



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 14th June, 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
Tim Mitchell
David Boothroyd

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

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



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: 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

- | | |
|--|--------------------------|
| 1. 100 PICCADILLY, LONDON W1J 7NH | (Pages 5 - 74) |
| 2. OXFORD HOUSE, 76 OXFORD STREET, LONDON W1D 1BS | (Pages 75 - 98) |
| 3. PARK MANSIONS, KNIGHTSBRIDGE, LONDON SW1X 7QU | (Pages 99 - 126) |
| 4. 55 VICTORIA STREET, LONDON SW1H 0EU | (Pages 127 - 134) |
| 5. BERKELEY SQUARE, LONDON W1J 6DB | (Pages 135 - 144) |
| 6. 11 UPPER BELGRAVE STREET, LONDON SW1X 8BD | (Pages 145 - 180) |
| 7. THRUTCHLEY HOUSE, 1 BICKENHALL STREET LONDON W1U 6BN | (Pages 181 - 194) |

8. 17 BERKELEY STREET, LONDON W1J 8EA

(Pages 195 -
204)

Charlie Parker
Chief Executive
6 June 2016

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 14th June 2016
 PROVISIONAL SCHEDULE OF APPLICATIONS

ITEM NO	REFERENCES & WARD	SITE ADDRESS	PROPOSAL	
1	RN NO(s) : 15/06446/FULL West End	100 Piccadilly London W1J 7NH	Excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 x flats (Class C3) (an additional 28 above existing), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (SITE COMPRISES 96-100 PICCADILLY AND 5-6 YARMOUTH PLACE).	
<p>RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Grant conditional planning permission subject to a s106 agreement to secure: <ol style="list-style-type: none"> i) A contribution of either £7,060,00 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development) in lieu of on-site affordable housing provision on the main site OR the provision of three affordable housing units at 55-56 Buckingham Gate, to be made ready for occupation prior to the occupation of any of the new or reconfigured flats on the main site, plus a contribution of £373,000 to the City Council's affordable housing fund in lieu of the shortfall in affordable housing on the donor site (index linked and payable upon the commencement of development on the donor site). ii) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000 iii) Costs of highways works around the site to facilitate the development (including the creation of a new crossover) iv) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place v) Unallocated residential parking for the 31 new/reconfigured flats vi) Monitoring costs 2. Agree reasons for approval as set down in Informative 1 of the draft decision notice 3. Grant conditional listed building consent 4. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then: <ol style="list-style-type: none"> 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. 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 14th June 2016
 PROVISIONAL SCHEDULE OF APPLICATIONS

ITEM NO	REFERENCES & WARD	SITE ADDRESS	PROPOSAL	
2	<p>RN NO(s) : 16/01073/FULL</p> <p>West End</p>	<p>Oxford House 76 Oxford Street London W1D 1BS</p>	<p>Demolition of rear first floor car parking deck and associated car lift, stair and ventilation shaft. Erection of replacement two storey structure for use, together with part existing basement, as new restaurant (Class A3). Excavation beneath part of north-west of site to enlarge existing basement level to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. Use of part ground as a new retail (Class A1) unit and use of first floor as retail (Class A1) floorspace to extend existing retail units at basement and ground floor levels. Removal and replacement of the existing cladding and associated facade alterations including alterations to shopfronts to create two storey retail frontage to Oxford Street. Alterations to rear courtyard and other associated works.</p>	
<p>RECOMMENDATION:</p> <p>1. Grant conditional permission subject to no adverse comments being received prior to the expiry of the consultation period and subject to a legal agreement to secure the following: (a) A payment towards the City Council's Affordable Housing Fund of £1,190,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City. (b) The costs of monitoring the S106 legal agreement.</p> <p>2. 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.</p>				
3	<p>RN NO(s) : 15/10847/FULL</p> <p>Knightsbridge And Belgravia</p>	<p>Park Mansions Knightsbridge London SW1X 7QU</p>	<p>Single storey extension at roof level to provide four additional residential units, including terraces and plant room. Reinstatement of the central cupola and northern and southern turrets</p>	
<p>RECOMMENDATION: Grant conditional permission.</p>				
4	<p>RN NO(s) : 15/09202/FULL</p> <p>St James's</p>	<p>55 Victoria Street London SW1H 0EU</p>	<p>Infill terrace at 11th floor level to create additional internal living space, installation of a retractable roof to provide access to new roof terrace at 12th floor level enclosed by glass balustrades, additional terrace at rear 11th floor level enclosed by glass balustrade,</p>	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 14th June 2016
 PROVISIONAL SCHEDULE OF APPLICATIONS

