing, swimming pool, gym and media rooms, inclusion of a community use and landscaping works to the rear. The main difference in the consented scheme and the current proposals involves the inclusion of the two residential blocks (No. 22 Park Crescent) and their gardens, revised entrance and access arrangements and an increase in residential units from 73 to 76.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of office use

The proposal would result in the loss of 10,750 sqm of office floorspace. 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.'

Given recent pressures to convert office buildings to residential use, the City Council recognises that there is now an under-supply of office accommodation within the borough. Consequently, in the case of applications submitted after 1 September 2015, proposals involving the replacement of offices with new residential floorspace 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 the Named Streets) housing is no longer acceptable in principle where it results in the loss of office floorspace, although the loss of offices will be acceptable where this is to another commercial use.

Whilst housing is no longer considered to be the priority use within Westminster, in this case, the key issue is the permission granted in 2015. This is a material consideration and as the applicant is in the process of implementing that permission which allowed the loss of the existing offices, in this case the residential use of this site is considered acceptable.

### **8.1.2 Loss of Law Courts and Introduction of Replacement Community Space**

The existing law courts are considered to be a community use and protected under Policies SOC1 of the UDP and S34 of the City Plan. However, the Courts have relocated to new premises within the Royal Courts of Justice. The scheme provides 1,910 sqm of new D1 space for Business in the Community (BITC), a not-for-profit organisation with the objective of educating and training, particularly young people, with the aim of improving skills and lowering unemployment and tackling inequality. In considering the last application, Committee considered that provision of the space was sufficient to comply with the relevant policies. The current application involves a 148sqm uplift of D1 space located once again at ground, lower ground and basement levels 1 and 2. To ensure the delivery of the community space, the following measures are to be secured by legal agreement:

- A 15 year lease at a peppercorn rent to the charity;
- Provision of internal shell and core with incoming services to the specification of the Trust;
- Service charge, rates, insurance, utilities, repairs, maintenance, security and tenant's legal costs to completion of lease to be covered by the applicant

### **8.1.3 Residential Use**

The scheme would provide 22,510 sqm (GEA) of new residential floorspace on the site. Given that, in this case, the loss of the existing Class B1 accommodation is considered acceptable in land use terms, the provision of additional residential floorspace is supported by Policies H3 of the UDP and S14 of Westminster's City Plan.

#### ***Number and size of units and residential mix***

The development would provide a total of 76 units (16x1, 18 x 2, 30 x 3, 5 x 4 and 7 x 5 bed) and would range in size between 45sqm and 500sqm as set out below:

<b>Bedrooms</b>	<b>No. units</b>	<b>Average size (m2)</b>
One bedroom	16	68
Two bedroom	18	141.5
Three bedroom	30	225
Four bedroom	5	350
Five bedroom	7	435



City Plan Policy S14 requires the number of residential units on development sites to be optimised and policy S15 requires an appropriate mix of units in terms of size and type to be provided. UDP policy H5 normally requires at least 33% of new units to provide three or more bedrooms. In this case the flat sizes are similar to those in the consented scheme and 55% of the units would be family sized which is also a similar proportion to those granted in the consented scheme.

***Standard of residential***

There is considered to be potential for sufficient daylight and sunlight to be received by the proposed residential units.

All the housing units would meet or exceed the requirements as set out in the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG. Whilst not all flats would be dual aspect, all of the single aspect flats would be west facing and would therefore receive some sunlight every day. Mechanical ventilation is also proposed and the Environmental Health Officer is satisfied that overheating should not be a problem.

UDP Policy ENV6 states that the City Council will require residential developments to provide adequate protection from existing background noise and be sound insulated to meet standards for internal noise levels of 35dB daytime and 30dB night time. This is considered to be a 'good' standard of quietness inside a home and is secured by condition. Subject to this, it is considered that the proposed flats would provide a good standard of residential accommodation.

***Play space and open space***

Policy H10 requires housing developments to include an element of amenity space, including the use of balconies and roof terraces on sites within CAZ. Communal garden areas are provided at the rear of the main crescent building and, private roof terraces are provided at lower ground floor levels, third and fourth floor levels and all of the mews houses benefit from small private courtyard gardens.

The application also includes an ancillary swimming pool, sauna/spa, cinema/media room and gym for residents use only at basement level 1.

Policy SOC 6 requires children's playspace to be provided where 25 or more family sized units are being provided, and one of the two communal courtyard spaces incorporates an area of children's playspace including the provision of play equipment. This is similar to the space provided in the consented scheme and would be secured by legal agreement.

***Community Floorspace***

Policy H10 also requires on sites suitable for large housing developments, where appropriate, the provision of a community facility. The policy allows for the payment of a financial contribution in lieu of on-site provision where costed social and community projects are identified. As in the consented scheme, the applicant is offering a number of measures to secure the community space (set out in 8.1.2 above) and that as additional communal facilities are also proposed for future residents of the development,

it is considered that once again, the package of community facilities is considered acceptable.

#### **8.1.4 Affordable housing**

##### **The policy requirement**

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant. In new housing developments of either 10 or more additional units or where over 1000sqm of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

The scheme results in an increase in residential floorspace of 22,510sqm (GEA). Applying the Interim Guidance, a scheme of this size is expected to provide 70 units. If this were to be met by a financial payment in lieu, this would generate a requirement for £28,302,400

In the consented scheme, the applicant's viability report was reviewed by GVA who advised that the scheme could viably support £13,165,000. This (together with a £254,054 payment to the Mayoral CIL) was secured by legal agreement (ie a total payment of £13,419,054).

##### **The applicant's proposals**

The applicant initially argued that with increased build costs, the inclusion of Westminster CIL costs of £4,388,414, that the development could only viably support an affordable housing payment of £1.62M. However, they offered to provide a commuted sum of £8,776,568 towards affordable housing, which together with CIL payments, would have matched the overall charges incurred in the consented scheme.

The City Council has once again employed GVA to review the applicant's financial viability case, and they contend that, even with the additional CIL charges and increased build costs, that the scheme can support an affordable housing payment of £8,986,710. The applicant has agreed to this payment, however, they have asked that, given the current uncertainties in the financial and debt markets created by Brexit, that the payment is made on a phased arrangement. They propose that one third of the contribution is paid on commencement (anticipated towards the end of 2016 and the start of 2017), one third after 18 months, and one third on first occupation. The phased arrangement is not supported by the Council's viability consultants who content that the full payment is viable on commencement, and Committee's views are sought on whether this phased arrangement is acceptable.

#### **8.2 Townscape and Design**

The proposed alterations are in addition to those approved under refs: 14/03306/FULL and 14/03308/LBC which retained the existing entrance lobby at No. 22 Park Crescent. It is now proposed to incorporate the entrance foyer of No. 22 within the redevelopment scheme of the crescent as a whole. This will allow the crescent façade to be rebuilt in its entirety without the need to retain part of the façade where it forms the entrance to No.22. This is beneficial in heritage asset terms because the whole façade can be rebuilt without awkward construction joints around retained fabric.

Whilst the Georgian Group maintain their objection to the principle of a roof extension, this was part of the 2015 permission and conditions and clauses within the legal agreement are in place to ensure the façade is reinstated to address the concerns raised by objectors.

At the rear a new landscaping scheme, designed by Kim Wilkie, is proposed and can be shared by both new residents within the development and the existing residents of No. 22. It comprises a central oval pool skylight towards the eastern end of the site, new planting, raised planting areas with integrated seating, playspace (including a sculpture suitable for children to play on), new tree planting and two principal planting areas flanking the proposed water feature. The proposals include new granite setts to Park Crescent Mews West. These landscaping alterations are acceptable in design and heritage asset terms. They will enhance the setting of the listed buildings and improve the character and appearance of the surrounding conservation area.

Since the previous approval, the Ice Well has been formally designated as a Scheduled Ancient Monument. Consequently, the scheme has been further developed to ensure that it is fully protected from physical harm. Regarding its setting, the proposed development will still result in the Ice Well being half covered by the new mews houses. Whilst the Ice Well was originally built in open ground, it was similarly built over by previous mews houses in the nineteenth century and subsequently forgotten until rediscovered in the 1960s when it was filled with demolition rubble. In this context of historic development and massive changes to its original setting, the proposal to rebuild mews houses over the Ice Well is acceptable. However, it is disappointing that the Ice Well is not to be fully emptied of rubble (for structural reasons) because this fails to take the opportunity to fully reveal the significance of the Ice Well, and it also reduces the heritage benefits of the scheme which were previously considered to outweigh the harm caused by the roof extension on the crescent.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of light reaching the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as a habitable room), whilst bedrooms are protected to a lesser extent.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are

considered to be the most important rooms to be protected – with kitchens and bedrooms less so.

A sunlight and daylight report has been submitted with the planning application which includes an assessment of the development using the appropriate VSC method prescribed in the BRE guidelines. Once again, as in the consented scheme, only five habitable windows within this block of flats are adversely affected by 20%. These windows would experience losses of between 21% and 38% in terms of VSC, however, these are secondary windows to rooms that are served by one other window that retain good levels of VSC. It is considered that these rooms would still receive adequate levels of daylight.

With regard to annual sunlight losses, three windows within one flat at 22 Park Crescent would experience losses of winter sunlight hours varying between 57% and 85% and one window within one other flat would experience a loss of 46% in winter sunlight hours. All these windows would therefore fail BRE guidance. However, these windows would retain very good levels of annual sunlight hours varying between 31% APSH and 49% APSH. One other flat within 98 Portland Place would experience winter sunlight losses of between 50% and 100%. These high percentage changes are due to the very low existing levels of sunlight that these windows currently experience. Both of these windows would only see an actual decrease of available winter sunlight hours of 2% and 1%.

The losses experienced would be very similar to those proposed as part of the consented scheme. It is considered that, as in the consented scheme, within this urban built up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

#### **Overlooking and Sense of Enclosure**

UDP Policy ENV13 also seeks to safeguard the amenity of existing residential occupiers by not allowing proposals that would result in an unreasonable sense of enclosure or overlooking. The most obvious impact on sense of enclosure would result from the construction of the mews terrace along the southern boundary of the site and from the increased depth, and new roof storey of the rebuilt crescent. However, all these elements are no different from those proposed within the consented scheme and it is not considered that these elements of the application would have an adverse impact on overlooking or on sense of enclosure.

#### **8.4 Transportation/Parking**

The proposals would provide 81 car parking spaces for the 76 proposed units. This would comply with Policy Trans 23. The London Plan also requires that 20% of the spaces should be capable of charging an electric vehicle, with 20% passive provision, and this requirement is also met. The parking spaces would be located at basement levels 1 and 2, to which access would be from either Harley Street or Park Crescent West via the Marylebone Road. It is not considered that the vehicular traffic generated by the proposed 76 units would be so substantial that it would lead to potential conflict in terms of highway safety, convenience or amenity. The Highways Planning Manager considers that, in order to ensure that downtime of the automated car parking system is

kept to a minimum to avoid residents parking on-street (for example, while the system is under repair), a Car Park Management Plan should be conditioned to cover this issue.

The applicant has requested that 25% of the parking bays should be unallocated. The previous permission was subject to a condition requiring all spaces to be unallocated, however, the Highways Planning Manager considers that if 21 spaces were unallocated (ie 25% of the 81 provided) this would be sufficient to ensure that the development should not cause residents to have to park on-street and therefore would be acceptable. This would be secured by legal agreement.

TfL have requested that car club membership is secured for all of the flats, however, given the level of car parking proposed this is not considered necessary.

The proposals include cycle parking facilities which would also be provided at basement level 1 and basement mezzanine level. 142 cycle parking spaces are proposed to serve the residential elements of the development and a further 12 to serve the D1 use. A further 8 spaces are proposed on Marylebone Road, however, this is TfL highway and will need the agreement of TfL. The previous permission provided 25 spaces for the D1 use and TfL have asked for this same amount. These spaces be reserved by condition to ensure compliance with UDP Policy TRANS10.

The proposals also indicate that one parking bay in Park Crescent West is to be moved, so that refuse vehicles can turn in the Mews. Parking bays in the Crescent are also proposed to be moved. The Highways Planning Manager has no objections to the proposed changes to on-street parking within the Crescent but considers that there is no need to move the bay in the Mew as this does not appear to be in conflict with the manoeuvres the refuse vehicle will now have to make. These changes will be the subject of a separate Traffic Order Making process under the Road Traffic Regulation Act 1984.

### **8.5 Economic Considerations**

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

### **8.6 Access**

The buildings will be fully accessible to people with mobility difficulties

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into

account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Plant**

Plant is proposed at basement levels 1 and 2 and basement mezzanine floor level. A noise report has been submitted with the application which has been reviewed by Environmental Health officers and it is considered that any noise from plant would be within the limitations stated in the City Council's standard noise conditions, subject to the submission of a supplementary noise report, and would therefore comply with UDP Policies ENV 6 and ENV 7 and City Plan Policies S28 and S31. The concerns on these grounds cannot therefore be supported.

### **Refuse store**

The proposal includes a waste storage area at basement level 1 underneath the proposed mews houses. Waste would then be brought to ground level twice a week to a temporary storage area at ground floor level in advance of collection. The applicant has confirmed that the Facilities Management Team will arrange for the transfer of waste from the holding areas to the surface level bin store on collection days to address the concerns the Cleansing Manager has raised about the distance from the refuse holding areas to the temporary storage area. As in the consented scheme, suitable conditions could be put in place to limit the hours of collection to limit the disturbance to surrounding residential occupiers.

### **Trees and landscaping**

In terms of landscaping, the main difference in the consented scheme and that now proposed, relates to the inclusion of the central garden area between the two wings at 22 Park Crescent. At present this part of the site has thirteen existing trees which are either mature small trees or young large trees which together make a significant contribution to the landscape. The area is however split by the rear access road and it is accepted that the relocation of the entrance access would provide a larger and more useable and attractive space. Concerns have been raised by the Arboricultural Manager about the depths of soil proposed to support a sustainable landscape. The applicant has provided further details regarding soil depths and soil types and contends that as tree planting to the central garden is predominantly Magnolia trees, with a rootball envisaged around max 60cm deep, that tree pit depths of between 1-1.5m is more than adequate for trees of this size. For the larger mature trees currently proposed such as Liquidamber, Gleditsia and a London Plane soil depth would increase to 1.5m.

The applicant confirms that all soft landscape areas will be irrigated on a centrally controlled landlord system and planting maintained to the highest standard for at least the first 12 months of establishment and then beyond. Details of the landscaping and maintenance would be secured by condition.

The Arboricultural Manager also considers that further details are required to demonstrate that the proposed foundations to the mews houses would not damage the roots to the London Plane in Devonshire Street. This is dealt with by condition.

### **8.8 London Plan**

The London Plan promotes the provision of new housing and requires, in new housing schemes, the maximum reasonable amount of on-site affordable housing. At the same time economic viability should be taken into account and it may be appropriate to accept a financial contribution in lieu of on-site affordable provision.

The proposal to redevelop this site is referable to the Mayor because the floorspace of the building is over 20,000m<sup>2</sup>. The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information on the following points:

- conditions should be in place to secure the preservation of any historic and/or architectural features of the 1960's building found in the process of the redevelopment;
- adequate children's playspace should be provided;
- a reduction in car parking is requested;
- each residential unit should be given 3-years funding towards membership of the cycle hire docking station network, a financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan, car park management, blue badge parking, electric vehicle charging points and car club membership should all be secured by condition;
- carbon dioxide savings should be verified, a detailed Energy Assessment submitted and the applicant should investigate whether there are any existing or planned district heating networks within the vicinity of the site.
- the applicant should provide a single energy centre supplying all uses

The applicant is aware of the comments raised by the Mayor and it is understood that they will be having separate discussions with the Mayor to address these issues, particularly with reference to the energy concerns set out above. However, at this stage the scheme is considered to comply with relevant policy subject to the Committee's views regarding the affordable housing offer.

### **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**

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;
- (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.

Westminster's has developed its own CIL which was introduced on 1 May 2016. The applicant advises that the estimated Mayoral CIL payment is £254,054 and the Westminster CIL would be £4,388,414.

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

- a) A contribution of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
- b) The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
- c) £30,000 for the City Council's Environmental Inspectorate to oversee the construction phase;
- d) The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
- e) Provision of the on-site play space;
- f) Public access to the ice house;
- g) Highway works associated with the development;
- h) Unallocated parking
- i) Monitoring costs.

Transport for London has also requested funding towards Legible London signage within the vicinity of the site, and for each residential unit to have an annual membership (£90 per year) to the cycle hire docking station network. The applicants have not agreed to the contributions on the basis that they are not allowed for in their viability appraisal and any additional contributions would have to be taken out of the affordable housing contribution. In any event, these measures were not secured as part of the consented scheme, sufficient cycle parking is secured by condition, and the proposed redevelopment is on an existing, well-established street and will not lead to any change in the hierarchy of spaces and street in the immediate area or to the legibility of pedestrian routes. In this regard, it is not considered that the proposed payments would meet the above tests required to secure this funding.

## 8.11 Environmental Impact Assessment

### Sustainability

Policy 5.4 of the London Plan relates to retrofitting and states that the environmental impact of existing urban areas should be reduced through policies and programmes that bring existing buildings up to the Mayor's standards on sustainable design and



construction. These standards are set out in Policy 5.3 of the London Plan and include minimising carbon dioxide emissions, avoiding internal overheating, efficient use of natural resources, minimising pollution and promoting and protecting biodiversity and green infrastructure. Policy 5.2 states that proposals should make the fullest contribution to minimising carbon dioxide emissions and aim for a 40% improvement on the 2010 Building Regulations.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

Policy S40 of the City Plan requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers it not appropriate or practical due to site specific considerations.

The applicant has submitted an Energy Strategy that sets out the proposed low-carbon strategy to be implemented across the development incorporating a site-wide energy centre with heating and cooling networks, solar photovoltaics and high performance building fabric. The proposals make a significant carbon reduction towards London Plan Policy 5.2 targets and the Council's S40 target, achieving a carbon dioxide emissions reduction of 22.5%. Although the proposals do not achieve policy compliance, considering the overall setting, and commitment to integration of renewable in a small area of the site serving the crescent apartments, and with savings through a site wide heat network, this is considered acceptable.

Green roofs are proposed at roof level on two of the mews houses and these will be secured by condition.

## **8.12 Other Issues**

### **Basement**

The scheme involves the excavation of two sub-basement levels. The amount of excavation is similar to the consented scheme although additional excavation is proposed beneath the communal gardens where additional basement car parking is proposed. The City Council has adopted guidelines in relation to basement development and policies relating to basement development are being developed which principally relate to proposals for basement development beneath residential properties and buildings originally built for residential purposes.

The Council's adopted Supplementary Planning Document "Basement Development in Westminster requires proposals for basement development to be supported by a Construction Method Statement and a Structural Method Statement, both of which have been submitted. A flood risk assessment report has also been submitted.

Policies relating to basement development have, in part, been used for the purpose of determining planning applications since 1 November 2015.

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.

The application is supported by a structural report. This report is being considered by our Building Control officers and subject to this it is not considered that the concerns raised regarding the stability on the adjacent building can be supported. 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 other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

#### **Construction impact**

The applicant has confirmed that the sole access to the site by construction vehicles would be from Park Crescent, and all loading/unloading of skips and goods will take place at this point. Should any parking bays need to be suspended, the applicant would need to apply separately for highways approval.

The applicant has also confirmed that the existing access route through the Park Crescent building for residents of 22 Park Crescent will be retained throughout the demolition and construction process. As demolition has commenced in relation to the 2015 permission, protective measures have now been put in place, including hoardings and a gantry over the pavement on Park Crescent, to protect the existing residents and the public from demolition and construction activities.

Concerns have been raised on the grounds that demolition activity is currently adversely impacting on residents of the adjoining building and residents within 22 Park Crescent and that the proposed construction activities would disrupt residents for a further 4 years, and would reduce access to residents at 22. However, it is not possible to refuse planning permission for these reasons, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP) and Site Environmental Management Plan (SEMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A condition requiring compliance with the submitted Construction Management Plan is proposed. In addition, as part of the legal agreement, the applicant has also agreed to an annual contribution of £30,000 towards the Council's Code of Construction Practice and towards monitoring of the CMP. Conditions have also been recommended restricting hours of construction and a SEMP to cover residents concerns regarding noise mitigation measures.

#### **Other Issues**

The adjoining neighbour has resubmitted her letter of objection to the 2014 application which raised concerns relating to the proposed mews houses, loss of amenity, shortfall in car parking and lack of on-site affordable housing, however, these matters remain unchanged from the consented scheme.

### **9. BACKGROUND PAPERS**

1. Application form
2. Letter from Greater London Authority dated 25 May 2016
3. Letter from Transport for London dated 26 April 2016
4. Letter from Historic England dated 6 April 2016
5. Response from The St Marylebone Society, dated 12 April 2016
6. Email from Council for British Archaeology dated 15 April 2016
7. Letter from London Underground dated 19 April 2016
8. Memo from Environmental Health dated 7 April 2016
9. Memo from Highways Planning Manager dated 3 June 2016
10. Memo from Cleansing dated 12 April 2016
11. Memo from Arboriculturist Manager dated 4 July 2016
12. Letter from occupier of Flat 27, 22 Park Crescent, dated 15 April 2016
13. Letter on behalf of the occupier of 75 Portland Place dated 22 April 2016
14. Letter from occupier of 19 Rossetti House, 106-110 Hallam Street dated 2 June 2016

#### **Selected relevant drawings**

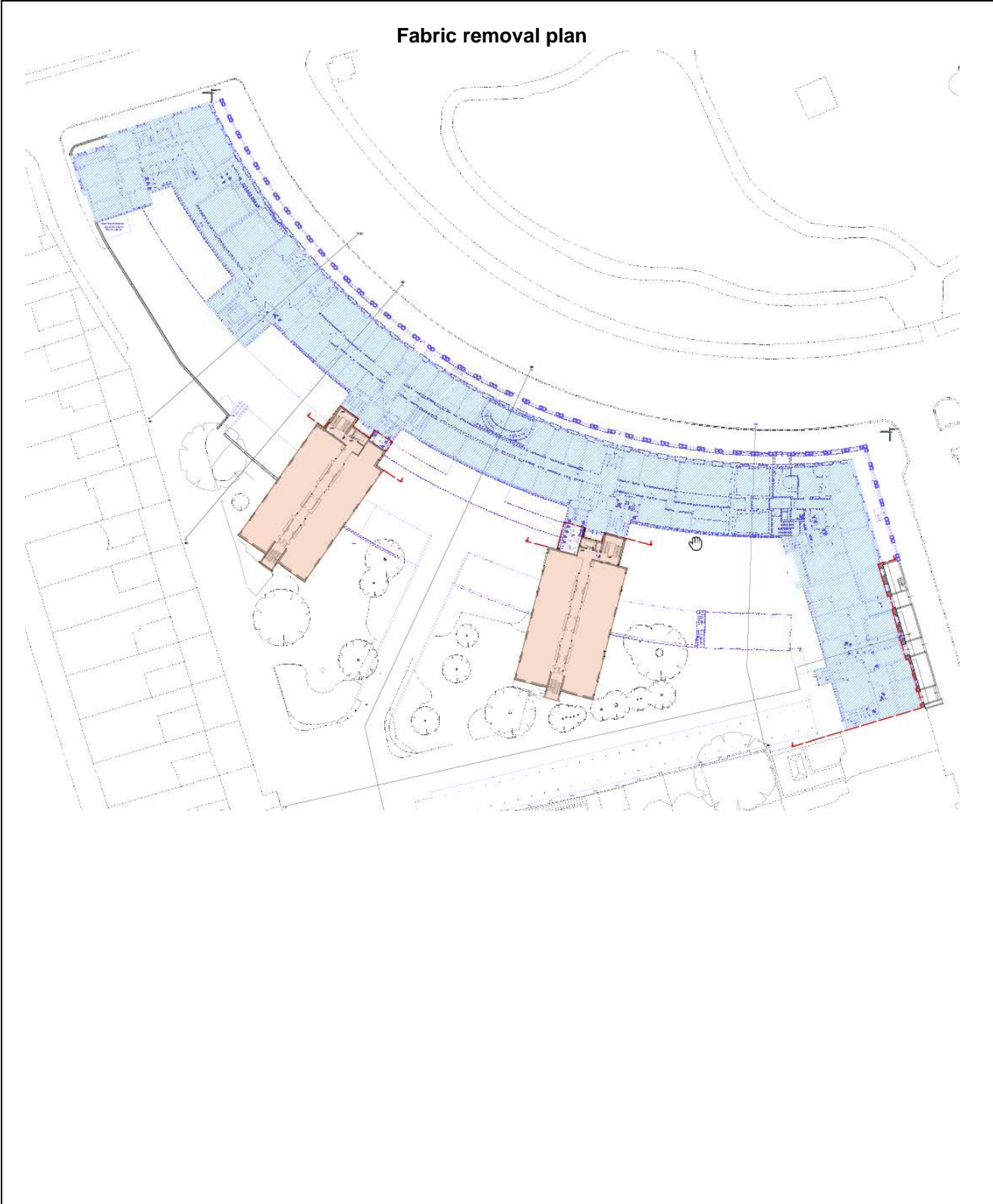
(Please note: All the application drawings and other relevant documents and Background

Item No.
<b>4</b>

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 [CentralPlanningTeam@westminster.gov.uk](mailto:CentralPlanningTeam@westminster.gov.uk)

10. KEY DRAWINGS







Proposed Front elevation (part 2)



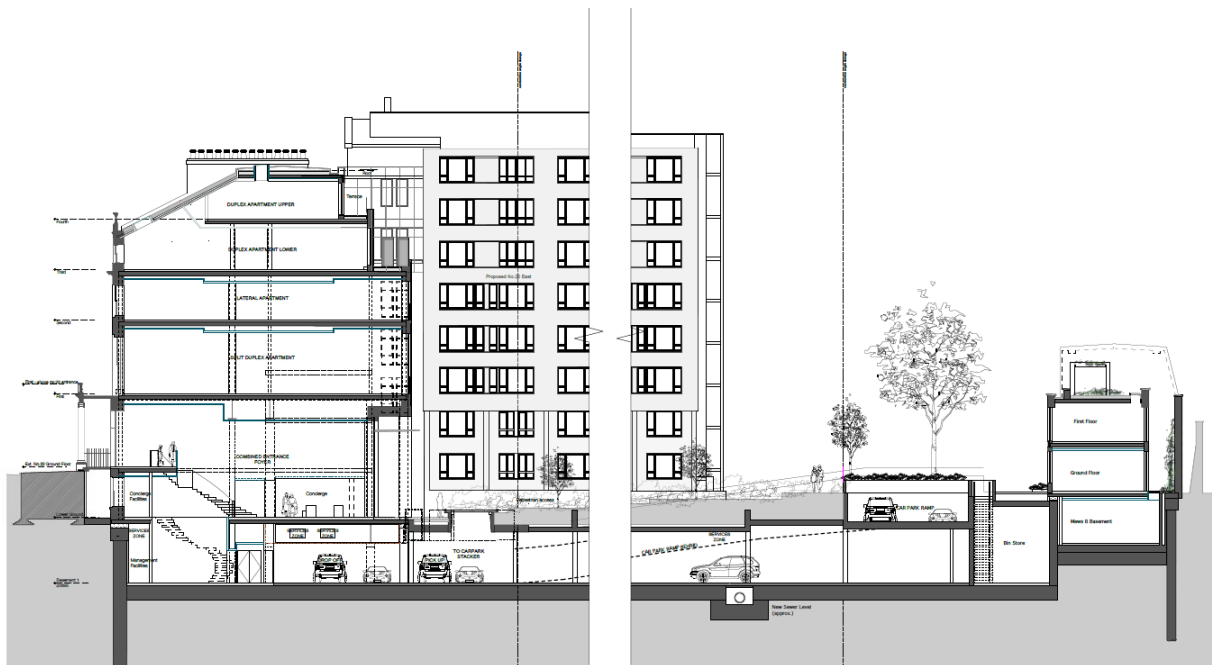
Proposed news houses



**Proposed rear elevation**



**Proposed Section B-B**





**DRAFT DECISION LETTER**

**Address:** 16, 18-25 & 26 Park Crescent &, & 77-81 Portland Place, London, W1B 1PE

**Proposal:** DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Proposals include creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.,

**Reference:** 16/02343/FULL

**Plan Nos:** 1674 (PL-D)002 P1, 003 P1, 001 P3, 004 P1, 005 P1, 006 P1, 007 P1, 008 P1, 009 P1, 010 P1, 011 P1, 012 P1, 020 P2, 021 P2, 024 P2, 022 P1, 023 P1, 030 P1, 031 P1, 032 P1, 033 P1, 035 P1, 036 P1, 037 P1, 038 P2, 039 P1, 040 P1, 041 P1, 042 P1, 043 P1, 045 P1, 044 P1, 201 P1, 202 P1, 203 P1, 204 P1, 205 P1, 206 P1, 207 P1, 208 P1, 209 P1, 210 P1, 220 P1, 221 P1, 222 P1, 223 P1, 224 P1, 225 P1, 230 P1, 233 P1, 231 P1, 232 P1, 234 P1, 235 P1, 236 P1, 237 P1, 238 P1

**Case Officer:** Josephine Palmer

**Direct Tel. No.** 020 7641 2723

**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 put up a copy of this planning permission and all its conditions on all street frontages of the development site at ground floor level for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

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

- 4 You must provide details of cycle parking for 25 spaces for the D1 use, together with each cycle parking space shown on the approved drawings for the residential uses, 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 5 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)

- 6 You must apply to us for approval of details of a Car Park Management Plan including details i) to minimise waiting times for vehicles entering the car lift and ii) to ensure that downtime of the automated car parking system is kept to a minimum to avoid residents parking on-street

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in 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)

- 7 (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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 9 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.

- 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 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 7 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.

- 12 (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.

13 (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 community 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 community 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.

- 14 You must provide the waste store shown on approved drawing no's 1674 (PL\_D) 003 rev P1 and 005 rev P1 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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)

- 15 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 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 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)

- 16 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 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 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)

- 17 You must not put structures such as canopies, fences, loggias, trellises, planters/planting or satellite or radio antennae either on the third or fourth floor rear balconies or the colonnade balcony facing Park Crescent.

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)

- 18 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)

- 19 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. Green roofs and green wall planting
  - ii. Photovoltaics
  - iii. The features set out in your Energy and Sustainability Statements dated 16.02.16 including:
    - Site wide heat network
    - Solar control glazing

You must not remove any of these features.

Reason:

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

20 **Pre Commencement Condition.**

(a) You must not carry out any demolition unless in accordance with the written scheme of investigation approved by the City Council as Local Planning Authority on 27 November 2015 (under RN 15/10372/ADFULL) or in accordance with an alternative written scheme of investigation as submitted to and approved by the City Council.

(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 protect the archaeological heritage of the City of Westminster 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. (R32BC)

- 21 You must carry out the measures for protection of the trees which you are keeping, as shown on drawing DFC P2749 TPP Rev D and your Arboricultural Impact Assessment Report Rev D dated February 2016. 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)

- 22 You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work within the root protection area of T13 (London Plane). You must not start any construction work within the root protection area of T13 until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. Following completion of the development you must carry out regular inspection of T13, as set out in Aboricultural Impact Assessment Report Rev D dated February 2016.

Reason:

To protect the trees and the character and appearance of this part of the Regents 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)

- 23 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 or find that they are dying, severely damaged or diseased within three 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 Regents 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)

- 24 The facades of the building next to Park Crescent and the return to Portland Place and Marylebone Road must be reconstructed as an exact replica of the existing facades, except in so far as the submitted drawings show the replacement of windows with doorways.

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)

- 25 The existing front area railings must be retained and reused, except in so far as the submitted drawings show their omission to create access bridges to the new front doors.

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)

- 26 You must apply to us for approval of samples of the facing materials you will use, including glazing, and diagrams 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.

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)

- 27 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. 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

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)

- 28 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's Park 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)

- 29 You must retain on site in secure dry storage one of each of the following existing parts of the building, and apply us for approval of samples of one of each of the corresponding new items: (a) a complete column base and ionic capital, (b) a complete bottle baluster and section of coping stone, (c) a section not less than 300mm length of each different type of moulding/cornice from the Crescent façade. You must not rebuild any part of the Crescent facades until we have approved what you have send us and you must then complete the work according to the samples we have approved and you must not dispose of the retained items until the development is completed.

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)

- 30 Contrary to anything shown on or implied by the submitted drawings, you may not put anything such as planting or containerised planting, trellises, screening, furniture, heaters, awnings, parasols etc. on the Ionic colonnade.

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)

- 31 You must not put any machinery or associated equipment, ducts, tanks, satellite dishes, television or radio aerials, other antennas, alarm boxes, or cables on any external face of the buildings.

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 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 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)

- 32 Pre Commencement Condition. You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work for the mews buildings over the icehouse, and detailed drawings to show the clearing of the rubble infill, restoration of the icehouse, and provision of access in to it from the outside via a restored entrance passage. You must not start any construction work on the mews until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 33 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings unless they are shown on the approved drawings.

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)

- 34 You must provide electric car charging points for at least 20 percent of the car parking spaces hereby approved at basement levels 1 and 2 level prior to occupation of the building. Thereafter you must maintain the electric car charging points and you must not remove them.

## Reason:

To encourage the uptake of electric vehicles and reduce carbon emissions from transportation in accordance with Policy 6.13 in the London Plan 2015.

- 35 You must not put up any extensions or carry out any enlargements to the mews houses without our permission .This is despite the provisions of Classes A, B, C, D and G of Part 1 Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it)

## Reason:

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

- 36 You must carry out the development including any works of demolition, in accordance with the submitted construction management plan dated December 2015 unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

## 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.

- 37 No development shall commence until a Site Environmental Management Plan (SEMP) relating to construction works associated with the development including but not limited to details of traffic and access management, noise, vibration and dust control measures, earthworks, piling, material storage and handling, site drainage and of built heritage during the construction Phase shall be submitted to and approved in writing by us. The SEMP as approved must then be complied with, and no part of the development shall be implemented other than in strict accordance with the approved SEMP.

## 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.

- 38 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls and green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in 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)

- 39 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development, have been submitted to and approved in writing by the local planning authority which:
- i. provide details on all structures
  - ii. accommodate the location of the existing London Underground structures and tunnels
  - iii. accommodate ground movement arising from the construction thereof
  - iv. and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

#### **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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, 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 the provision of an affordable housing contribution, financial contributions towards monitoring of construction works, a bond to secure the reinstatement of the Park Crescent facade, and the provision and retention of a new community space and communal open and play space.

- 3 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 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)

- 8 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).
- 9 Conditions 7 and 8 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)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 11 In respect of Condition 36, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
- (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.

- 12 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.

**DRAFT DECISION LETTER – 16/02344/LBC**

**Address:** 16, 18-25 & 26 Park Crescent &, & 77-81 Portland Place, London, W1B 1PE

**Proposal:** DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE-Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Proposals include creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.

**Plan Nos:** 1674 (PL-D)002 P1, 003 P1, 001 P3, 004 P1, 005 P1, 006 P1, 007 P1, 008 P1, 009 P1, 010 P1, 011 P1, 012 P1, 020 P2, 021 P2, 024 P2, 022 P1, 023 P1, 030 P1, 031 P1, 032 P1, 033 P1, 035 P1, 036 P1, 037 P1, 038 P2, 039 P1, 040 P1, 041 P1, 042 P1, 043 P1, 045 P1, 044 P1, 201 P1, 202 P1, 203 P1, 204 P1, 205 P1, 206 P1, 207 P1, 208 P1, 209 P1, 210 P1, 220 P1, 221 P1, 222 P1, 223 P1, 224 P1, 225 P1, 230 P1, 233 P1, 231 P1, 232 P1, 234 P1, 235 P1, 236 P1, 237 P1, 238 P1

**Case Officer:** Josephine Palmer

**Direct Tel. No.** 020 7641 2723

**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 facades of the building next to Park Crescent and the return to Portland Place and Marylebone Road must be reconstructed as an exact replica of the existing facades, except in so far as the submitted drawings show the replacement of windows with doorways.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 The existing front area railings must be retained and reused, except in so far as the submitted drawings show their omission to create access bridges to the new front doors.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)



- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and diagrams 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.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. 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

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must not put structures such as canopies, fences, loggias, trellises, planters/planting or satellite or radio antennae either on the third or fourth floor rear balconies or the colonnade balcony facing Park Crescent.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 You must retain on site in secure dry storage one of each of the following existing parts of the building, and apply us for approval of samples of one of each of the corresponding new items: (a) a complete column base and ionic capital, (b) a complete bottle baluster and section of coping stone, (c) a section not less than 300mm length of each different type of moulding/cornice from the Crescent façade. You must not rebuild any part of the Crescent facades until we have approved what you have send us and you must then complete the work according to the samples we have approved and you must not dispose of the retained items until the development is completed.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we

adopted in January 2007. (R26ED)

- 8 Contrary to anything shown on or implied by the submitted drawings, you may not put anything such as planting or containerised planting, trellises, screening, furniture, heaters, awnings, parasols etc. on the Ionic colonnade.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite dishes, television or radio aerials, other antennas, alarm boxes, or cables on any external face of the buildings.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings unless they are shown on the approved 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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

### **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:

Item No.
<b>4</b>

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

This page is intentionally left blank

# Agenda Item 5

Item No.
----------

5
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	7-11 Queensway, London, W2 4QJ,		
<b>Proposal</b>	Use of basement and ground floors as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.		
<b>Agent</b>	Montagu Evans		
<b>On behalf of</b>	Happybadge Limited		
<b>Registered Number</b>	16/01450/FULL	<b>Date amended/ completed</b>	11 March 2016
<b>Date Application Received</b>	18 February 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The application site comprises the basement and ground floor of Nos. 7-11 Queensway, which are currently in use as two Class A1 retail shop units, a Class A2 Bureau De Change and retail storage at ground floor level, with the basement floor space used as Class A1 retail floor space (divided into a number of small units) and as part of the bowling alley in the basement of Queens Court.

The site is located within the Queensway Conservation Area, but none of the buildings are listed. In land use terms, the site is located within the Queensway/Westbourne Grove Major Shopping Centre and the Queensway/Bayswater Stress Area.

Permission is sought for the use of the ground floor at Nos.7-11 Queensway, which includes the southern end of Queens Court, as two Class A1 shop units at ground floor level and as a Class D2 gym at basement level. It is also proposed to install new shop fronts and entrance doors at ground floor level and carry out associated alterations, principally to the passageway between Nos.7-9 Queensway and Queens Court.