ITEM NO	REFERENCES & WARD	SITE ADDRESS	PROPOSAL	
			reconfiguration of rooftop PV cells to accommodate roof terrace, increase height of CHP flue and alterations to windows and doors.	
RECOMMENDATION: Refuse permission - detailed design and creation of rooftop clutter				
5	RN NO(s) : 16/01776/FULL West End	Berkeley Square London W1J 6DB	Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.	
RECOMMENDATION: For Committee's consideration: Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis?				
6	RN NO(s) : 16/02481/FULL 16/02482/LBC Knightsbridge And Belgravia	11 Upper Belgrave Street London SW1X 8BD	Internal and external alterations including creation of a garage on the Wilton Street elevation with associated crossover, a rear extension at fourth floor level in connection with the use of the property as a single family dwelling; excavation works at lower ground floor, rebuilding of ground floor rear infill addition, rear extension at first floor and third floor levels, creation of terraces at first and roof levels, and installation of condensers at roof level	
RECOMMENDATION: Refuse permission - design and heritage impact				
7	RN NO(s) : 16/01740/FULL Bryanston And Dorset Square	Thrutchley House 1 Bickenhall Street London W1U 6BN	Variation of condition 9 of planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the "use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area": Namely, to reduce the amount of obscured glazing on the rear elevation.	
RECOMMENDATION: Grant conditional permission.				
8	RN NO(s) : 15/10418/ADFU LL West End	17 Berkeley Street London W1J 8EA	Approval of details pursuant to Condition 10 of planning permission dated 19 May 2015 (RN: 14/07972), namely the submission of a post-commissioning noise survey to demonstrate the plant noise levels will be compliant with	

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 14th June 2016
PROVISIONAL SCHEDULE OF APPLICATIONS

ITEM NO	REFERENCES & WARD	SITE ADDRESS	PROPOSAL	
			the standard City Council criteria.	
RECOMMENDATION: Grant approval of details.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	100 Piccadilly, and 5-6 Yarmouth Place London, W1J 7NH,		
Proposal	Excavation of sub-basement and alterations and extensions to 96-100 Piccadilly and redevelopment of Nos. 5-6 Yarmouth Place, to provide a new building on basement, ground, mezzanine and first to third floors with roof level plant, to provide 28 new and reconfigured residential apartments (Class C3) (36 in total), a shop on part ground and part mezzanine floors (flexible Class A1/Class A2 use); car/cycle parking and associated plant. Internal alterations. (Site includes 96-100 Piccadilly and 5-6 Yarmouth Place).		
Agent	Savills		
On behalf of	Blossom Street Properties Ltd		
Registered Number	15/06446/FULL 15/06447/LBC	Date amended/ completed	28 July 2015
Date Application Received	3 July 2015		
Historic Building Grade	Grade II (96-100 Piccadilly)		
Conservation Area	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional planning permission subject to a s106 agreement to secure:</p> <p>i) A contribution of either £8.1M to the City Council's affordable housing fund (less an agreed reduction for Westminster CIL, with the contribution currently estimated to be £7,028,000) (index linked and payable upon the commencement of development) OR the provision of three affordable housing units at 55-56 Buckingham Gate, to be made ready for occupation prior to the occupation of any of the new or reconfigured flats on the main site, plus a contribution of £373,000 to the City Council's affordable housing fund (less an agreed reduction for Westminster CIL, with the contribution currently estimated to be £342,000)(index linked and payable upon the commencement of development on the donor site).</p> <p>ii) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000</p> <p>iii) Costs of highways works around the site to facilitate the development (including the creation of</p>
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a new crossover)

- iv) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place
 - v) Unallocated residential parking for the 31 new/reconfigured flats
 - vi) Monitoring costs
2. Agree reasons for approval as set down in Informative 1 of the draft decision notice
 3. Grant conditional listed building consent

4. 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 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.

2. SUMMARY

The application site comprises two separate buildings. The first is a prominent Grade II listed building, located on the north side of Piccadilly, at its junction with White Horse Street. This building has a lawful use as offices, a small workshop and 11 flats, eight of which are occupied, with basement parking for 12 cars. The second building, located immediately west of the main site in Yarmouth Place, forms part of an existing, unlisted, building which appears to be in office use. Both properties are located within the Mayfair Conservation Area.

This application involves the redevelopment of 5-6 Yarmouth Place and significant alterations 100 Piccadilly, including a roof level addition, rear extensions and basement excavations in connection with the use of the properties as 36 flats, a Class A1/A2 unit on part ground and mezzanine floors and parking for 39 cars. Eight of the existing flats, and eight of 12 basement parking spaces, would be retained.

The loss of office/workshop floorspace and proposed residential and retail uses are considered acceptable in principle. The increase in residential floorspace would trigger the Council's affordable housing policy. It is accepted that the provision of affordable housing on the main site would not be appropriate or practical. The applicants have offered either a contribution of £7,028,000 towards the City Council's affordable housing fund or the provision of three affordable flats on a donor site, plus a commuted payment of £342,000. (These commuted sums are subject to verification of the reduction for Westminster CIL). Although neither offer is policy compliant, the Council's viability consultant considers these offers to represent the maximum that the two sites could support. Residents in the

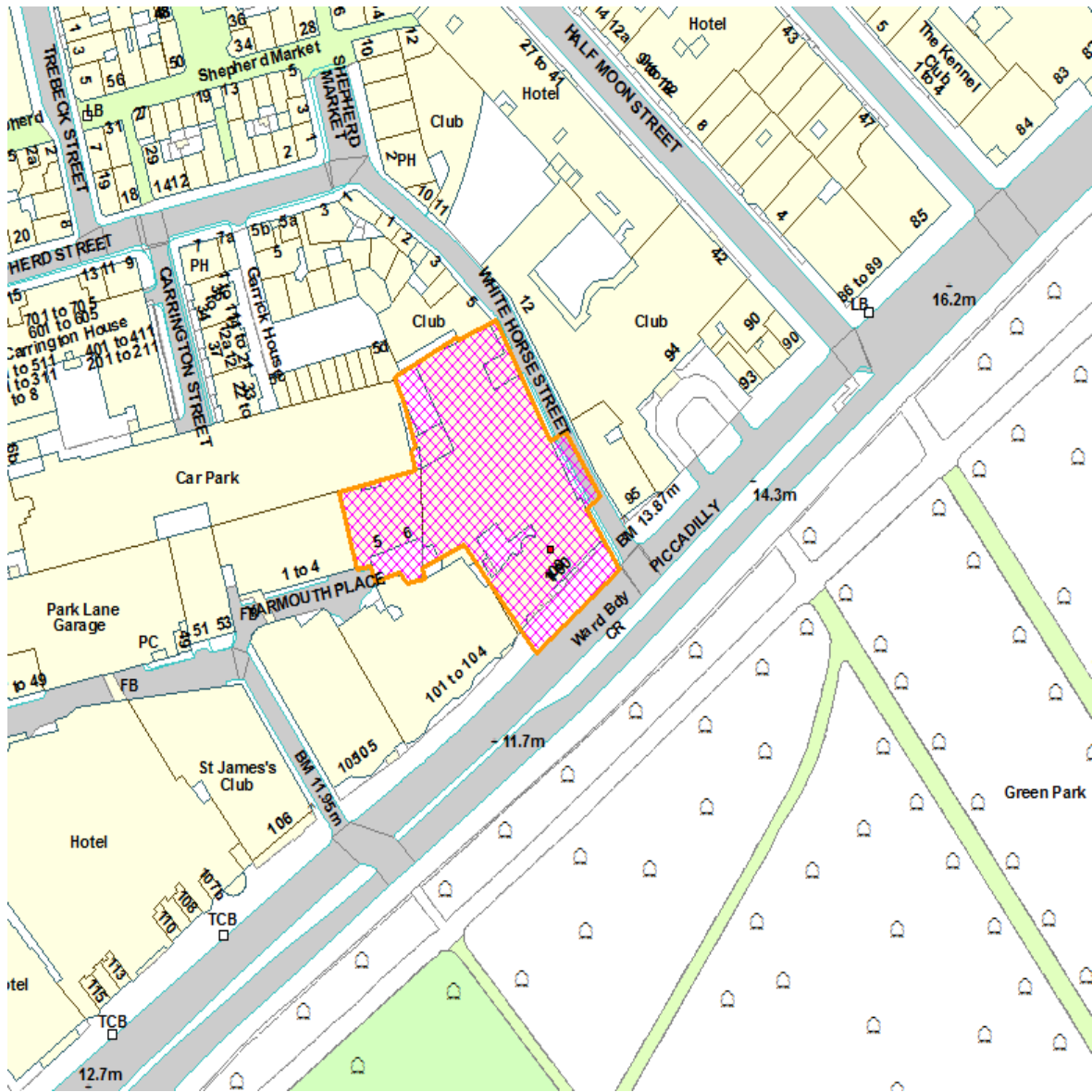
application building, and on neighbouring sites, have objected to the application on the grounds that the proposals would have an adverse impact on their amenities, the appearance of the listed building and the character and appearance of this part of the conservation area.