Objections have been received in relation to the development on a range of amenity, design, highways

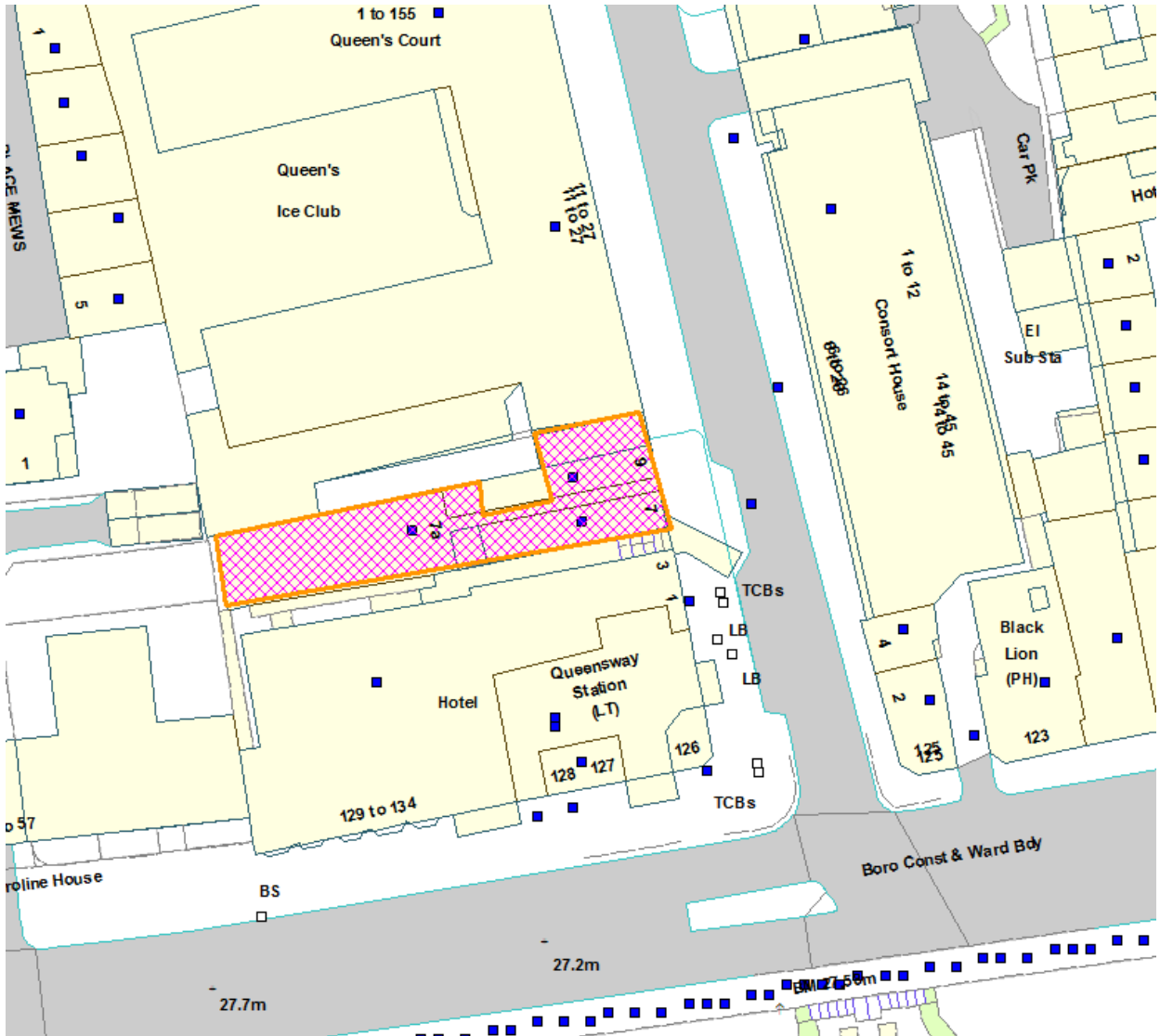
and servicing impact, waste disposal and land use grounds.

The key issues in this case are:

- The impact of the proposed shop fronts and other external alterations on the appearance of the buildings and the character and appearance of the Queensway Conservation Area.
- The loss of retail floor space at basement level within the Queensway/ Westbourne Grove Major shopping centre.
- The impact of servicing on amenity of neighbouring residents and the public highway

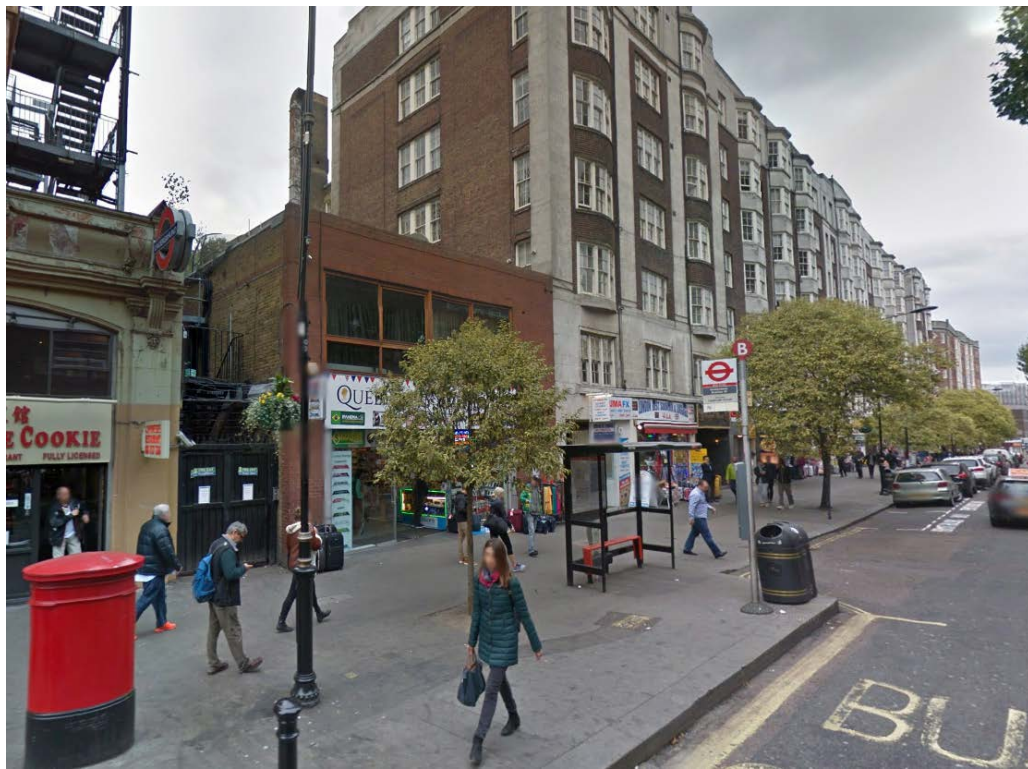
Notwithstanding the objections received, the proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front Elevation from Queensway



Existing Class D2 bowling alley use at basement level within Queens Court.





Existing servicing alleyway and existing retail accommodation at basement level at Nos.7-9.

## 5. CONSULTATIONS

### WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

Generally support this application which will replace a tatty arcade with an M&S store. However there are a number of issues which need to be overcome relating to the detail of the proposal; namely deliveries in a congested part of Queensway, refuse storage, opening hours, siting and noise issues from air conditioning and refrigeration plant. A number of these issues are echoed in comments submitted by local residents. We hope these issues are resolved before planning permission is granted.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Concerns and objections raised on the following grounds:

- More detailed information is needed especially as there are residential units above.
- No details of any proposed refrigeration plant for M&S or a noise report.
- No details of proposed ventilation/heating for proposed gym.
- No details of proposed opening hours for new M&S, this should be controlled by condition. Hours for refuse / recycling collection should be controlled.
- No details of proposed servicing arrangements/hours as M&S will use huge trucks and there is a bus stop located outside premises.
- All deliveries should be to passageway next to M&S unit, not through main entrance to shop.
- Are new refuse storage arrangements acceptable?
- There are proposals for Queensway to have a new road layout including changes to width of pavement and location of parking bays etc. – how does the current scheme fit into this.
- Are new shop front proposals acceptable including materials and height of stall riser at no.11?

### CLEANSING MANAGER

Although the drawings submitted show the refuse store they do not include details for the storage of waste and recyclable materials for the proposed development.

### HIGHWAYS PLANNING MANAGER

Objection. No off street servicing is provided for the development and servicing will therefore have to take place on the public highway. Cycle parking provisions for staff of the Class A1 and Class D2 uses should be secured by condition. Other conditions and informatives recommended.

### DESIGNING OUT CRIME

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

Objection. The applicant has not provided sufficient information about how noise will be controlled from the proposed gym. The proposal may require plant for ventilation but acoustic information regarding proposed plant has not been provided. Operating hours for the gym do not appear to be restricted to reduce possible disturbance to residential occupiers.

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

No. Consulted: 106.

Total No. of replies: 4 from 3 addresses.

No. of objections: 3.

No. in support: 0.

4 letters/ emails were received from neighbouring residents and a planning agent representing one neighbouring resident raising objections on all or some of the following grounds:

**Land Use:**

- The alleyway between 9 and 11 Queensway has a dual use of allowing access to the upper floor flat at no. 7a, as well as limited servicing of ground floor retail units. The current proposal would intensify the use of the alleyway area.
- The alleyway has not been included within the red line of the application site.
- Potential for D2 gym to allow more changes of use, and also for gym to change in the future to another more anti-social Class D2 entertainment use.
- The change of use from Class A1 to Class D2 will result in the loss of existing retail units in part of the basement.
- Queensway already has a number of supermarkets and food shops; it also has three gyms within 5 minutes of the proposed sight.
- In principle happy with change to M&S as historic Whiteley's branch is to be lost and many of the M&S staff are long serving and members of the local community.

**Design:**

- The proposed design for contemporary, fully glazed shop fronts are not appropriate for Queensway.

**Amenity:**

- It is essential that the application safeguards the residential community living around the new store.
- No details provided of proposed air-conditioning or refrigeration plant or hours this would operate for and the likely impact on residents.
- New plant is likely to be located in the access alley between 9 and 11 Queensway. There are no details of this in the plans.
- No details of proposed hours of proposed servicing arrangements.
- No Operation Management Plan submitted for either hours of operation or hours of plant operation.
- Hours of opening must be controlled to avoid uses affecting local residents.
- Increased noise from music and free weights from the proposed gym.

**Highways:**

- No Servicing Management Plan has been submitted including details of timings and frequency of deliveries and size of vehicles to be used.
- Will increase demand for car parking on Queensway and issues with illegal parking and bottlenecks.
- Need to control hours of delivery to prevent further noise issues; already have problems with deliveries to Spar opposite the application site. Need to have delivery times regulated and enforced and to sync with deliveries at other sites with no increase in number/days of deliveries.

- Queensway is a stress area and this will have an impact on this as there is a bus stop and double yellow line adjacent to the site and residents parking close by.
- Potential for increased use of street for placement of empty cages and overflow rubbish.

Cleansing:

- What are the plans for waste disposal as the alleyway is already at capacity with regards to refuse; the use of the alleyway for waste storage is going to be intensified and there is potential for an increase in rubbish, food waste and as a result, pests.
- There is to be a significantly larger waste management storage area but there are no details of the facilities to store this.

Other:

- How does this proposal fit in with the overall regeneration plans for Queensway; will result in a piecemeal redevelopment.
- There is no level access to access the basement gym included in the proposal.

ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The proposals relate to the basement and ground floors of Nos.7-11 Queensway. No 7-9 Queensway is in use as a retail shop at ground floor level (Queensway Boutiques) with internal access to the basement which accommodates a number of individual small retail units. No. 9a is a ground floor bureau de change. No. 11 Queensway is a ground floor souvenir shop. At basement level 9a-11 is in use as part of the Queens Ice Bowl.

The buildings within the site are not listed but are within the Queensway Conservation Area. The site is located within the Queensway/Westbourne Grove Major shopping centre and the Bayswater Stress Area.

Above no. 7-9 Queensway is a residential flat (7a Queensway) and 9a-11 Queensway forms part of Queens Court a residential block.

### 6.2 Recent Relevant History

#### 6.2.1 7-9 Queensway

No recent relevant planning history.

#### 6.2.2 11 Queensway

27 January 2015 – Planning permission was refused for the reconfiguration of shop front to provide new entrance door and installation of awning and security shutters (part retrospective application) (14/11829/FULL) (refused on design grounds).

## 7. THE PROPOSAL

Permission is sought for a retail unit at ground and basement levels with ancillary storage to the rear and a further retail unit at ground floor level, and the use of the basement as a gym (Class D2) at nos. 9-11. It is also proposed to install new shop fronts and entrance doors to the Queensway elevation with associated external alterations.

As part of the development it is proposed to reconfigure the ancillary and waste storage areas. The applicant has indicated the larger retail unit is likely to be occupied by Marks and Spencer as a simply food store, although it is unreasonable to control who the operator might be.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The site is located within the Queensway/ Westbourne Grove Major Shopping Centre and within the Queensway/ Bayswater Stress Area.

The proposal would result in a slight increase in Class A1 'core frontage' retail floor space at ground floor level as a result of the loss of the existing Bureau De Change at No.11. However there would be a loss of over 300 m2 of Class A1 retail floor space at basement level (at Nos.7-9 Queensway).

**Table 1 – Existing and Proposed Floorspace.**

Land Use	Existing in m2 (GEA)	Proposed in m2 (GEA)	Change (+/-)
Class A1 (incl. ancillary storage and refuse store)	994.1	685.2	-308.9
Class A2	24.8	0	-24.8
Class D2 (Bowling Alley)	248.8	0	-248.8
Class D2 (Gym)	0	563.8	+315
Waste store	20.3	61.8	+41.5
Total	1288	1310.8	+22.8

Policy SS6 in the UDP and S21 in the City Plan resist the loss of retail floor space within Major Centres. The highest degree of protection for Class A1 retail floor space is afforded at ground floor level which in this case would see a slight increase in retail A1 floor space (25m<sup>2</sup>). At basement level Policy SS6 states that the loss of Class A1 retail floor space may be acceptable if the proposal would not harm the vitality or viability, or character or function of the area; or the amenity of neighbouring residents; and would not result in an unacceptable intensification of an existing use or concentration of uses; or would jeopardise the long term use of the ground floor for Class A1 retail use.

In this case the basement area which is currently in use as a number of small units separate to the ground floor unit is accessed internally from ground floor level and the floor plate is narrow and deep. It is not clear from street level that there is basement shopping.

As such, in these particular circumstances it is not considered that the change of use of the existing basement Class A1 retail floor space to a Class D2 gym would have a harmful

effect on the character and vitality of the area, nor would it impact on the long term use of the ground floor Class A1 retail use. Indeed the application seeks to reconfigure the existing retail floor space at Nos.7-9 Queensway specifically to make it more conducive to sustainable, long term occupation by a retail operator. While it is acknowledged that there are a number of existing gym and other D2 units in the area, it would not result in an intensification of a use or concentration of uses. Although objections have been raised regarding the impact of the proposed use on residential amenity, it is considered that amenity impact arising from the proposal, principally from servicing activity, could be addressed by the use of conditions and these considerations are set out in detail in Section 8.3 of this report.

The provision of a gym at basement level is a use that would be complimentary to the town centre uses found within the Queensway/ Westbourne Grove Major Centre and therefore in principle the provision of a gym of the size proposed (272m<sup>2</sup>) is considered to be acceptable in light of Policy S34 in the City Plan and SOC1 in the UDP.

An objection has been raised on grounds that another Class D2 use could have a materially greater adverse impact on the amenity of neighbouring residents. To address this concern, a condition is recommended to restrict the Class D2 floor space at basement level to use only as a gym and no other use falling within the same use class.

Concerns have been expressed that the proposed development would utilise the passageway between Nos.7-9 and 11 Queensway for servicing. However, the retail unit at Nos.7-9 already has service doorways on to this passageway and the premises is already serviced via this passageway. Given the intended occupier (Marks and Spencer simply foods), it is reasonable to conclude that the use of passageway for servicing would be intensified relative to the existing situation. However, given that no change of use of the existing retail unit at No.7-9 Queensway is proposed and as the retail unit is already capable of being serviced via the passageway without the need for planning permission, it is not considered that permission could reasonably be withheld on the basis of the concerns raised on servicing grounds. Given the intensification of the retail use it is considered that it is necessary and reasonable to secure further details of servicing and these are set out in Section 8.4 of this report.

## **8.2 Townscape and Design**

It is understood that the proposed shop fronts to Nos.7-9 and No.11 Queensway comprise an initial phase of a wider scheme of similar shop front renewal for the rest of Queens Court. However, this is the first part of the scheme to be submitted for planning permission and alterations to other shop fronts in Queens Court do not currently form part of this application.

The existing shop fronts to these buildings at ground floor level is poor, and the works to introduce a Portland stone clad frontage to No.7-9 to tie in with the Portland stone clad frontage to Nos.9a-11 is considered to be an appropriate approach to the detailing of this otherwise visually distinct building.

The new shop fronts proposed to Nos.9a-11 Queensway is a marked improvement on the existing, with the existing unattractive alleyway closed off by a bronze pair of doors and with bronze coloured shop fronts with stallrisers, all of improved design quality as compared to the existing, introduced within the Portland stone frame. The proposals create a sub-fascia set within the existing area of shop front at Nos.9a and 11; however,

though signage along the terrace is typically at existing main fascia level, the restoration of a Portland stone band above the shop front with signage to a relatively narrow band just below is considered acceptable in itself.

The alterations and small ground floor extension within the passageway between Nos.7-9 Queensway and 9a Queens Court would be discreetly sited and small in scale and would not have any adverse impact on the appearance of the buildings or the character or appearance of the Queensway Conservation Area.

In summary, the proposals would enhance the appearance of these building and the character and appearance of this part of the Queensway Conservation Area in accordance with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

This area of Queensway is densely developed and has a lot of mixed use sites where residential accommodation is located above retail floor space within the Major Shopping Centre. This is the case at the application site where there is a flat (known as No.7a) above Nos.7-9 Queensway and the shop units at Nos.9a and 11 Queensway form part of the ground floor of Queens Court, a large residential mansion block. As such, the modest ground floor extension proposed to the shop unit at No.9a Queensway and the alterations to the shop fronts and service passageway would not cause a loss of amenity.

The principal potential source of noise disturbance would be from servicing activity associated with servicing of the Class A1 retail food shop unit, in particular the larger ground floor unit (potentially to be occupied by a Marks and Spencer as a Simply Food store). As noted in Section 8.1 of this report, the lawful use of this part of the application site is Class A1 retail and as such it would not be reasonable to withhold permission on the basis that the use would generate an increase in servicing via the servicing passageway. However, given the likely intensification of the use as a food led retail unit and the reliance on servicing from the public highway it is considered that it is reasonable to impose a condition requiring a Servicing Management Plan that includes consideration of how servicing can be carried out so as to minimise disturbance to neighbouring residents. In this regard it is expected that the Servicing Management Plan will include the proposed hours for deliveries and provide an overview of how goods and waste/ recycling will be transported to and from service vehicles to the storage areas to the rear of the retail unit (use of rubber wheels etc. to minimise noise). To seek to control further the servicing of the retail units or to refuse permission on this ground would be unreasonable given the existing lawful Class A1 retail use and lack of restriction on servicing arrangements.

The current application does not include details for any proposed mechanical plant or ventilation which has brought about concern from the City Council's Environmental Health team and neighbours. Whilst it is likely that mechanical plant and ventilation will be required it will require planning permission which would be assessed on its own planning merits. An informative is recommended drawing the applicant's attention to the fact that this permission does not permit any external mechanical plant.

The majority of the ground floor is already lawfully in Class A1 use, however as there is likely to be an intensification in the way in which the proposed units are used, it is considered to be reasonable to control the hours of operation (a condition is recommended to control operation hours to between 07.00 and 23.30 hours daily), to

minimise noise disturbance to neighbouring residents. It is also proposed to control the daily hours of operation of the gym to between 07.00 and 23.00.

In summary in amenity terms, subject to the recommended conditions to control servicing and hours of opening, it is considered that the proposal would not materially worsen the existing situation in amenity terms. Accordingly the proposals would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

#### **8.4 Transportation/Parking**

The applicant has not submitted a Servicing Management Plan or similar in respect of the proposed land uses, particularly the Class A1 retail unit at ground floor level that is likely to be used by a food retailer in future, and objectors have raised concern with regard to the lack of detail provided in this regard. This includes concerns about servicing timings, frequency of deliveries and size of vehicles to be used. The Highways Planning Manager shares the concerns with regard to servicing given that this will have to occur on street given the lack of alternative servicing facilities in this location. He is concerned that the proposals may cause problems related to the size of vehicle used, the length of time taken for servicing activity to occur and as delivered goods and cages may be left on the highway.

However, whilst these concerns are legitimate, the servicing of the existing retail units on site already occur on street and as such, the proposed development would not materially change this method of servicing. However, the detail of how the servicing will be managed, particularly in the event that a food retail use does occur, is relevant to the determination of the current application as without these details (as summarised by the Highways Planning Manager and set out in the preceding paragraph) it is unclear how servicing on an increased scale would occur without affecting other road users (both vehicular and pedestrian). As such, a condition is recommended to secure a Servicing Management Plan, which requires full details of how servicing of all the units/ uses proposed will be carried out to ensure the highway is not obstructed for other users. As per Section 8.3 of this report, the Servicing Management Plan must also consider amenity impacts of servicing so that both amenity and highway impacts from servicing are coherently dealt with by a single document. The recommended condition requires the Servicing Management Plan to be approved prior to occupation of the retail and gym uses and thereafter complied with.

Concern has been expressed by objectors that the proposal would result in increased pressure on on-street parking. However, there is no increase in retail floor space and neither the Class A1 or Class D2 uses generate a policy requirement to provide car parking. Existing on-street parking restrictions will control any parking demand.

No cycle parking has been provided for employees of either the Class A1 retail units or Class D2 gym. Details are to be sought by condition.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**



Access to the ground floor shop units would remain as existing with level, step free access to Nos.7-9 Queensway and a single step at the entrance to the shop unit at No.11 Queensway. The applicant has been requested to investigate potential for step free access to No.11.

The gym at basement level would not have dedicated step free access, but the applicant has confirmed that the chair platform lift that provides step free access to the ice rink and bowling alley at no.17 Queensway could be used to provide level access to the gym. Whilst it is regrettable that there would not be dedicated step free access to the gym, given the limited space available to form basement access, it is considered that the provision of stepped access is on this occasion acceptable.

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

The enlargement of the size of the waste storage area at ground floor level is welcomed. However, detailed drawings to show how both waste and recyclable materials are to be stored separately, is required by condition.

### **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**

It was raised by one objector that the passageway area between Nos.7-9 Queensway and Queens Court had not been included within the red line of the site plan. During the course of the application the site location plan was amended to include the alleyway area within a blue line. This confirms that whilst the passageway is not within the application site, it is within the applicants ownership.

## **9. BACKGROUND PAPERS**

1. Application form
2. Email from the Bayswater Residents Association dated 26 April 2016.
3. Email from the South East Bayswater Residents Association dated 2 April 2016.
4. Memo from Highways Planning Manager dated 9 May 2016

5. Memo from Cleansing Manager dated 11 April 2016
6. Memo from Environmental Health dated 7 April 2016.
7. Letter from Planning Resolution and Pinsent Masons on behalf of owner/occupier of 7A Queensway dated 21 April 2016.
8. Letter from occupier of 4 Caroline Place dated 25 April 2016.
9. Letter from occupier of 5 Consort House, 26 Queensway dated 21 April 2016.

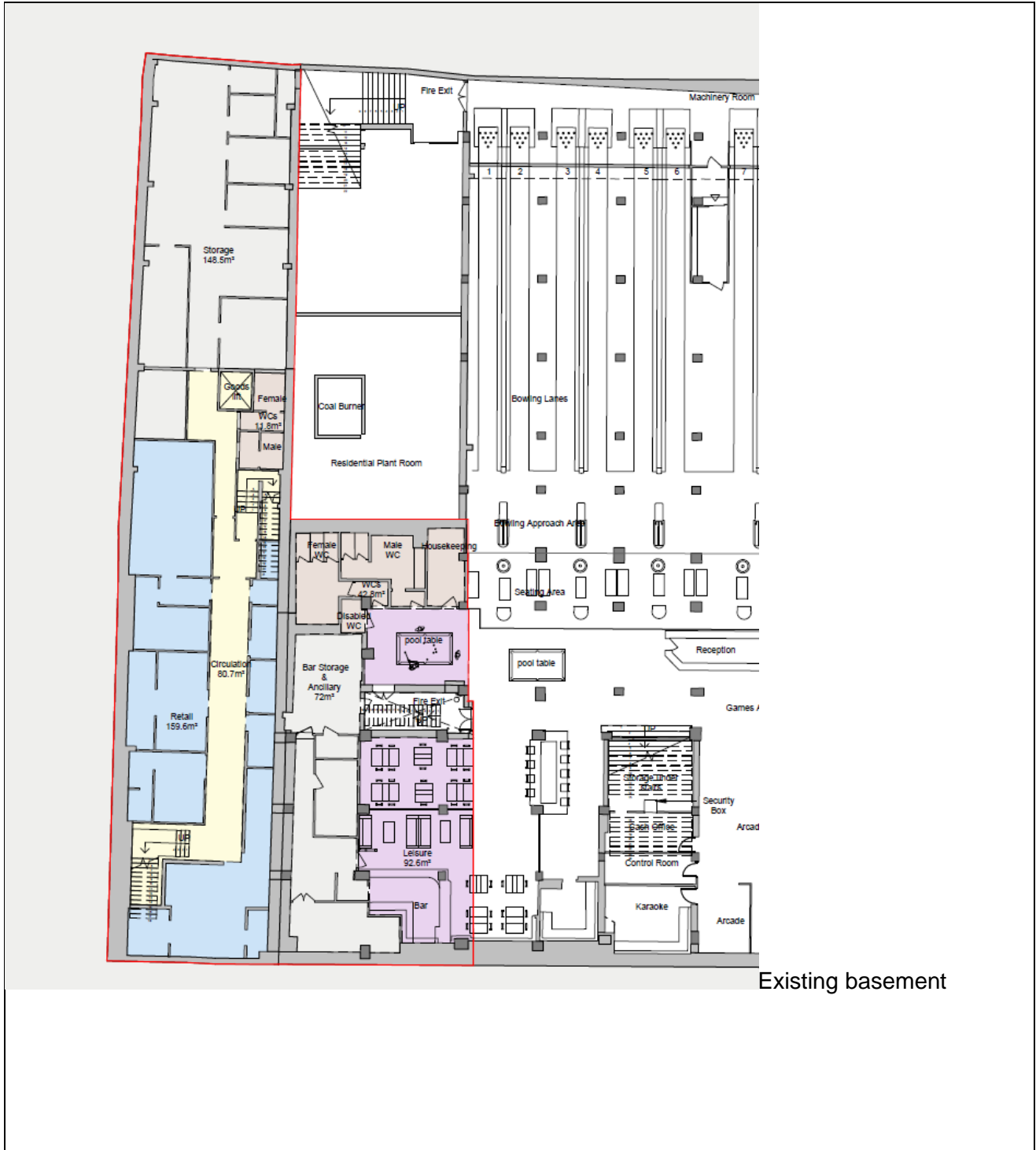
### **Selected Relevant Drawings**

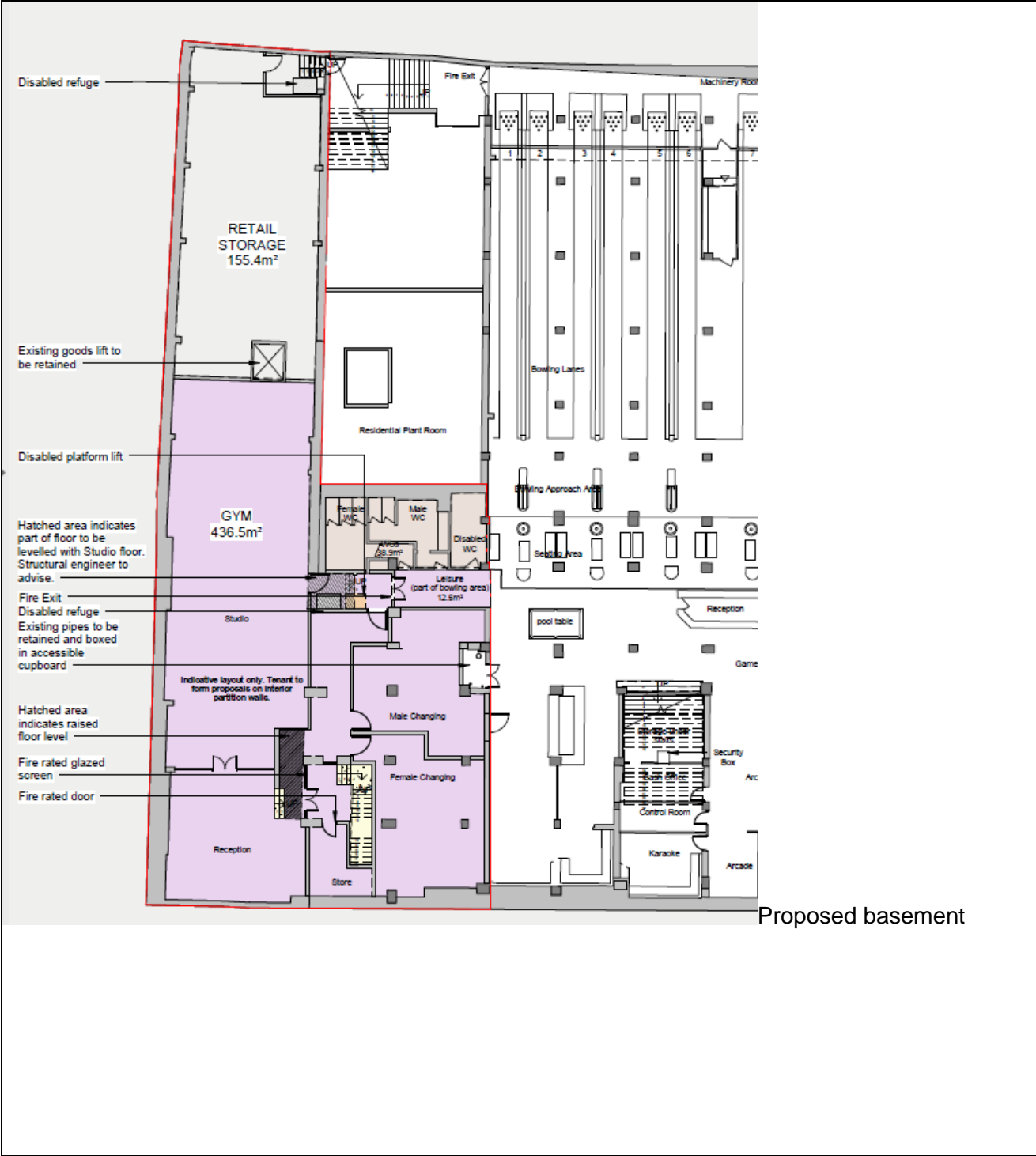
Existing and proposed plans and elevations.

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

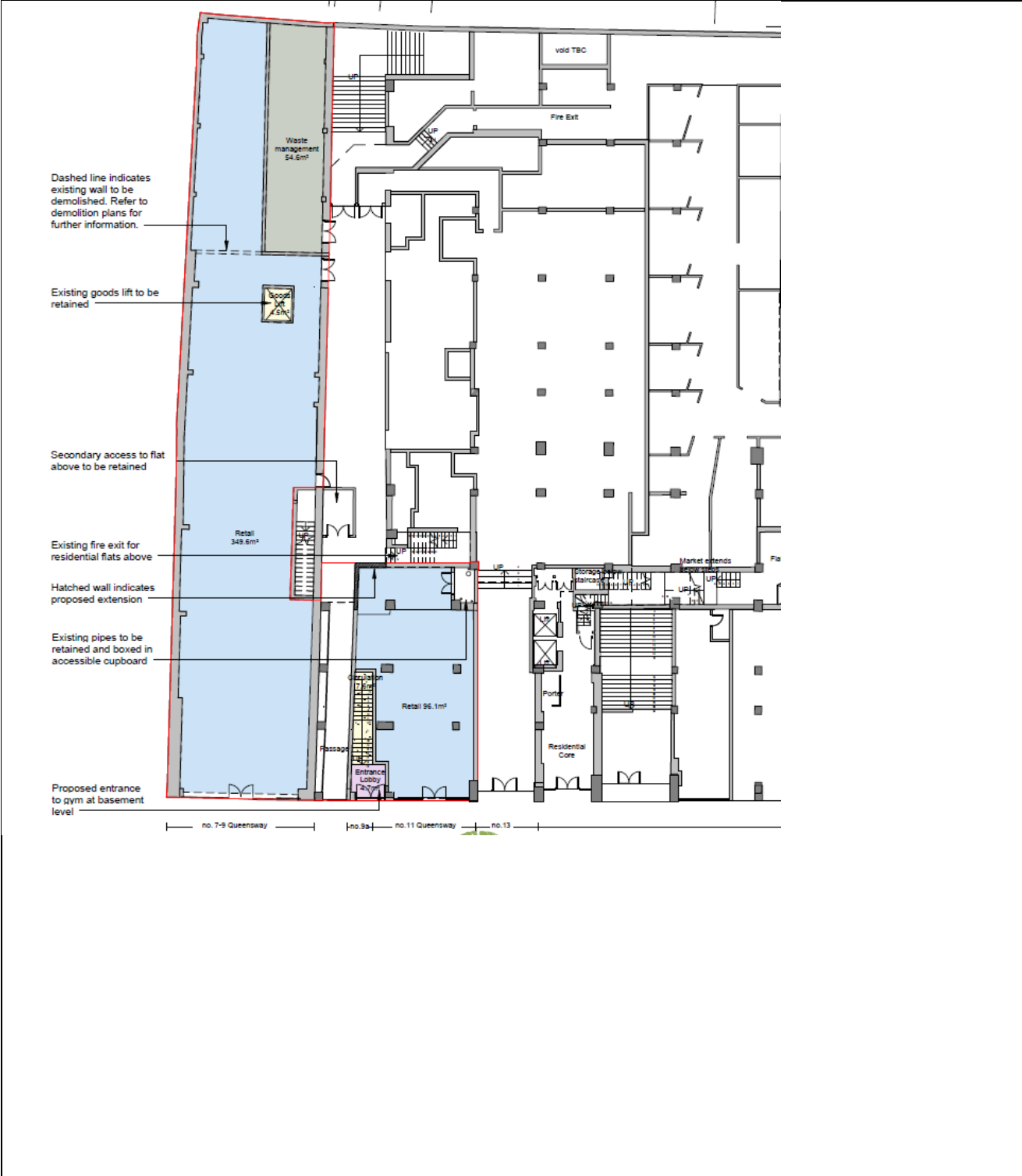
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

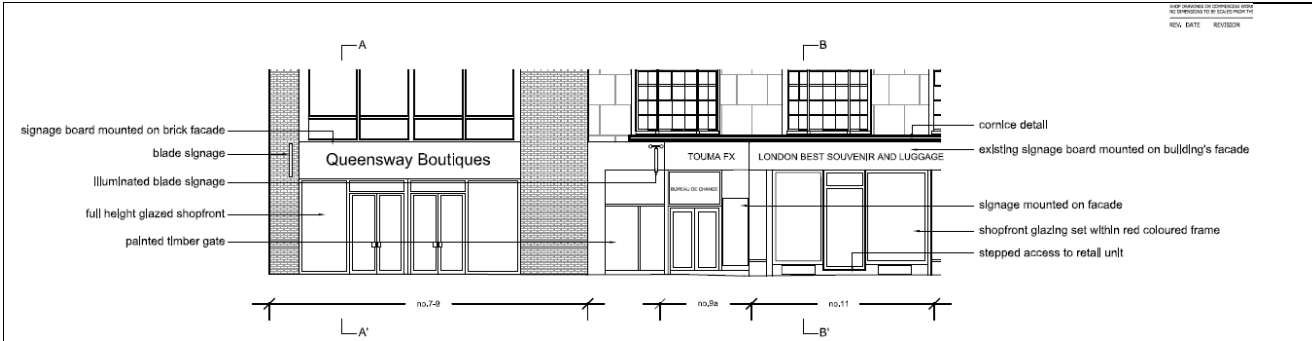
10. KEY DRAWINGS



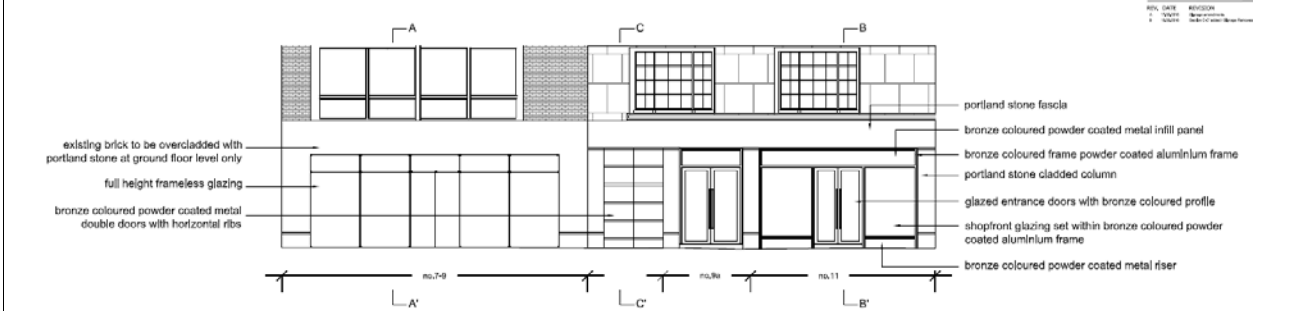








Existing shopfronts



Proposed Front Elevation for no.7-11 Queensway\_ 1:100 @ A3

Proposed shopfronts

1. existing brick to be overlaid with portland stone at ground floor level only
2. illuminated signage panel set behind glass
3. full height frameless glazing
4. bronze coloured powder coated metal double doors with horizontal ribs
5. portland stone cladded column
6. portland stone fascia
7. bronze coloured powder coated metal infill panel to form signage zone with illuminated lettering
8. bronze coloured frame powder coated aluminium frame
9. glazed entrance doors with bronze coloured profile
10. shopfront glazing set within bronze coloured powder coated aluminium frame
11. bronze coloured powder coated metal riser



**DRAFT DECISION LETTER**

**Address:** 7-11 Queensway, London, W2 4QJ,

**Proposal:** Use of basement and ground floors at 7-11 Queensway (site including southern end of Queens Court) as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.