The key issues for consideration in this case are:

- * The acceptability of the proposals in land use terms and, in particular, consideration of which of the applicant's offers would best address the objectives of the Council's affordable housing policies.
- * The impact of the scheme upon the amenities of existing and neighbouring residents and the acceptability, and quality, of the accommodation proposed.
- * The impact of the alterations upon the listed building and in townscape terms.

Subject to consideration of the applicant's offers in lieu of on-site affordable housing provision, the development is considered acceptable in land use terms. The scheme would provide an acceptable standard of accommodation for both the new and reconfigured flats and is considered acceptable in amenity terms. The works are considered acceptable in terms of their impact upon the special interest of the listed building and upon the character and appearance of the Conservation Area. The application complies with relevant development plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



96-100 Piccadilly



White Horse Street frontage



Rear of site from Carrington Street car park



5-6 Yarmouth Place and adjacent land

5. CONSULTATIONS

COUNCILLOR GLENYS ROBERTS

Request that application be reported to Committee

HISTORIC ENGLAND

Authorisation for the Council to determine the application as it thinks fit.

Concern over the visibility of the proposed roof above adjacent listed buildings in views along Piccadilly, from other views within the conservation area (Shepherd Market) and from other buildings. The roof design is incongruous, in design and scale, for a listed building. Harm caused to the listed building and conservation area should be weighed against the public benefits of the scheme.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions requiring further archaeological investigations.

METROPOLITAN POLICE

No objection

LONDON UNDERGROUND LTD

Any response to be reported verbally

THAMES WATER

No objection. Request informatives to be attached to any permission relating to water, drainage and sewerage matters.

ROYAL PARKS

Any response to be reported verbally

VICTORIAN SOCIETY

Any response to be reported verbally

GEORGIAN GROUP

Any response to be reported verbally

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally

COUNCIL FOR BRITISH ARCHAEOLOGY

No objection to works to the historic building facades. Proposed roof addition is a discordant feature and is detrimental to the street scene and the significance of the heritage asset. An elegantly designed, simpler, structure would be more acceptable

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Concern over sub-basement excavations; query whether development could be contained within the existing basement envelope.

HIGHWAYS PLANNING MANAGER

Objection – provision of one car lift for 31 spaces, with no workable off-street waiting area, would result in obstruction of this narrow street; inadequate visibility splay to car lift exit would impact on highway and pedestrian safety.

Level of car and cycle parking and servicing arrangements for flats is acceptable; cycle parking should be provided for shop use; shop should be serviced off-street. Further details of refuse/recycling storage arrangements required,

BUILDING CONTROL

No objection to construction details, structural method statement is acceptable; existing structures, geology and the existence of groundwater have been investigated; measures to safeguard adjacent properties during construction are also proposed. Concerns over creation of remote rooms and adequacy of means of escape.

ENVIRONMENTAL HEALTH

Objection: concerns over internal lighting levels to flats, inadequate means of escape/remote rooms; living rooms of some flats above bedrooms in flats below

Plant proposals acceptable subject to conditions; conditions required relating to noise and vibration within new flats, Electro Magnetic Frequency levels from new sub-station and contaminated land.