**Plan Nos:** E14-016/7-11/EXP0B1 Rev.C, E14-016/7-11/PRP0B1 Rev.C, E14-016/7-11/SIT001 Rev.B, E14-016/7-11/EXE001, E14-016/7-11/PSF000, E14-016/7-11/SKE001 Rev. A, E14-016/7-11/EXP000 Rev.C, E14-016/7-11/PRE001 Rev. B, E14-016/7-11/PRP001 Rev. D, E14-016/7-11/PSF000 Rev. A, E14-016/7-11/SKE001 Rev. B, Design and Access Statement dated 17 February 2016.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

**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 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 Queensway 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 a sample of the Portland stone proposed for the new shop fronts to Queensway. 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.

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 Queensway 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 details of the size of the individual Portland stone panels to be applied to the frontage, including details of the location of jointing between the panels. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway 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 use the basement unit coloured purple on the drawing E14-016/7-11/PRP0B1 Rev.C only as a gym. You must not use it for any other purpose, 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 SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must submit to us detailed section drawings of the following parts of the development:

- (a) shopfront framing
- (b) stall riser
- (c) signage zone

(The suggested scale for these drawings is 1:20 with details at 1:1).

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.

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 Queensway 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 apply to us for approval of a Servicing Management Plan that includes details of the following aspects of servicing of the retail units and gym:
- (a) the location of servicing vehicles when loading/unloading on the highway;
  - (b) the size of servicing vehicles and the process for transporting goods to and from the service entrance to the retail premises, including staffing in relation to servicing;
  - (c) the storage location for any crates or trolleys required for servicing (which must not be on the highway);
  - (d) measures to reduce noise associated with servicing activities;
  - (e) schedule of deliveries and time periods during which all servicing will take place.
- You must not open the two reconfigured retail shop premises to customers until we approve the SMP you send us.  
You must then manage the two retail shop premises and gym according to the Servicing Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and 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 ENV6, SS6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of secure cycle storage for the ground floor retail unit use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in accordance with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 10 You must apply to us for approval of details of secure cycle storage for the basement Class D2 gym use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in accordance with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 11 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 retail unit.

**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 Customers shall not be permitted within the two Class A1 retail shop units before 07.00 or after 23.30 hours each day.

**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 SS6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 13 Customers shall not be permitted within the Class D2 gym premises at basement level before 07.00 or after 23.00 hours each day.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 14 Pre-commencement condition:

You must apply to us for a detailed scheme of noise attenuation for the D2 basement unit. You must not start work on this part of the development until we have approved what you sent us. The premises shall be fitted out in accordance with the approved scheme and thereafter retained.

**Reason:**

To protect neighbouring residents from noise nuisance, 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.

**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 new shop front units at No.s 7-9, 9a and 11 would appear to require advertisement consent. You will need to make a separate advertisement consent application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an

advertisement at the property.

- 3 You are advised that should you require any new air conditioning or refrigeration plant to be installed on the outside of the buildings, this will require separate planning permission.
- 4 In respect of Condition 11, you are advised that an internal waste store layout is required showing separate stores for waste and recyclable material.
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:  
*[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)*

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

*<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>*

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

# Agenda Item 6

Item No.
----------

6
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	27 Clifton Hill, London, NW8 0QE,		
<b>Proposal</b>	Demolition of existing 3 storey dwellinghouse and erection of replacement dwellinghouse comprising basement, ground and two upper floors with associated works.		
<b>Agent</b>	Mr Ian` Hume		
<b>On behalf of</b>	Mr JM Broun		
<b>Registered Number</b>	16/00579/FULL	<b>Date amended/ completed</b>	19 May 2016
<b>Date Application Received</b>	22 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional planning permission.
--

## 2. SUMMARY

Permission is sought for the demolition of the existing 3 storey dwelling house and erection of a larger 3 storey dwelling house with a new basement.

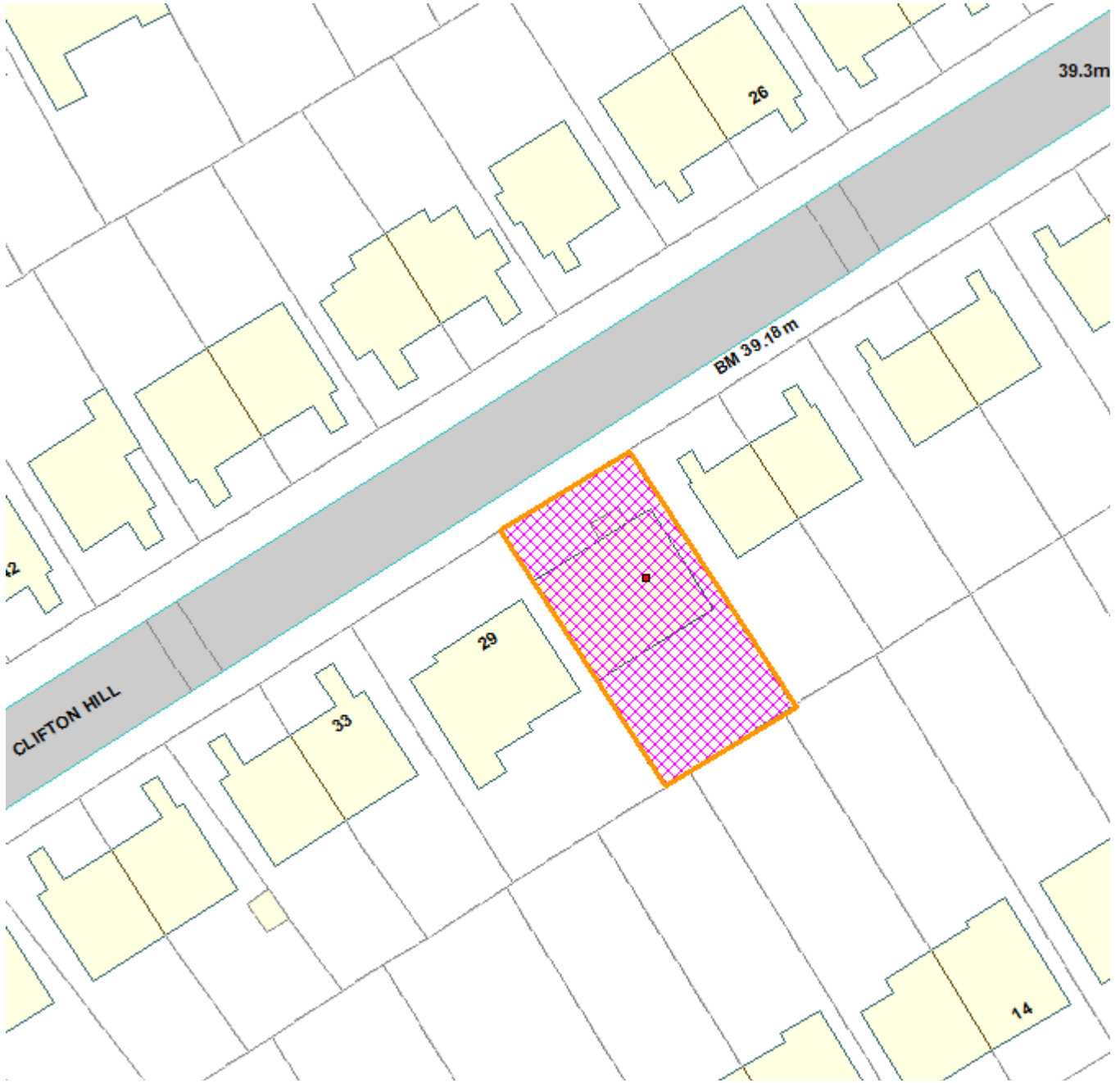
Objections have been received from the St John's Wood Society and neighbours on grounds including detailed design, amenity, structural issues and construction impact.

The key considerations are:

- Impact on the character and appearance of the St John's Wood conservation area;
- Impact on residential amenity
- Impact of the basement excavation on the structural stability of this and neighbouring buildings.
- Impact upon trees

The proposed development would be consistent with development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) in terms of conservation, design and amenity. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS

**Front of 27 of Clifton Hill**



**Side elevation of 27 Clifton Hill**



**Side elevation of 27 Clifton Hill**

19 Apr 2016 09:44:12



**Rear of 27 of Clifton Hill**

19 Apr 2016 09:41:26





## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### ST JOHN'S WOOD SOCIETY

No objection to redevelopment of site but object to specific aspects of the design;

- \* over-sized and overly dominant roof
- \* poorly proportioned front and rear dormer windows
- \* chimney projects above the roofline
- \* 'solid to void' ratio on the front elevation is out of proportion
- \* casement windows on front elevation should be timber sash
- \* ground floor windows are too high and over-sized
- \* portico lacks finesse
- \* circular rooflight is inappropriate and visible from street
- \* bin store is oversized and dominant on the streetscape
- \* artist's studio should be re built.
- \* significant light pollution from the glazed roof to rear extension.

#### HIGHWAYS PLANNING

No objection

#### CLEANSING

No objection

#### BUILDING CONTROL

No objection

#### ENVIRONMENTAL HEALTH

Holding objection, recommend conditions to ensure building provides satisfactory noise environment for future occupiers, no details of plant equipment

#### TREES

No objection subject to suitable tree replacements and details of landscaping.

#### ADJOINING OWNER/OCCUPIERS & OTHER REPRESENTATIONS

No consulted: 31; No of replies: 3 (2 objections, 1 comment)

#### Objections -

- \* scale of development
- \* disturbance on local residential amenity
- \* structural risk to adjoining properties from basement

#### Comment -

\* measures to reduce disturbance during construction supported, should be secured through planning condition.

#### ADVERTISEMENT/SITE NOTICE

Yes.

### RECONSULTATION

ST JOHN'S WOOD SOCIETY  
Any responses to be reported verbally

ENVIRONMENTAL HEALTH  
No objections subject to conditions.

ADJOINING OWNER/OCCUPIERS & OTHER REPRESENTATIONS  
No consulted: 31; No of replies: 1 (1 objection)

- \* scale of development,
- \* loss of privacy upon property to rear, as a result of building encroaching on garden
- \* adverse effects on neighbouring amenity from construction period
- \* adverse effects on water table from basement

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

27 Clifton Hill is an unlisted detached three storey single family dwelling house with front and rear garden and dormers within roof slope, located within the St John's Wood Conservation Area.

### 6.2 Recent Relevant History

#### 10/02348/FULL

Erection of a rear conservatory, excavation of new basement floor below existing house with front lightwell, conversion of existing garage into habitable space (involving an increase in height from 2.8m to 3.8m to create an enlarged side extension), and alterations to the front entrance portico.

Application Permitted 17 June 2010

#### 13/03083/FULL

Extension of time for the commencement of development granted planning permission on 17 June 2010 (extant permission: Ref: 10/02348) for erection of a rear conservatory, excavation of new basement floor below existing house with front lightwell, conversion of existing garage into habitable space (involving an increase in height from 2.8m to 3.8m to create an enlarged side extension), and alterations to the front entrance portico.

Application Permitted 20 June 2013

#### 14/07553/ADFULL

Details of construction management plan pursuant to Condition 6 of planning permission dated 20 June 2013 (RN: 13/03083).

Application Permitted 18 November 2014

#### 15/05110/CLOPUD

Demolition of existing rear extension and erection of replacement rear extension.

Application Permitted 27 July 2015

15/05207/FULL

Alterations to front, rear and side elevations of single family dwelling. Replacement windows and associated works.

Application Permitted 31 July 2015

## 7. THE PROPOSAL

Permission is sought to demolish the existing 3 storey (dormers within roof) dwelling house and the erection of a replacement 3 storey plus basement dwelling house.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

In land use terms the replacement of the existing dwelling house with a new dwelling house of increased floor space accords with Policy H3 of the UDP and policies S14 and S15 of the City Plan. The replacement dwelling house would provide a good standard of residential accommodation, with a total floor area that would significantly exceed Government's new technical housing standards dated March 2015.

### 8.2 Townscape and Design

#### *Existing buildings*

The building is noted in the City Council's published St John's Wood Conservation Area Audit as a neutral building in terms of its contribution to the character and appearance of the conservation area, and from a site inspection this appears based to a significant degree on how it sits within the street scene rather than from any intrinsic design quality. Most of the surrounding buildings were built in the mid 19th century as, principally, semi-detached villa buildings with classically inspired Italianate detailing and stucco clad front elevations, with exposed brick to side and rear elevations, and with low pitched roof structure with overhanging eaves over each elevation. The design of these surrounding 19th century buildings is very consistent in terms of their overall appearance, they are almost all listed buildings and the list descriptions make significant reference to these forming 'part of unusually complete surviving scheme', reflecting the significant harmony to the street scene from a consistent series of largely unaltered buildings.

The limited number of separate early/mid 20th century buildings also have a good degree of consistency to each other (though differing in many respects from the 19th century buildings), and are characterised by markedly steeper pitched roof structures and exposed brick to all elevations. The existing application building, though it differs in some details, generally falls squarely in the general appearance of the early/mid 20th century buildings in the street. Given its more recent date of construction, designation in the Audit, and relatively poor design quality, the demolition of the building could be considered acceptable subject to the replacement building being of sufficient design and architectural merit and appropriateness to the conservation area context.

#### *Proposed development*

### *Massing*

The proposed development comprises a new building at ground and first floor levels, with accommodation also within the roof structure to second floor level and within a newly excavated basement level. Aside from the proposed ground floor rear extension structure which is broadly the same as previous permissions at the site, the footprint of the proposed dwelling remains the same.

In terms of the roof, The St John's Wood Society raise objection to the 'over-sized and overly dominant roof'. The roof line however matches the height and pitch of the existing roof structure, and such prominent roof structures are a consistent feature of the surrounding 20th century buildings. As such, in massing terms the proposed building is considered acceptable.

### *Detailed design*

Objections were received from the St John's Wood Society and other neighbours concerning a number of detailed design points. The following discussion relates to detailed design and deals with objections from the St John's Wood Society where relevant.

In terms of elevation design treatment, the proposed building is a brick faced structure with an arrangement of vertically proportioned windows to the front and rear elevations. This is considered an appropriate design. Concerns were expressed that the 'solid to void ratio' was out of proportion. This concern also relates to the dormer windows proposed. However the scale and proportioning of windows, relative to the elevations, is not dissimilar to that found on surrounding Victorian and 20th century buildings whilst the dormers are not of a dissimilar scale to the existing, with the exception of the east elevation which are smaller.

The east side elevation incorporates a large staircase window projecting up from ground to first floor level. Given that a similar two storey window feature is found to the east elevation of the existing building at no. 29 Clifton Hill this is considered acceptable. The west elevation incorporates a retained single storey side wing to ground floor, with the first floor of blank brickwork. This approach is considered acceptable.

Further to the fenestration, the St John's Wood Society expressed a desire for sash windows. The windows however in the context of the proposed development are considered acceptable, given that it's modelling is reflective of a mid 20th century building, and inward opening function will ensure they do not unduly clutter the impression of the building when open.

Concerns were expressed in relation to the design and scale of the proposed front portico. This concern is shared by officers, as the portico is an overly plain and imposing structure. Revised plans were sought which reduced the scale of the front portico to a more appropriate door case which is now considered acceptable.

In terms of the proposed lightwells serving the basement, these are located at the front and rear, are relatively small in size and smaller than those previously approved on 17.06.2010. In addition, the front lightwells have grills over, creating a neater and more discreet finish than the open lightwells with railings previously approved on 17.06.2010.

The lightwells to the rear are sited immediately adjacent to the rear extension element of the building and are not considered over-scaled.

With regards to the roof, following advice from Officers, the slate roof originally proposed was amended to a clay tiled roof which is more in keeping with the character of early/mid 20th century buildings. With regards to proposed chimneys, the St John's Wood Society expressed concerns that they did not project above the roofline. This approach however is consistent with the character of the street scene, where the Victorian buildings have high and prominent chimney stacks, but that the 20th century buildings typically have much lower stacks which are not strongly defined features of the appearance of those buildings. This approach is therefore considered acceptable.

Objections are also raised to the circular rooflight proposed to the east side elevation. Given the unorthodox shape of this feature and its visibility from street level, this was amended to a rectangular opening which is a more appropriate shape.

The St John's Wood Society express a preference for the artist's studio structure to the west side of the building to be demolished and rebuilt (and therefore better integrated) into the scheme. Whilst sympathising with these views, it is a relatively small scale brick structure which will be seen in context with the new brick building, and as such will not adversely affect the character of the new development.

Concerns were expressed regarding the lack of detail relating to the proposed bin and cycle store to the front garden. A further condition is recommended requiring full details of these structures, and advising that they should have a minimal visual impact.

Overall, though the new development is not of notably high architectural quality, the design draws on many aspects of the design of the surrounding early/mid 20th century villas in Clifton Hill and elsewhere, and their principal characteristics of ground floors at ground (and not raised ground) level, large and prominent dormered roof structures and exposed brick as the principal facing material. Having incorporated the aforementioned changes, it is a notable improvement upon the existing building, and will integrate acceptably into the pattern of early/mid 20th century buildings to Clifton Hill which it largely resembles. Further consultation on the above changes with neighbours and St John's Wood Society was undertaken. No further comments were received from the St John's Wood Society whilst the single representation received from No. 16 Carlton Hill did not raise any additional design issues. As such it is considered acceptable on design grounds.

### **8.3 Residential Amenity**

Policy ENV 13 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 Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

The proposed building would occupy broadly the same footprint as the existing building, apart from the additional footprint at ground floor level to the rear which would project further into the garden. The proposed building would also be the same height as existing.

Given the, footprint, height and bulk of the proposed building it is not considered to result in any significant impact on daylight, sunlight and sense of enclosure to neighbouring occupiers.

With regards to privacy, the proposed side dormers and rear balconies are similar to those on the existing building. In addition the separation between the proposed dwelling and 16 Carlton Hill to the rear remains similar to the existing situation, notwithstanding the ground floor extended element, as such it is not considered that the proposed house would significantly impact on the privacy of the occupiers of that neighbouring property to the rear.

The St John's Wood Society raise concerns that the roof light within the roof of the single storey extension element could be the source of light pollution. Given the size and location of the extension to this detached house and the relationship with neighbouring properties it is not considered that permission could be withheld on this ground.

### **8.3.1 Transportation/Parking**

The works involve the loss of an integrated garage. However a car space in the front curtilage is retained which accords with parking standards and TRANS23 of the UDP. Cycle parking and dedicated waste storage spaces are also provided.

### **8.4 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.5 Access**

The new dwelling would have level access and dedicated off street parking. Pursuant to Policy H8 of the UDP which requires new housing to meet lifetime homes standards, in the context of the proposed replacement dwellinghouse this is considered an acceptable

### **8.6 Other UDP/Westminster Policy Considerations**

#### **8.6.1 Revision to Basement Policy**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1

Section A2b], which will be applied from the date of publication of the Code of Construction Practice document.

In addition to this, the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' in October 2014, which can be given considerable weight.

The implications of the revisions to the City Plan and adopted basement SPD for the development subject of this report are outlined elsewhere in the report

### **8.6.2 Trees and landscaping**

The proposed development does not involve the felling of any trees. The line of Pear trees at the rear of the site have been assessed in the submitted arboricultural report and found to be of sufficient distance from the basement to ensure they are not threatened. Appropriate ground protection is outlined in the arboricultural report with respect to these trees, whilst the construction management plan contains details of protective hoarding for the single street tree outside the property. The City Council's arboricultural officer has reviewed the proposals and does not raise any objections, subject to a condition to require the planting of trees in the front garden. However given the front garden is currently hard landscaped and contains no trees, it is not sustainable to require tree planting as part of this development.

### **8.6.3 Environmental assessment**

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted statement confirms the proposed building will achieve a 36.4% improvement on baseline Kg/Co2 emissions set out in 2013 Building regulation Part L through incorporating a number of measures as listed on page 5 of the statement. This satisfies the objectives of policy S28.

### **8.6.4 Plant and noise considerations**

With regards to the basement plant room shown on plans, Environmental Health Officers highlighted the absence of any detailed specifications or noise acoustic reports and issued a holding objection. The agent advised on site this room will accommodate utilities only and no mechanical plant. Environmental Officers have been updated of this and no longer raise objection. An informative is recommended to advising that the installation of any mechanical plant and extraction will require planning permission.

With regards to the quality of the noise environment for future occupiers, Environmental Health have advised that in the absence of details, a condition should be attached to ensure the design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise. A condition will be attached accordingly.

### **8.6.5 Flood risk**

Objections from neighbours express concerns regarding the impact of the extension on groundwater. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. In terms of surface water, a small increase in impermeable surface will be mitigated through the inclusion of rainwater harvesting tanks.

### **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**

Not applicable

### **8.11 Other Issues**

#### **8.11.1 Basement Structural Issues**

With regards to basement structural impact, objections have been received from adjoining occupiers in relation to potential risk of subsidence and movement as a result of basement works. To address this and the requirements of the basement SPD and emerging basement policy, the applicant has provided a structural engineer's report and supporting geotechnical survey 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 level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. It should be emphasised that the purpose of commissioning such an analysis at this stage is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Should permission be granted, this Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Accordingly, it is considered that the report has provided sufficient consideration at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.



In addition to the construction implications, the proposed basement has been assessed in relation to key criteria contained with the SPD and emerging basement policy CM28. These are; the basement not occupying more than 50% of the garden curtilage, the retention of a margin of undeveloped garden land either side of the basement proportionate to the size of the scheme and plot, the basement being limited to a single storey only and retaining a minimum of 1.2m soil depth above the basement where it extends beneath domestic gardens. Pursuant to these requirements the proposed basement is compliant.

### **8.11.2 Construction management**

Objections submitted in relation to construction management object to the disturbances that are likely to arise as a result of the proposed basement excavation and suspension of on street parking bays. A Construction Management Plan (CMP) has been submitted detailing;

The CMP provides an itemised construction programme of 71 weeks and contact telephone number, routing and scheduling of deliveries, suspensions of on street parking bays and highways licences to enable deliveries and the skip location, storage of plant and materials in the front garden with consideration for tree protection, parking and other travel arrangements for site operatives and visitors, erection and maintenance of security hoarding's and gantry spoil removal system retaining 1.2m clear footway to allow pedestrian movement, measures to reduce noise, dust and other environmental impacts, and a scheme for recycling/disposing of waste resulting from demolition and construction works.

The CMP sufficiently demonstrates an adequate approach to reduce the impact of construction upon the amenity of neighbours at this stage and will be secured through planning condition.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from St John's Wood Society, dated 8 March 2016
3. Response from Building Control - Development Planning, dated 26 February 2016

4. Response from EH Consultation, dated 17 February 2016, 5 July 2016
5. Response from Highways Planning, dated 17 February 2016
6. Response from Trees Section, dated 1 April 2016
7. Response from Cleansing dated 18 February 2016
8. Letter from occupier of 28, Clifton Hill dated 15 February 2016
9. Letter from occupier of 38 Clifton Hill, dated 22 February 2016
10. Letter from occupier of 29 Clifton Hill, dated 21 February 2016
11. Letter from occupier of 16 Carlton Hill, London, dated 28 June 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 THE PRESENTING OFFICER: SARAH WHITNALL BY PHONE: 02076412929 BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

### 10. KEY DRAWINGS

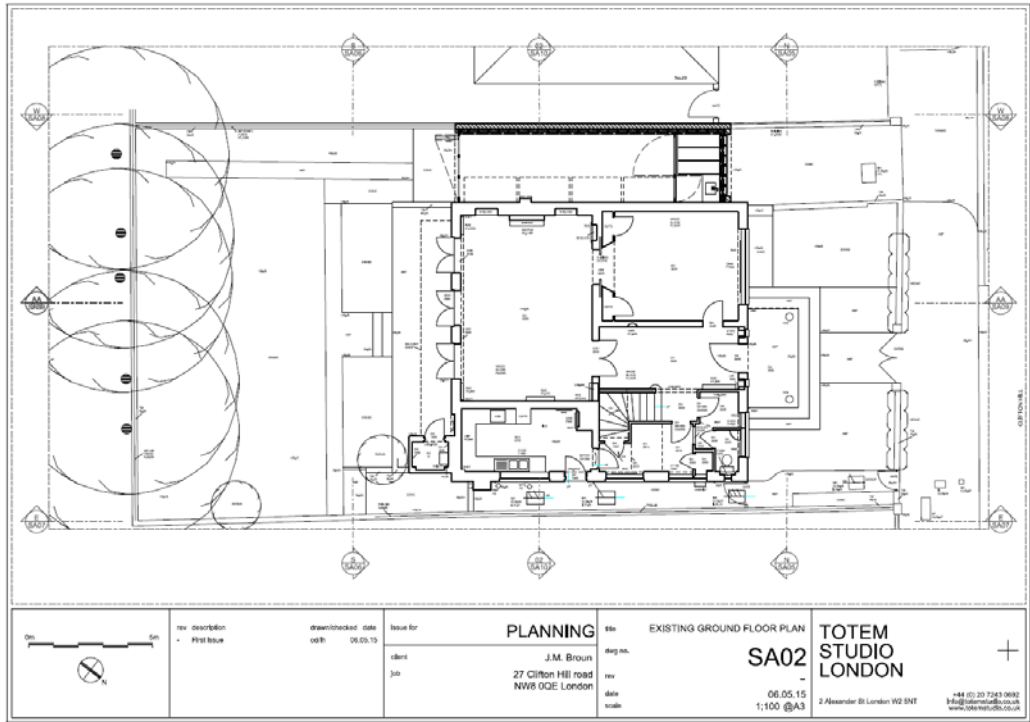
Existing front elevation



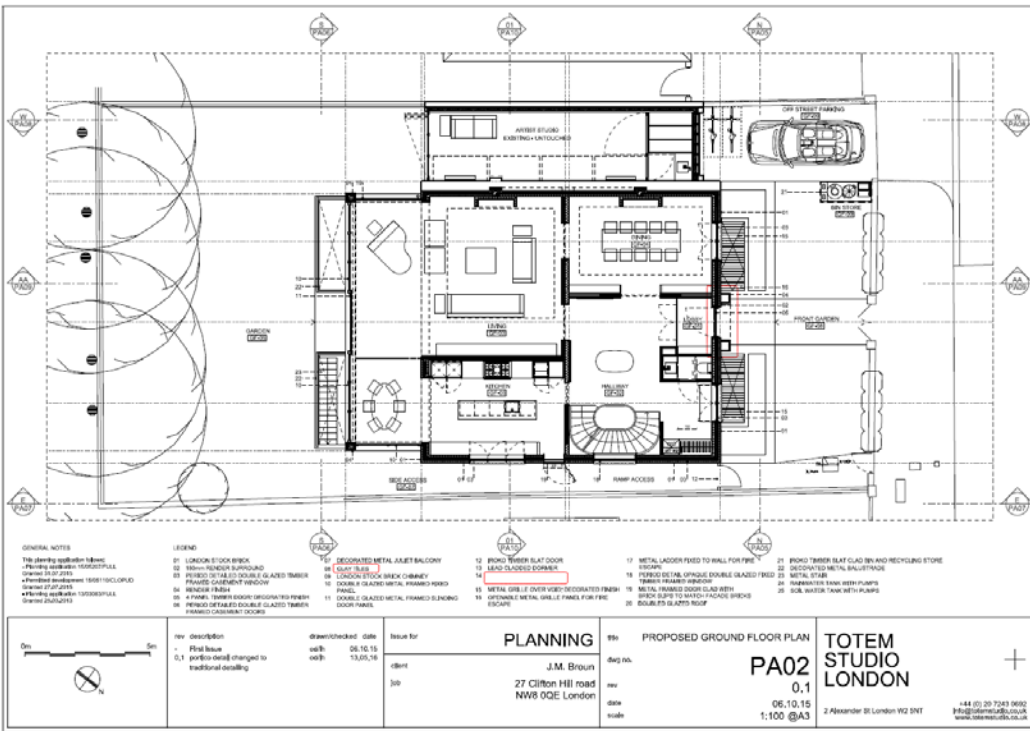
Proposed front elevation



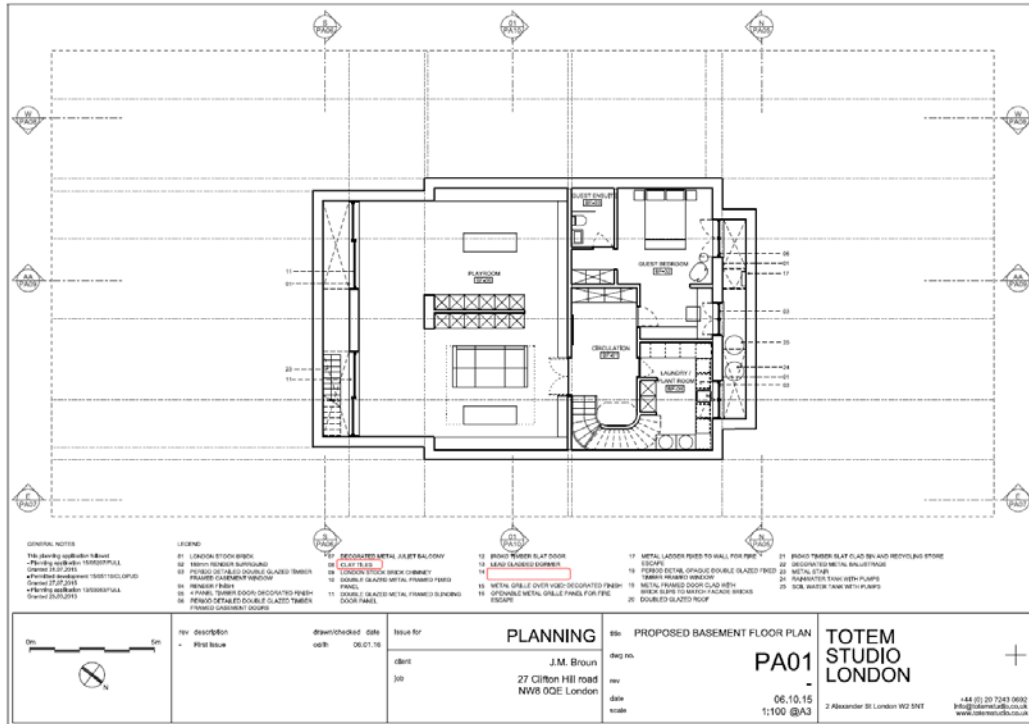
Existing Ground floor plan



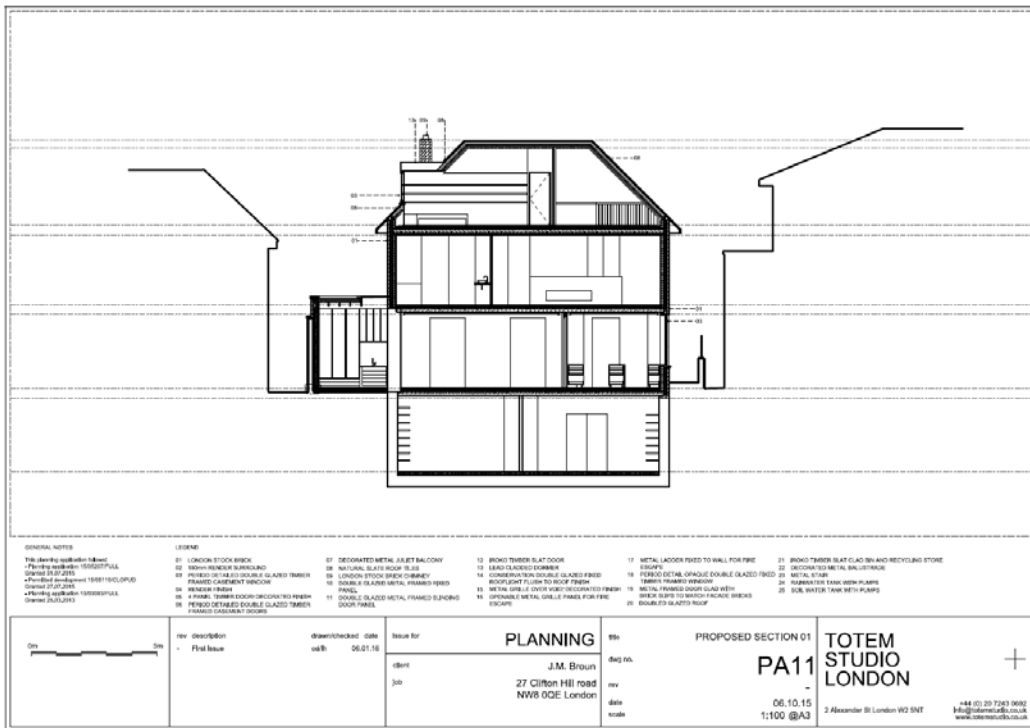
Proposed ground floor plan



Proposed basement plan



Proposed section through basement



**DRAFT DECISION LETTER**

- Address:** 27 Clifton Hill, London, NW8 0QE,
- Proposal:** Demolition of existing 3 storey dwellinghouse and erection of replacement dwellinghouse comprising basement, ground and two upper floors with associated works.
- Reference:** 16/00579/FULL
- Plan Nos:** D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, PA01, PA02 01, PA03 01, PA04 01, PA05 01 PA06 01, PA07 01, PA08 01, PA09 01, PA10 01, PA11 01, PE01, PE02, PE03, PG01, PG02, PG03, PG04, SA01, SA02, SA03 SA04, SA05, SA06, SA07, SA08, SA09, SA10, SA11, Planning Statement dated 20 January 2016, Design and access statement dated 20 January 2016, Heritage Statement dated January 2016, Flood risk assessment dated 11 January 2016, planning application 3d renderings, planning application photo report, Arboricultural Implications Assessment dated 18 January 2016, CTMP B prepared by ADL planning, Structural Methodology Statement prepared by Solid Geometry Structural Engineers dated 26 January 2016 (for information purposes only)

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**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 The grilles to the front lightwells shall be installed prior to the occupation of the building and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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 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. The bricks shall not be rendered, painted or otherwise overclad. (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 St John's Wood 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 new windows and external doors shall be formed in glazing and white painted timber framing, with the exception of the doors to rear ground and lower ground floor levels which shall be formed in either timber or metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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 a sample of the clay roof 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 this sample. (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 St John's Wood 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 elevation/section/plan drawings (as appropriate) showing the location, size and design of both the bin store and any structures associated with the cycle parking. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26CB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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 The windows and external doors to the front and side elevations of the building shall open inwards only.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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 external metal railings and grilles shall be black in colour, and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 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.

- 12 The excavation and construction of the development shall be carried out in accordance with the measures included in your Construction and Traffic Management Plan prepared by ADL planning at all times throughout the construction process.

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.

**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 Condition 6 of this approval requires clay tiles to roof level. You are advised to review the shade, colour and appearance of the existing clay tiles to the other 20th century neo-Georgian buildings nearby in Clifton Hill.
- 4 You are reminded that this permission does not authorise works to the front boundary of the property
- 5 With regards to condition 7, you should seek to incorporate these structures within the main body of the development, with the most suitable location being sited just inside the side wing to the west side of the building
- 6 Your planning permission does not allow for the installation of a mechanical plant in the basement. If you intend to install any mechanical plant which has the potential to create noise and vibration, you must make an application for planning permission including an acoustic report demonstrating that the plant will comply with the Council's noise criteria.
- 7 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.

- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 9 In recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, it is recommended you install a 'positive pumped device' (or equivalent reflecting technological advances) in the basement.
- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 11 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)

- 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.

- 13 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.

Item No.
<b>6</b>

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 7

Item No.
----------

7
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 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>Development Site At Former Westminster College, Castle Lane, SW1.</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.		
<b>Agent</b>	Mr Jeremy Randall		
<b>On behalf of</b>	Castle Lane Properties Limited		
<b>Registered Number</b>	16/02588/FULL	<b>Date amended/ completed</b>	23 March 2016
<b>Date Application Received</b>	22 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Birdcage Walk		

## 1. RECOMMENDATION

Grant conditional permission subject to a deed of variation to the S106 agreement dated 5 January 2015 to secure:

- i) A financial contribution towards affordable housing of £2.5m payable on commencement of development;
- ii) Lifetime car club membership (25 years) for each residential unit;
- iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (Index linked);
- iv) Highway works to Wilfred Street
- v) S106 Monitoring contribution.

If the S106 legal agreement has not been completed within six weeks of the date of the Committee's

resolution then:

(a) The Director of Planning shall consider whether it would be possible and 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 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 the proposals are unacceptable in the absence of the 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

Permission was granted in January 2015 for the redevelopment of the former Westminster College building to provide 31 residential units. Demolition works have commenced on site. The site is located within the Birdcage Walk Conservation Area and the Core CAZ.

This minor material amendment application is seeking changes to the approved scheme. In all other respects the scheme remains substantially the same as approved in 2015. The key amendments sought through this application are as follows:

### Reduced height of main building

It is proposed to reduce the floor height of each floor in the new building by 150mm. A floor to ceiling height of 2.7m will be provided to each floor. This change will result in a reduction in the overall height of the main building by 900mm. This is welcome in design terms.

### Alterations to roof top plant room.

This is one of the main alterations to the scheme. The applicant advises that following a design review the building maintenance unit (BMU) within the approved plant room is not required. Part of the space occupied by the BMU will now be provided as residential floorspace linked to the flat below. The depth of the plant room will reduce slightly but the overall height will increase by 20cm. It is also proposed to clad three facades of the plant room in Onyx photovoltaic glass to generate energy. The fourth side will be louvred. Additional photovoltaic panels will be provided on the roof of the plant room.

Updated verified visuals have been provided to show that these changes to the plant room have an acceptable impact to the appearance of the building and will not harm the appearance of the conservation area. There are no objections to these changes in design terms.

The applicant has confirmed that the energy generated by the revised photovoltaic arrangement is comparable to that already approved.

There are concerns from neighbours about reflection of light from the glass photovoltaics. The applicant has advised that the glass will be light grey with a matt finish to avoid light reflection. It is also proposed to condition manufacturer's information on the glass. It is not considered that the matt glass will generate levels of light reflection to cause harm to amenity.

#### Roof terrace

A small (10m<sup>2</sup>) private roof terrace is proposed at sixth floor level. Concerns have been raised by neighbours about overlooking and noise from the terrace. However, given that it is set back by 3m from the roof edge and its small size it is not considered that it will have any significant amenity impact. The provision of a cover over the terrace or baffle walls, as suggested by neighbours to contain sound, would not be supported in design terms. The remaining roof area will be a living biodiversity roof which is welcome. A condition is recommended to prevent use of the living roof as a terrace. The comments about allergies and the living roof from a neighbouring occupier are noted. As approved the scheme already has a number of living roofs and, whilst officers are sympathetic, it is not considered appropriate to require the removal of this important biodiversity for this reason.