Gym use to be restricted to residents of development, delivery hours and shop opening hours should be restricted.

Proposed mitigation measures to ensure acceptable air quality should be secured; details required of boilers and CHP plant

Site Environmental Management Plan/Code of Construction Pracand 26 may 2016tice required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 215 Total No. of replies: 10

No. of objections: 10 (including 3 letters from one resident of 100 Piccadilly and 1 letter on behalf of the occupants of eight flats at 100 Piccadilly)

Objections received raising the following issues:

DESIGN

Objection to scale of development and increased number of floors

No objection to alterations at the front of the building

Increasing the width of openings in the listed facades is unacceptable as it would require the rebuilding of the entire section of wall and would have an adverse impact on the listed building

Replacement of mansard storeys with sheer stonework would have an adverse impact on the appearance of the listed building; and will reduce space between the application building and historic buildings on opposite side of White Horse Street, making street feel oppressive; potential structural implications.

AMENITY

Impact on retained flats

Loss of daylight and sunlight, including from scaffolding

Loss of privacy

Loss of views and increased sense of enclosure

Interference with rights of light and airspace

Loss of tenants' rights over (significantly reduced) entrance area; entrance to existing flats now part of residents' business centre; loss of atrium and encroachment on rear courtyard area.

Existing lifts will serve additional floors and flats

Interruption of tenants' peaceful enjoyment of properties in breach of terms of their lease; noise, dust and nuisance during prolonged construction period, disruption to access arrangements to existing flats; residents' safety compromised, potential fire risk, increased security risk/insurance invalidated; inability to sell or let the flats; potential increase in service charges

Impact on neighbouring properties:

Loss of daylight and sunlight

Disturbance and inconvenience during construction, a construction traffic management plan is required, impact of the development in conjunction with the approved schemes for neighbouring sites will affect residents' amenities, tourism and local businesses

Future occupants should not be permitted to apply for Respark spaces

Inadequate neighbour consultation

Potential damage to Embassy building; access to Embassy, parking and Yarmouth Place to be maintained at all times; workmen should be prevented from looking into Embassy premises to protect security; noise, dust and inconvenience should be minimised during works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to two separate sites which are located on the north side of Piccadilly within the Mayfair conservation area and Core Central Activities Zone, immediately opposite Green Park.

The first site comprises 96 & 97 and 98-100 Piccadilly which are listed, separately, at Grade II. These buildings were redeveloped behind the retained street facades in the 1980s and are now known as 100 Piccadilly.

The building comprises a small area at sub-basement level, basement, ground, part mezzanine and first to fifth floors with some accommodation and rear plant rooms on the sixth floor. It provides offices (Class B1a), a small ground/mezzanine floor workshop (Class B1c) and 11 flats on ground and rear third to fifth floors (Class C3), some of which benefit from external balconies. The basement houses additional plant areas and 12 parking spaces for the flats, accessed from White Horse Street via a car lift.

The offices and workshop have been vacant for approximately 10 years. However, the applicants have advised that, more recently part ground, first to third and part fourth floors have been occupied by a film company on a temporary basis. A number of the flats are currently unoccupied.

The flats are accessed from Piccadilly via a separate entrance, which leads into a modern, planted atrium at the centre of the site. A walkway through this atrium provides access to a single ground floor flat and to two lifts within a rear lobby, which serve the flats on the upper floors. There is a small residential courtyard to the north of the site which also provides access onto White Horse Street.

The second site, 5-6 Yarmouth Place, is an unlisted building located immediately to the west of the main site. Yarmouth Place is accessed from Piccadilly and runs to the rear of the buildings at nos. 101-105 Piccadilly. The property, now on ground to third floors, was built in the 1970s in a Victorian style. It is internally connected to 1-4 Yarmouth Place and used as a single building. The applicants have advised that the building is currently occupied as offices. However, records suggest that there may be some history of an educational and a residential use. This site also encompasses a piece of private land at the head of Yarmouth Place. Two parking spaces on this land are currently leased to the neighbouring Japanese embassy at 101-104 Piccadilly.

The area is in a mixture of commercial and residential use including the neighbouring embassy.

6.2 Recent Relevant History

100 Piccadilly

18.5.81 Permission and listed building consent granted for demolition behind retained facade, and specified front rooms of site known as 96-97, 98-100 Piccadilly and 6/7 White Horse Street and the erection of a part five, six and seven storey building behind containing offices, residential and retail uses.

Various approvals have been granted for the use of buildings on the main site as houses and flats, with some ground floor retail accommodation. These permissions are extant but unimplemented.

(1-4 and) 5-6 Yarmouth Place

March 1972: Planning permission granted and an Established Use Certificate issued for the use of the first and second floors of no's 5-6 Yarmouth Place as Class B1 offices. The planning report states that an earlier previous permission for the provision of two flats within a roof level extension had previously been implemented.

Other records suggest that the ground to second floors may have been occupied as a language school soon after the sale of the freehold in 1984.

Permission was granted on 2 August 2011 for the demolition and redevelopment of 1-6 Yarmouth Place and 51-53 Brick Street to provide an aparthotel and 31 flats with associated basement parking.

2.08.2011 Permission granted the demolition and redevelopment of 1-6 Yarmouth Place and 51-53 Brick Street to provide a new building for use as a 46 bed apart-hotel and 13 flats. Not implemented. This application was determined on the basis that the lawful use of 1-6 Yarmouth Place was as Class B1 offices. This scheme permitted the erection of a building on basement ground and first to sixth floors on the site of 5-6 Yarmouth Place and maintained a "gap" between the new structure and the building immediately to the east and also included a further set back, on fourth to sixth floors, on the eastern boundary.

15.12.2015 The Planning Applications Committee resolved to granted permission for a similar development of 13 flats and a 29 bed aparthotel subject to a s106 legal agreement. This scheme excludes the building at 5-6 Yarmouth Place. The height and bulk of the proposed building at 1-4 Yarmouth Place is identical to that permitted by the 2011 approval. At the time of writing this report, this permission has not yet been issued.

It is noted that both of these applications were considered and determined on the basis that the lawful use of the buildings at 1-6 Yarmouth Place was as Class B1 offices.

7 THE PROPOSAL

Permission and listed building consent are sought for alterations and extensions to 100 Piccadilly, and for the redevelopment of 5-6 Yarmouth Place, in connection with the conversion of the existing offices/workshop to provide new 28 new residential apartments (Class C3) with a small ground/mezzanine floor shop (Class A1/A2) at the corner of the site. Eight of the 11 existing flats will be retained and the remaining three will be reconfigured as part of the development providing a total of 36 apartments.

Some of the new and reconfigured units would benefit from external amenity space in the form of terraces and balconies and all private amenity spaces to the retained flats would remain. Ancillary residential accommodation would also be provided in the basement including a swimming pool and gymnasium.

Eight of the 12 residential parking spaces would be retained within the existing basement car park, for use in association with the retained flats. These would use the existing car lift. A further 31 spaces would be provided, accessed by a separate car lift and stacker, making 39 spaces in total.

At 100 Piccadilly, works include:

- Excavation at sub-basement level to provide additional residential parking spaces (on four levels, utilising a car stacker system), accessed from White Horse Street.
- The infilling of an existing office courtyard on basement and ground floors and the demolition of the central atrium and its replacement with a “landscaped” entrance foyer with a glazed roof. Open voids would provide light and amenity space to the rear of new flats on the lower floors of White Horse Street. The foyer will provide secondary access to the rear of some of the new apartments, to the lift/stair cores and to the new basement facilities. The existing residential courtyard will be partly infilled and reconfigured to provide both private and communal amenity space. The pedestrian access to White Horse Street will be retained.
- The erection of a fourth floor extension on the White Horse Street frontage to provide additional accommodation to some reconfigured flats; an extension to an area of flat roof at rear fifth floor
- The erection of a new sixth floor extension with further accommodation set within in a contemporary modulated roof, to create the upper level of a duplex apartment.
- The replacement of curtain wall glazing and cladding to the rear and courtyard elevations with brickwork
- There erection of a new stair/lift core on the western site boundary to link the two sites
- Remodelling of the roof profile to 100 Piccadilly (front)
- The replacement of metal framed windows to the historic street facades with timber windows and secondary glazing. Elsewhere, including on the fourth and fifth floors

fronting white Horse Street and to the courtyard elevations, new and replacement double glazed metal framed windows will be installed.