#### Alterations to basement

It is proposed to increase the depth of part of the basement by a further 2.35m to allow for the provision of a mezzanine floor within the basement to provide ancillary residential storage. The additional excavation required is not considered contentious given the overall scale of basement works already approved.

#### Alterations to Wilfred Street elevation

The key change is the removal of street entrance doors to two flats facing Wilfred Street. The flats will now gain access via the communal entrance instead. The justification given is to improve security and access to the concierge, waste stores and parking. It will also provide full DDA access to flat unit 5. Whilst this change will reduce interactivity with Wilfred Street it is considered a minor change and not something that could be resisted.

#### Changes to internal layout of residential units

The applicant proposes to use the basement of the two town houses on Wilfred Street as living accommodation rather than as bedroom accommodation as approved. A residential occupier of 36 Buckingham Gate that overlooks the rear of the proposed townhouses is concerned that this will intensify the use of the small private courtyard gardens. Whilst this concern is noted the use of the basement for living accommodation is unlikely to intensify the use of the courtyard to such a degree that it would be harmful to residential amenity. Other minor changes to the internal layout of flats within the main building are proposed however all units will still comply with minimum national space standards. There will also be an increase in the number of cycle parking spaces in the basement which is welcome.

#### S106 legal agreement

It is recommended that the application secures a deed of variation to the S106 agreement dated 5 January 2015. The heads of terms will remain the same as the 2015 permission other than the parking mitigation payment (£12,000) which following the updated CIL regulations can no longer be secured and does not form part of the draft heads of terms.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597



4. PHOTOGRAPHS



Former Westminster College building (now demolished)

## 5. CONSULTATIONS

Westminster Society  
No objection

Environmental Health  
No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 174  
Total No. of replies: 7  
No. of objections: 7  
No. in support: 0

The letters of objection raise the following concerns:

#### Amenity

Noise and overlooking from roof terrace. The terrace should have a cover and baffle walls to reduce noise.

Swapping the living and sleeping areas in the townhouses would mean more use of the courtyards and more noise.

The photovoltaics may reflect light.

There should be no access to the living roof.

#### Other

The living roof will affect people with allergies.

The building is already high enough and should not be increased any further.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 14/02489/FULL

Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.

Application Permitted

5 January 2015

## 7. BACKGROUND PAPERS

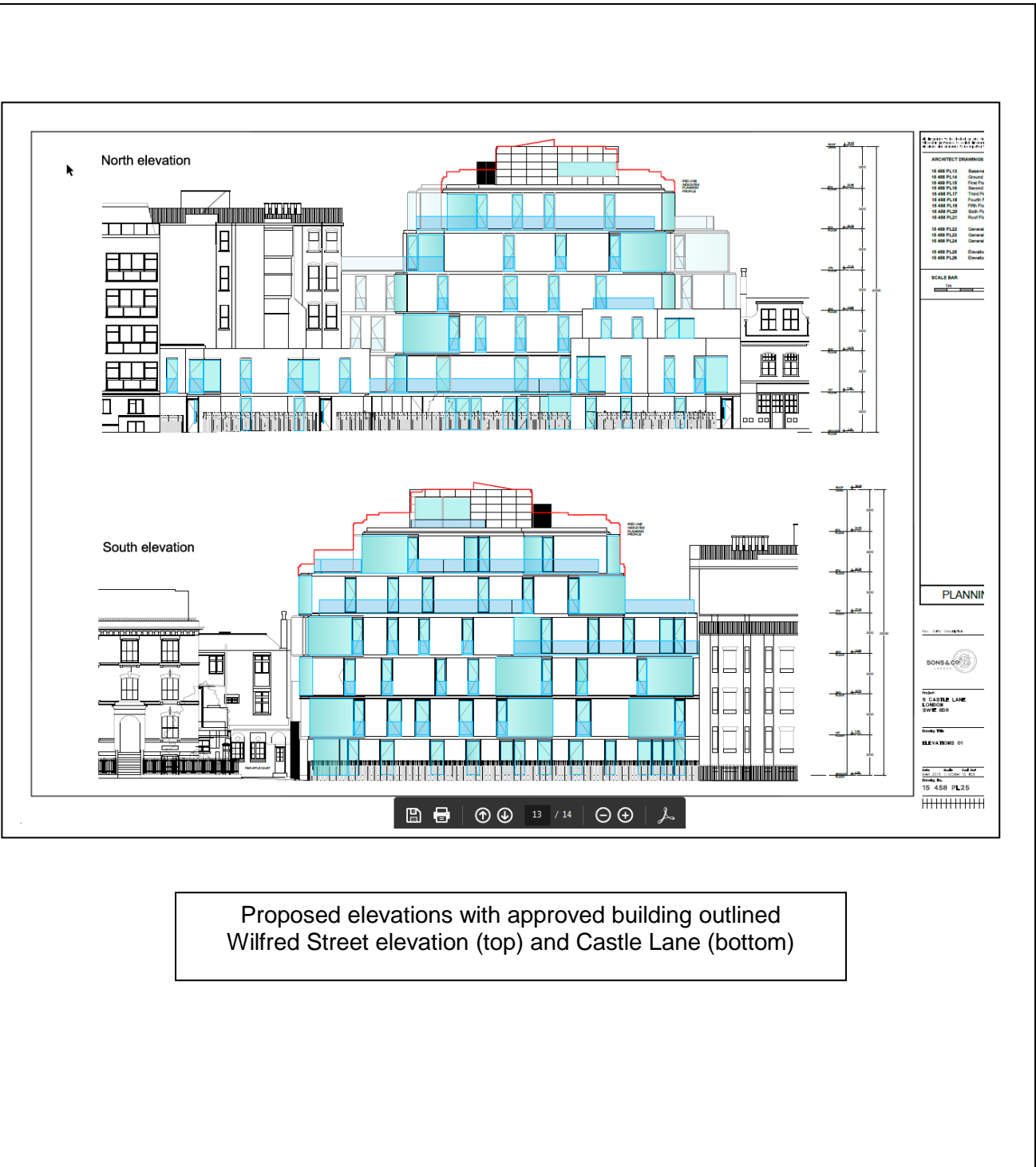
1. Application form
2. Response from Westminster Society, dated 12 April 2016
3. Response from Plant And Equipment, dated 26 April 2016
4. Letter from occupier of Flat 18, 36 Buckingham Gate, dated 28 April 2016
5. Letter from occupier of 11 Pennyford Court, St Johns Wood, dated 23 April 2016
6. Letter from occupier of Flat 15B, 36 Buckingham Gate, dated 22 April 2016
7. Letter from occupier of Flat 20, 36 Buckingham Gate, dated 29 April 2016
8. Letter from occupier of 36 Catherine Place,, London, SW1E 6HL, dated 4 May 2016
9. Letter from occupier of Flat 1002, 20 Palace Street, dated 28 April 2016
10. Letter from occupier of 27 Wilfred Street, London, dated 24 April 2016

### Selected relevant drawings

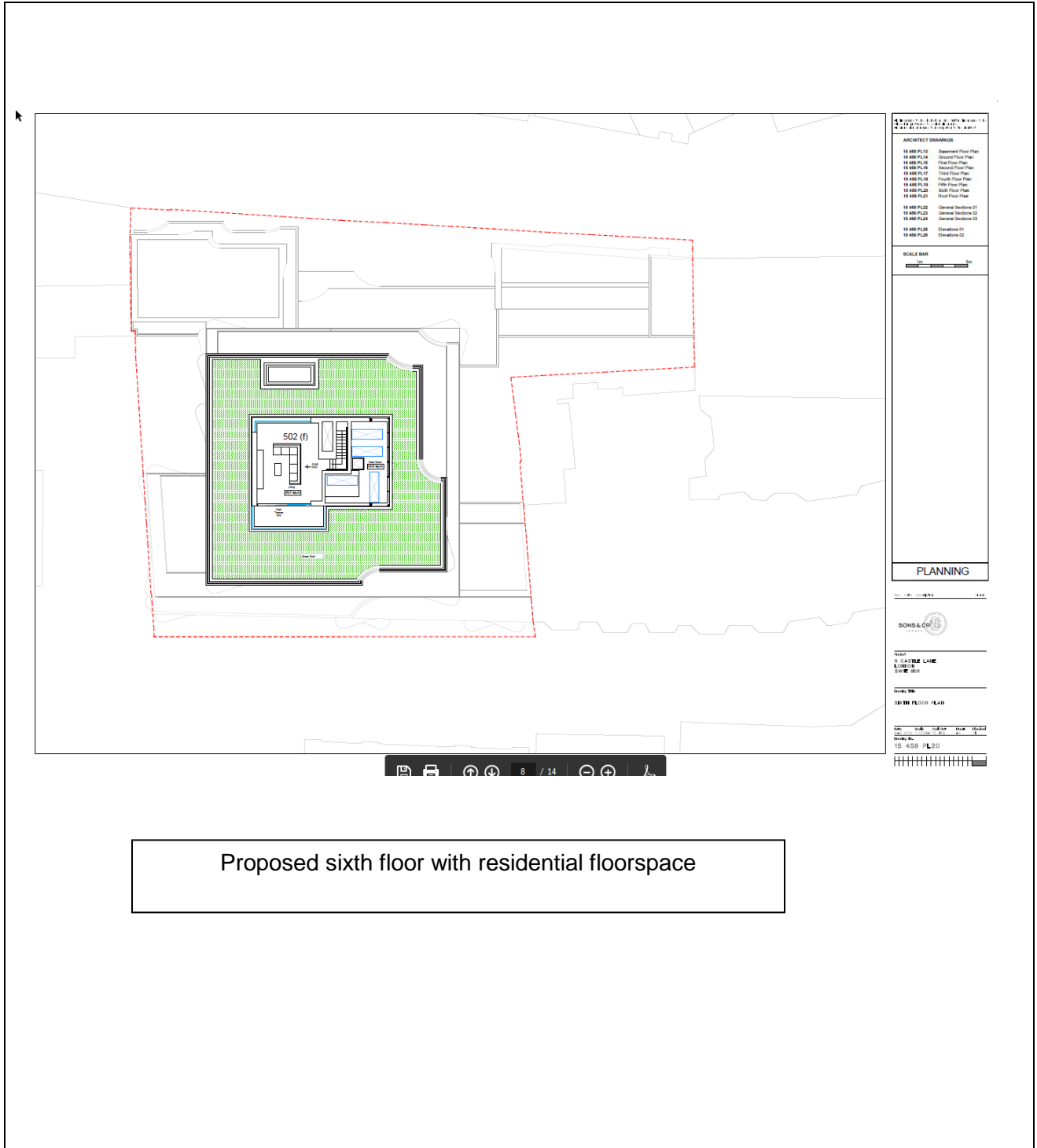
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY PHONE: 02076412488 BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk).

8. KEY DRAWINGS



Proposed elevations with approved building outlined  
Wilfred Street elevation (top) and Castle Lane (bottom)



Proposed sixth floor with residential floorspace



Verified view CGI from Palace Street at junction with Castle Lane with proposed building reduced by 900mm



Verified view CGI from Wilfred Street with proposed building reduced by 900mm

**DRAFT DECISION LETTER**

**Address:** Development Site At Former Westminster College, Castle Lane, London,

**Proposal:** Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.

**Plan Nos:** Existing drawings - 1300 A, 1350 A, 1351 A, 1350 A, 1355 A, 2450

Proposed drawings - 15 458 PL13, 15 458 PL14, 15 458 PL15, 15 458 PL16, 15 458 PL17, 15 458 PL18, 15 458 PL19, 15 458 PL20, 15 458 PL21, 15 458 PL22, 15 458 PL23, 15 458 PL24, 15 458 PL25, 15 458 PL26,

Residential Amenity Analysis - 1206 A, 3410 A, 1216 A, 1210 A, 1211 A, 1212 A, 1213 A, 214 A, 1215 A, 3411 A.

Reports - Planning Statement, Daylight, Sunlight and Overshadowing Report and addendum dated 10/09/2014. Transport Statement, Energy Statement, Code for Sustainable Homes Credit Review, Sustainability Statement, Statement of Community Involvement and addendum (September 2014), Plant Noise Assessment, External Noise Intrusion Assessment, Heritage and Townscape Impact Assessment, Environmental Performance Statement, Financial Viability Report.

Memo from ChapmanBDSP dated 29 May 2014, Heritage and Townscape Impact Assessment addendum dated 9 May 2014 incorporating view A1, Transport Statement Addendum dated 28 May 2014.

Design and Access Statement and addendum (September 2014) as updated for the minor material amendment application (March 2016).

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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.

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.

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 (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.

- 4 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.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the car lift and access door machinery will comply with the Council's noise criteria as set out in Condition 3 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.

- 6 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.

- 7 You must provide the waste and recycling store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the 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)

- 8 You must provide the secure basement cycle parking spaces shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

## Reason:

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

- 9 You must apply to us for approval of details of the following:

- Car Parking Management Plan.
- Car Lift Maintenance Management Plan

You must not occupy the residential units until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plans. (See Informative 2)

## 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)

- 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.

## Reason:

To provide parking spaces for people living in the development as set out in STRA 25 and

TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 11 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiversity 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 it 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)

- 12 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: a minimum of one electric charging point for each two car parking spaces. 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 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.

- 13 You must apply to us for approval of details of the bird and bat boxes including their design and location. 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 the bird and bat boxes in accordance with the approved details. (see informative 3)

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)

- 14 You must carry out the development in accordance with the details set out in the Sustainability Statement and Energy Statement.

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 A Code for Sustainable Homes assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) and a copy of the certificate detailing the award score for the building shall be submitted to us within 16 weeks of first occupation. In the event that this fails to meet the Pre-Assessment Score of 72.18 (or equivalent from another

authorised assessor) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

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)

- 16 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.

a minimum of 50m<sup>2</sup> of photovoltaic 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)

- 17 You must apply to us for approval of details of the building's systems management. You must not occupy the residential units until we have approved what you have sent us. You must then manage the building in accordance with the details approved. (see informative 5)

Reason:

To make sure that the development affects the environment as little as possible by reducing overheating and demand for mechanical ventilation in the summer months. This is as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013)

- 18 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

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)

- 19 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 provide 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.

- 20 Prior to occupation you must restrict the window openings to 45 degrees in the east elevation of the building and provide obscure glass in the balustrade to window openings in the east elevation of the building as shown on drawing 2402 B. You must then retain the window opening restriction and retain obscure glass in the balustrade at all times.

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)

- 21 The glass that you put in the south facing first floor windows in the rear elevation of the town houses on Wilfred Street (opposite 36 Buckingham Gate) 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, 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 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 Birdcage Walk 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)

- 23 You must apply to us for approval of detailed drawings showing the brick pattern, bond and mortar pointing and elevational drawings at 1:100 scale showing where these patterns are proposed on the building.

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 Birdcage Walk 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)

- 24 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 Birdcage Walk 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)

- 25 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 Birdcage Walk 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)

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

- i) windows at a scale of 1:10
- ii) external doors at a scale of 1:10
- iii) boundary railings at a scale of 1:10
- iv) acoustic screen on Pine Apple Court
- v) dual openable windows on west elevation
- vi) the Onyx glass photovoltaic panels (manufacturer's information)

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk 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)

- 27 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of a location for communal satellite dishes. 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 works according to these drawings.

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 Birdcage Walk 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)

- 28 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of the extraction vent for the basement car park currently shown on the west elevation of the building. 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 drawings approved.

Reason:

To make sure that the appearance of the building is suitable that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area and to protect the amenity of adjoining neighbours. This is as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7, 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)

- 29 You must not use the first floor roof of the town houses on Wilfred Street (facing 36 Buckingham Gate) for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21AA)

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)

- 30 You must apply to us for approval of detailed drawings of the following parts of the development - the design of the first floor rear wall of the two townhouses facing 36 Buckingham Gate. 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 approved. (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 Birdcage Walk 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)



- 31 Other than the area identified as roof terrace on drawing 15 458PL20, 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 or for maintenance purposes. (C21AA)

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)

**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 car parking management plan required by condition 9 should contain the following details:
  - i) Provision of a vehicle signalling system to ensure that vehicles entering the development site have priority over those leaving;
  - ii) Provision of one electric car charging point per two car parking spaces within the car park;
  - iii) Marked disabled bays are for the use of white badge holders only;
  - iv) No more than 1 car parking space ("right to park") per residential unit;
  - v) The approved residential car parking spaces shall only be used by occupants of the residential development and for no other use or user and maintained for the life of the development;
  - vi) Car parking spaces, vehicle manoeuvring areas and vehicle access routes to be maintained for the life of the development and used for no other purpose than providing vehicle car parking and access to the spaces
- 3 You are advised that the bird and bat boxes should be an integral part of the design of the building facade. You are recommended to consult the RIBA's 'Designing for Biodiversity' for guidance.
- 4 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 towards affordable housing of £2.5m index linked and payable on

commencement of development;

ii) Lifetime car club membership (25 years) for each residential unit;

iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (index linked)

iv) Highway works to Wilfred Street as shown on drawing CL-DWG-023/B

v) Unallocated car parking; and

vi) S106 Monitoring contribution.

- 5 The details required in relation to the building's system management relate to the provision of integrated light coloured curtains as an integral part of the window detail as set out in the document from Chapman BDSP dated 29 May 2015. An extract from the relevant document to demonstrate this would be acceptable to discharge this condition.
- 6 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.

# Agenda Item 8

Item No.
----------

8
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 JULY 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>Grove House, 88 - 94 Westbourne Grove, London, W2 5RT,</b>		
<b>Proposal</b>	To advance the front face of the subject building onto a margin of the adopted highway Westbourne Grove.		
<b>Agent</b>	Brecher of 4th Floor, 64 North Row, London, W1K 7DA		
<b>On behalf of</b>	SRE Properties (Westbourne Grove) Limited c/o Enstar Capital Ltd		
<b>Registered Number of Planning Application</b>	14/10572/FULL	<b>Date amended/ completed</b>	5 July 2016
<b>Date Draft Order issued</b>	12 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

- 1.1 That the Committee authorises the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) to notify the Mayor of London of the unwithdrawn objections to the draft Order being made pursuant to section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of a part of the highway adjacent to 88-94 Westbourne Grove in accordance with planning permission granted on 09 September 2015 (RN 14/10572/FULL), and to seek the Mayor of London's decision as to the need for a local inquiry, in the special circumstances of the case.
- 1.2 If the Mayor of London decides that the holding of such an inquiry is unnecessary, that the Committee authorises the City Transport Advisor to make the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit.
- 1.3 If the Mayor of London decides that the holding of such an inquiry is necessary and the matter is referred to the Secretary of State, that the Committee authorises the City Transport Advisor to either make or refuse the Order to stop up the part of the highway adjacent to 88-94 Westbourne Grove, with or without modification as the City Transport Advisor sees fit, taking into account the report of the Planning Inspector (or other such person who held the inquiry on behalf of the Secretary of State) and having first obtained the consent of the Mayor of London to the making of the Order where relevant.