- The remodelling of the White Horse Street frontage including the introduction of new ground level doors and openings to provide direct access to the new flats. The mansard on third and fourth floors would be “overclad” by a sheer stone façade to match that on the lower floors.
- Widening of ground floor openings along Piccadilly, incorporating new canopies to create an enhanced retail frontage.
- Dropping the ground floor slab, by 500mm, over greater part of the site

No, 5-6 Yarmouth Place would be demolished and replaced by a new building comprising basement, ground and three upper floors with roof level plant. The new basement would provide plant rooms, a sub-station, refuse storage. Cycle parking and refuse stores would be provided at ground level (accessible from Yarmouth Place and from the reception area and lift cores in the main building). The mezzanine and first to third floors would provide flats and the fourth floor would provide plant for the development. The building would be faced in brick cladding to match the rear of 100 Piccadilly.

A turntable would be provided on the private land outside 5-6 Yarmouth Place enabling service vehicles for the flats to exit the site in forward gear. The retail unit would be serviced from Piccadilly.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace figures (GEA) are set out in the table below:

	Existing m2	Proposed m2	Change +/- m2
Office/workshop	7086	0	- 7086
Retail	0	259	+ 259
Residential	2054	11475	+ 10361
Total	9140	11734	+ 2994

8.1.1 Loss of offices/workshop

The proposal would result in the loss of 6992 sqm of office floorspace, (if it is accepted that the lawful use of the existing floorspace does not include any Class D1 floorspace – see paragraph 6.1.2 below) and 94 sqm of workshop accommodation.

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.’

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 other specified locations) 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.

However, as the current application was submitted prior to 1 September, it must be considered in relation to adopted UDP and City Plan policies which were the relevant policies at the time of submission, in which case there is no objection to the proposed loss of offices.

8.1.2 Potential loss of Class D1 accommodation

The planning history relating to 1-6 Yarmouth Place indicates that there has been some history of an educational use on the site although there is no record of permission having been granted for this use. However, previous schemes have been considered and determined on the basis that the lawful use of the building was as Class B1 offices. In these circumstances, and as the applicants have advised that they purchased the property on that basis of a lawful office use as detailed in previous committee reports, it is considered that it would be unreasonable to assess the current application on the basis of a potential loss of Class D1 floorspace.

8.1.3 Residential use

The scheme would provide 10,361 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 36 units (9x1, 16 x 2, 8 x 3 and 3 x 4 bed). Of these, 8 would be retained flats with 3 reconfigured and 25 new units.

The 28 new and reconfigured flats would comprise the following accommodation:

No. of bedrooms	No of units	Floor area m2 (GIA)
1	8	110-189
2	11	166-376
3	6	282-452
4	3	344-397
Total	28	

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 9 (32%) of the new or reconfigured units would be family sized. This is

considered acceptable in this busy central location and the limited opportunity to provide private amenity space.

It is accepted that the development is constrained by the existing building and the retention of the staircase and lift cores and a number of existing flats. In addition the requirement to maximise natural light to the flats particularly on the lower floors means that the flats are generally very large. All the rooms exceed the minimum room sizes as set out in the Minor Alterations to The London Plan adopted March 2016.

Standard of residential

Of the 28 new and reconfigured flats, all would be dual aspect with the exception of a first/second floor duplex apartment and a fourth floor flat overlooking White Horse Street (both east facing) and a fifth floor flat overlooking Yarmouth Place (west facing). The building design seeks to achieve the maximum internal light levels to the new flats. However, the size of many windows is informed by the listed facades and available light is limited by the narrow width of White Horse Street and the height of the, relatively tall, buildings opposite. It is considered that the quality of the accommodation would not be compromised to the extent that permission should be withheld.

The development will incorporate double glazed windows. Where single glazed windows are retained, these would be fitted with acoustic seals and secondary glazing. All residential windows are opening able. However, a system of mechanical ventilation is proposed should residents choose to keep their windows shut. Conditions are recommended to ensure that internal noise levels are acceptable

The flats are designed in accordance with Lifetime Homes Standards and 10% of the units have been designed to be easily adaptable to wheelchair accessibility standards. All units have level access from the lift lobbies. Some external amenity space is provided to 16 of the 28 new units in the form of courtyards, roof terraces and balconies. Overall the number, mix and size of flats within the development are considered acceptable.