## 2. SUMMARY

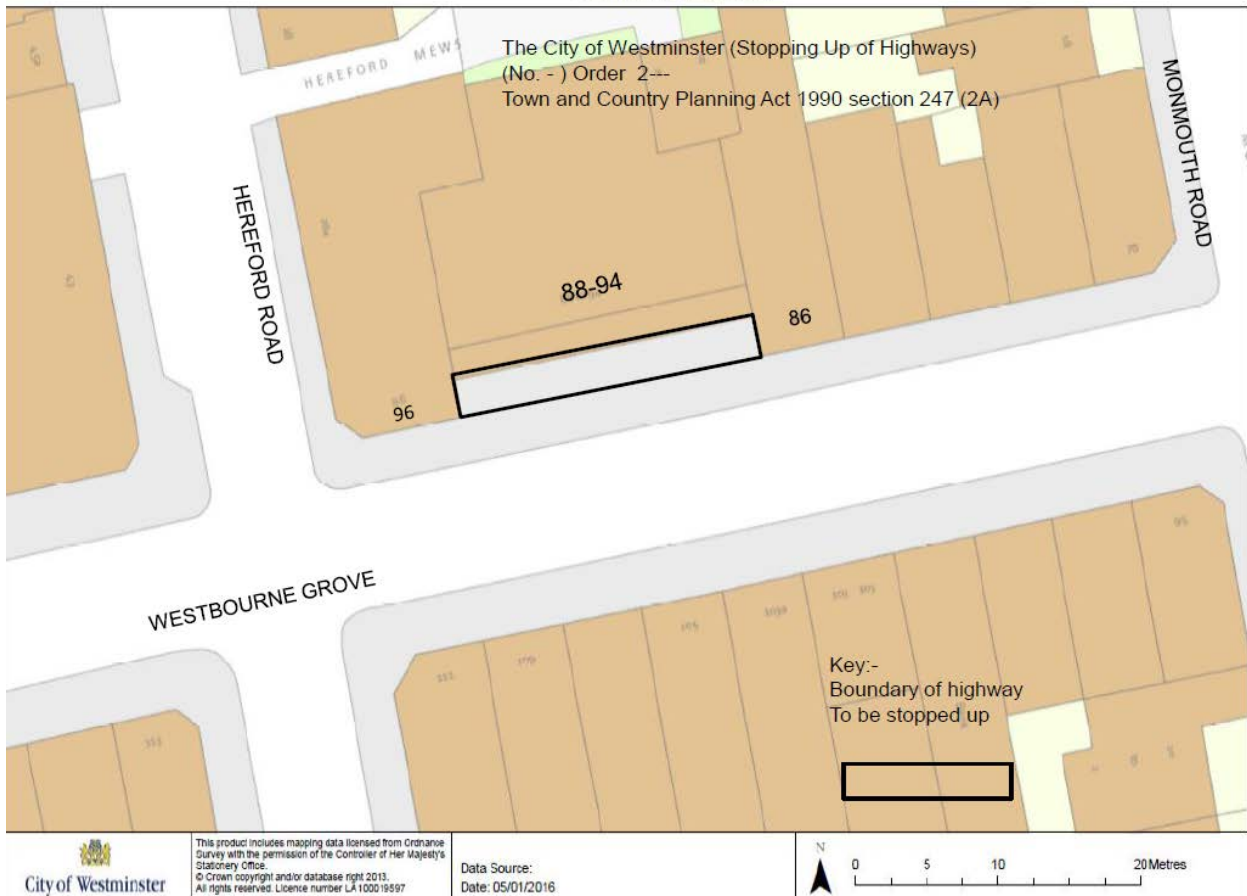
Planning permission was granted in 2015 for the redevelopment of Grove House, 88 – 94 Westbourne Grove, to provide a new seven storey plus basement building for mixed use purposes. The proposed new building is proposed to be brought forward from the existing building line (resulting in the loss of the recessed building line and the space in front of the supermarket) to reinstate the historic building line.

At the time of resolving to grant planning permission, Committee authorised the making of a draft order for the stopping up of the area of highway on Westbourne Grove required to enable the development to take place (resulting from bringing the existing building forward) and to make the order if there were no unresolved objections to the draft order.

In this case a number of objections have been made to the draft order. An objection from Councillor Rajuha (on behalf of three Ward Councillors), the South East Bayswater Residents Association and sixteen local residents. Given the objections raised, the matter is reported back to Committee to consider notwithstanding the objections raised, to authorise the making of an order to stop up part of the highway on Westbourne Grove, to enable the development granted permission in 2015 to be carried out.

### 3. LOCATION PLAN

DP/HP/JRP/201511021



4. PHOTOGRAPHS



GROVE HOUSE, 88-94 WESTBOURNE GROVE, W2

## 5. CONSULTATIONS

### STATUTORY CONSULTATIONS:

Statutory notices were issued to the telecommunication operators Vodafone, O2, BT Openreach and COLT and to statutory undertakers Thames Water, National Grid and UKPN. Just 3 responses received, 2 no objections from Vodafone and National Grid and 1 apparatus not affected from McNicholas on behalf of TATA and KPN.

### COUNCILLOR RAJUHA (on behalf of the three ward Councillors for Bayswater):

Objection, "Our stance against this development and the loss of the forecourt has not diminished. The councillors and the residents have made several arguments against the loss of the forecourt on a number of occasions. These arguments are just as valid now. The forecourt acts as a vital public space. It allows pedestrians to pass each other safely (apart from this forecourt this section of Westbourne Grove is very narrow on both sides of the road). The forecourt gives room for the queues for the ATM (again this is the only ATM for quite a stretch of Westbourne Grove and can get very busy). The forecourt allows space for bikes. Last and not least, the loss of the forecourt will mean the loss of two lovely trees. If the forecourt disappears, all of these amenities will disappear. Again, I must repeat my strong objection to the loss of the forecourt with little or no compensation to local residents."

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

The association supports local residents in their objection to the order being made.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

Total No. of replies:16

No. of objections:16

No. in support: 0

16 responses were received, all of which were objections. The objections may be summarised as:

- loss of public space,
- the resultant increase in congestion of the footway along this frontage,
- the relocation of a public telephone kiosk to the opposite side of the road outside Starbucks café,
- the impact on disabled persons, especially wheel-chair users and
- loss of light to adjoining buildings.

### ADVERTISEMENT / SITE NOTICE:

Statutory notices were displayed in the street for the passing public pedestrian to read, from 15 January 2015 for 28 days. Statutory notices were published in the Trinity Mirror West London Gazette and in the London Gazette on 15 January 2015.

## 6. BACKGROUND INFORMATION

- 6.1 At the Planning Applications Committee on 19<sup>th</sup> May 2015 the committee resolved to grant planning permission, subject to a S106 legal agreement, for the demolition of existing building and erection of new basement plus six storey building to provide 11

residential units (6 x 1 bed, 1 x 2 bed and 4 x 3 bed units) at first to fifth floor and A1 retail use at basement and ground floor levels including the removal of two trees.

- 6.2 The Committee also authorised the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the area of highway on Westbourne Grove required to enable the development to take place. And, authorised the City Commissioner for Transportation to take all necessary procedural steps in connection with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.
- 6.3 Planning permission was subsequently granted on 9 September 2015 and the statutory notice of the order was published on 15 January 2016.

## **7. THE PROPOSAL**

- 7.1 The part of the development to which this report relates, is the advancement of the ground floor external wall of the building 88-94 Westbourne Grove, along its Westbourne Grove frontage, to align with the front ground floor external walls of 86-96 Westbourne Grove. That development would stop up an area of 56.3 square metres of highway, extending the proposed building by 2.8 metres onto a 21 metres length of the highway Westbourne Grove. That may only be lawfully carried out with statutory authority. In this instance, in the form of an order pursuant to section 247 of the Town and Country Planning Act 1990 to authorise that stopping up of highway to enable the permitted development to be carried out. Following the grant of planning permission for the redevelopment of Grove House, 88-94 Westbourne Grove, and authorisation to make a draft order to stop up an area of highway along Westbourne Grove, a statutory notice of the order was published on 15 January 2016.
- 7.2 The proposed order, notice of the order and plan referred to by the order are background papers 1, 2 and 3 respectively. Statutory notice of the order was published by displaying street notices and by publication in the local periodical Trinity Mirror Ealing Gazette and in the London Gazette. The notice, order and plan were also available for viewing by anybody on application.
- 7.3 Three public utility undertakers responded to the statutory notice; namely Atkins Global on behalf of Vodafone Telecommunications, National Grid and McNicholas on behalf of TATA and KPN. Their response was either “not affected” or “no objection”.
- 7.4 Councillor Rahuja, the South East Bayswater Residents Association and 16 local residents have also raised objection to the traffic order as set out in detail elsewhere in this report. Given the objections raised to the draft order, the matter is reported back to Committee for further consideration.

## **8 DETAILED CONSIDERATIONS**

- 8.1 The reasons for objection would have been apparent to the Committee in resolving to grant planning permission for the development in 2015 and this stage of the order making process is not the forum for debating the merits of the proposed development. If the order is subsequently sent to a local inquiry, then the Planning Inspectorate guides the inquiry inspector to avoid such an assessment; simply the local planning authority has considered the merits and demerits of the development and has made



its decision. This process is a forum for considering if the order should be made. If the order is not made and the would-be stopping up of highway by the development is not authorised then the planning permission and associated committee resolution would be frustrated and the proposed development could not be implemented in its current form. That is, the part of the permitted development to be erected on the recessed frontage could not take place. There then might follow a completion notice by the Council, which would also be frustrated (and void) given that the development to which it relates has been prevented due to the council's refusal to authorise the stopping up by that part of the development.

- 8.2 In that circumstance a fresh planning application would be required for the complete development; which required the external ground floor wall of the building to remain in situ. The alteration in the development might not just be the ground floor of the proposed building as the extent of the stair well linking all floors with the ground would have to be repositioned.
- 8.3 The resulting footway is to be 2.9 metres wide, the same as presently fronts the buildings 86 and 96 Westbourne Grove, either side of the site of the proposed development.
- 8.4 The points of objection are: loss of street trees, the loss of cycle racks, the loss of footway for ATM users and where visitors to the supermarket and the local street may congregate temporarily to converse with others or simply to relax before continuing with their day's business.
- 8.5 Concern has been raised that the resultant development (stopping up) would make their passage as a wheel-chair user more difficult, in entering and exiting the proposed building and manoeuvring to adjoining lengths of Westbourne Grove.
- 8.6 Those difficulties were apparent to the Committee in resolving to grant permission for the development. The same difficulties would also be experienced along the footway fronting the other premises in Westbourne Grove, as the resultant development would render a footway width equal to the widths fronting the neighbouring buildings in Westbourne Grove, notwithstanding that the rate of flow of pedestrians entering the footway would be greater from a supermarket than from a small shop or restaurant. It is unlikely that the proposed development would attract a noticeably greater patronage. Whatever the rate of flow of ingress and egress to the building, the ability for the footways fronting the buildings either side of the proposed development is a measure and a confirmation that those footways will cope once the proposed development has been completed and the supermarket open for public patronage. In short, the proposed development will not alter the potential of the footways fronting 86 and 96 Westbourne Grove.
- 8.7 If the proposed development creates a difficulty which discriminates against any disabled person then the measure causing that discrimination would contravene the Disability Discrimination Act. In that respect, the resultant footway width is to be the same as fronts 86 and 96 Westbourne Grove, that is 2.9 metres. That is adequate footway width for two wheel-chairs to pass one another; requiring 1.8 metres plus 0.2 metres kerb space.
- 8.8 Additionally, access to the proposed building could not be any different than access to 86 and 96 Westbourne Grove or other retail units and restaurants along that length of Westbourne Grove.

- 8.9 Whilst the recessed frontage might be a convenient and accommodating place where one could, on exiting the supermarket, get their bearings for passage to their next destination, that act can also be carried out in the supermarket and does not rely on the presence of highway.
- 8.10 The recessed frontage does not provide any other access than to 88-94 Westbourne Grove.
- 8.11 Presently, the owners of the part of the walls of 86 and 96 Westbourne Grove adjacent to the recessed frontage may inspect those walls and carry out works to them if they desire. Advancing the wall of 88-94 Westbourne Grove will delete that availability. However, no objection was received by such an owner and those walls would be party walls common to the buildings either side would become the joint responsibility of the owners of adjacent premises. To which, that change if it is one will neither compromise nor otherwise harm the adjacent buildings and their owners.
- 8.12 If the committee resolve that the order be made, the next stage in this process is a notice to the Mayor of London of the unwithdrawn objections and seeking the Mayor's decision as to the need for a local inquiry into the order.
- 8.13 As the unwithdrawn objections are from local residents and neither a local authority nor a public utility undertaker, the notice may propose that in the special circumstances of the objection not coming from a local authority or a public utility undertaker, the notice proposes that pursuant to sub-section 252(5A) a local inquiry is unnecessary. The Mayor might consider a local inquiry is needed if an objection came from a person or body whose property or professional activity is likely to be damaged by the stopping up of highway.
- 8.14 If the order is sent to a local inquiry then the Council shall have to inform the Planning Inspectorate ("PINS") of the Mayor's decision and request that the inspectorate appoints an inquiry inspector to hold the local inquiry.
- 8.15 PINS guide the Inspector to hear the objector and to assess three points, namely: (a) is the order authorising the stopping up of highway necessary for the development to be carried out? (b) is the development permitted for the purposes of the Town and Country Planning Act 1990? and (c) do the socio-economic benefits of the permitted development outweigh the loss to the highway network?
- 8.16 A part of the development would without statutory authority unlawfully stop up a part of the highway, to which the proposed order relates, and so the proposed order is necessary.
- 8.17 The loss to the highway network would be a loss of a width of footway and not any deletion of a length of that network; the stopping up would not prevent access to premises or passage along the network.
- 8.18 The socio-economic benefits of the development are the replacement of office space with 11 residential units, to be contained within the upper floors of the proposed building as well as a means of access at ground floor level. The development of this site will provide 11 residential units to the Council's housing stock and the improvement of a class A1 retail unit in a designated District Shopping Centre In that connection, the greater floor space of the retail unit will enable the unit to expand its activity, which will at least avail a more commodious retail unit and would have the potential to provide better facilities for local people. By that means the permitted

development would provide socio-economic benefits for the district whilst deleting no part of the highway network for passage.

- 8.19 The objections to the order cite the following outcomes that the objectors anticipate might result, namely:
- The likely difficulty the narrowed footway will pose wheel-chair users;
  - Queuing for and using the automatic teller machine, which is presently accessible from the recessed footway.
  - The loss of two trees that beautify the street, add appeal to the neighbourhood and absorb pollution.
  - The belief that the narrowed footway will result in an increase in footway traffic.
  - Any present difficulties and inconveniences caused by delivery of goods to the supermarket would be made worse by narrowing the footway.
  - Loss of light to the south side of the building, 28a Hereford Road.
  - Narrowing the footway will delete the availability of a wide footway, which is commodious for passage in and out the supermarket as well as along the street.
  - The frontage will become narrow and cramped, and could well lead to people being forced off into the main road.
  - The relocation of the phone junction box from the frontage to the footway opposite Starbucks.
  - The existing cycle stand of 2 frames will be removed, thereby deleting that availability to the public.
  - There is a fear that goods trolleys will not be adequately contained within the proposed retail unit and that because the proposed elevator (that is intended to be used as the means to store fresh stock in the basement of the premises) is smaller than at present, delivery times will take longer giving rise to the congestion of trolleys and the difficulties that poses.
- 8.20 The loss of the trees and the relocation the telecommunications junction cabinet are matters that would have been evident to the Committee when that body resolved to permit the development
- 8.21 The potential loss or relocation of the Automatic Teller Machine (ATM) is also an issue that would have been taken into account before the Committee made their resolution.
- 8.22 In terms of the effect on foot and wheel-chair passage along the frontage of the proposed development, there would be a reduction in the footway width from 5.4 metres to 2.9 metres, at its eastern end, and 5.4 metres to 3 metres at its western end. 2.9 metres is an adequate width for two wheel-chairs plus a pedestrian to pass one another. The resultant width would be the same as along other lengths of Westbourne Grove on that block. However, the rate of flow of pedestrians entering or leaving the supermarket is greater than the rate in and out of other premises along that part of Westbourne Grove. Such a state is a merit or demerit and must have been apparent to the Committee when that body resolved to permit the development.
- 8.23 The issue of congregation for conversations or pondering could take place in the supermarket. The advantage for that being shelter from wind and rain. It is not an issue of passage and not a reason to abort the order.
- 8.24 The resultant footway would be less commodious for those desiring to congregate, but not for passage. Presently two cycle racks are set next to the entrance to the

supermarket. Whilst that is a useful facility for two persons at a time, wishing to fasten their cycle to a legitimate bar, the facility obstructs rather than aids passage. The only benefit that would be lost to pedestrians passing that frontage is that they will be less able to anticipate those exiting the supermarket before their passage conflicts. That state is present at every other retail entrance along that block.

- 8.25 Presently wheel-chair users have ample space to manoeuvre in and out of the supermarket and to pass one another and other footway users. The proposed development will create a little difficulty where one presently does not exist. However, it will not create a hazard. That same difficulty exists on the frontages of other shops along that side of Westbourne Grove and again, Committee would have been aware of this issue in considering the original report.

## **9 BACKGROUND PAPERS**

1. The Report to the Planning Applications Committee of 19 May 2015 and associated minutes and subsequent decision letter
2. The proposed statutory order pursuant to section 247 of the Town and Country Planning Act 1990
3. The statutory notice dated 15 January 2016, issued under section 252 of the 1990 Act
4. Response dated 18 January 2016 from Atkins Global on behalf of Vodafone a telecommunications operator
5. Response dated 18 January 2016 from National Grid a gas supplier
6. Response dated 27 January 2016 from McNicholas on behalf of KPN and TATA
7. Email dated 10 February 2016 from Councillor Rahuja on behalf of the three Bayswater Ward councillors
8. Email dated 8 February 2016 from the South East Bayswater Residents Association Including email dated 8 February 2016 from, the co-chair of the Hereford Road Association and the director of the Hereford Mansions Residents' Association
9. Email dated 8 February 2016 from the occupier of 10 Hereford Mansions, Hereford Road
10. Email dated 10 February 2016 from occupier of 55 Hereford Road
11. Email dated 7 February 2016 from occupier of 31 St Petersburg Mews
12. Email dated 10 February 2016 from occupier of Flat 2, 28a Hereford Road
13. Email dated 11 February 2016 from Scaravelli Inspired Yoga
14. Email dated 7 February 2016 from occupiers of 9 Hereford Mews
15. Emails (x2) dated 7 February 2016 from occupiers of Flat 17 Opal apartments, 43 Hereford Road
16. Email dated 11 February 2016 from occupier of 49 Hereford Road
17. Email dated 10 February 2016 from occupier of 3 Hereford Mews
18. Email dated 10 February 2016 from occupier of 1 Chepstow Villas
19. Email dated 7 February 2016 from occupier of 60 Westbourne Park Villas
20. Email dated 12 February 2016 from occupier of 8 Hereford Mews
21. Email dated 9 February 2016 from occupiers of 43 Northumberland Place
22. Emails dated 10 February 2016 from occupier of 28a Hereford Road
23. Email dated 9 February 2016 from local resident - No address given
24. Email dated 10 February 2016 from occupier of Chepstow Road

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

Item No.
<b>8</b>

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

**Case Officer:** Jeffrey Perkins

**Direct Tel. No.** 020 7641 2642

Item No.
<b>8</b>