8.1.4 Affordable Housing

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 1000m² of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

The scheme would provide 10361 m² of new residential floorspace which according to the relevant formula requires 2590 M² of on-site affordable housing, equating to 32 units. However, the policy states that, where on-site provision is accepted as being impractical or inappropriate, the housing may be provided on another site, preferably in the vicinity of the main site, or elsewhere in the borough. Where this is not practical or appropriate, the affordable housing requirement can be met through a financial contribution to the City Council's affordable housing fund. Based on the current formula for calculating affordable housing payments the increase in residential floorspace would generate a policy compliant financial contribution of £17,484,000 (rounded up), which would equate to £16,190,400 with deductions for CIL liability (Westminster and the Mayoral CIL).

Viability assessment

On-site provision

A viability report submitted with the application concludes that the provision of on-site affordable housing would be impractical as it would not be possible to introduce a separate entrance and access core to these units without materially affecting the scheme's viability and compromising the building frontage. This report also concluded that the scheme was unable to support any affordable housing contribution but indicated that the potential for providing the affordable housing requirement on a donor site was being explored. Where a donor site is proposed, the Council would expect the schemes for the donor and the main site to be submitted concurrently and for the delivery of the affordable housing to be secured by a legal agreement.

The viability report was assessed by independent consultants acting for the Council. They advised that the application could support a commuted payment of £8.1M but that details of a donor site for offsite provision should be provided.

Off-site provision

The applicants have, only recently, identified a donor site at 55-56 Buckingham Gate. (The building site is owned by Motcomb Estates, in a different company from the applicant company for the current scheme). Permission was granted on 5 December 2015 to convert offices on the first to third floors to provide 986 m² of new residential floorspace in the form of 8 market flats (3 x 1B, 4 x 2B and 1 x 3B). The building benefits from two stair cores.

Where the affordable housing requirement is met on a donor site, the amount of affordable housing required is increased to reflect the increased value of the principal site due to the fact that only market housing is being provided, as is the case with any payment in lieu of on-site provision. Consequently, the amount of affordable housing required at Buckingham Gate would be 3445 m².

The applicants have submitted various affordable housing appraisals for the site. The latest of these identifies three affordable housing units - a 3B/5P ground and first floor duplex apartment (120 sqm GIA), a ground/first floor 2B/3P apartment (79 sqm GIA) and a 2B/3P second floor flat (65 sqm GIA). These units share sole use of an entrance and a single stair core. Letters have been provided to show that two of three RSLs contacted would be interested in taking the apartments.

The total affordable floorspace (GEA) delivered on the donor site would be 209 sqm, meaning that there would be a requirement for a payment in lieu of the shortfall of affordable housing floorspace on the donor site (3236 sqm). A policy compliant payment would be £15,955,000.

The Council's consultant considered this latest offer and confirmed, on the basis of the delivery of the three units that the donor site, and that the scheme could support a payment of £373,000. Subject of verification of the reduction for Westminster CIL, it is estimated that the scheme could now deliver a payment of £342,000 in lieu of the shortfall of affordable housing floorspace.. The applicants have offered to make this contribution.

The applicants have requested that their alternative affordable housing offers of a commuted payment of £7,028,000 in lieu of on-site affordable housing on the application site or the provision of three affordable housing units on the Buckingham Gate site, plus a payment in lieu of the floorspace shortfall of £342,000 be put before the Committee.

The Council's Head of Affordable and Private Sector Housing acknowledges that the provision of three affordable housing units would generally be welcomed. However he considered that more affordable housing could be delivered for the City Council by utilising this commuted payment (to build new affordable homes on the Council's own land, or to secure properties in the open market which would then be converted to affordable housing use).

He advises that the commuted sum could deliver between 24 and 28 new affordable housing units on Council owned land. Alternatively, this sum could purchase a mixture of 2 and 3 bed properties on the open market (located in lower quartile value areas of the City). With the costs associated with bringing these properties up to an affordable housing standard, then 11 to 14 properties could be secured. By comparison, the provision of 3 on site affordable homes at 55-56 Buckingham Gate, together with a payment in lieu of the shortfall, might secure four affordable homes in total. On this basis, he would recommend that the offer of a commuted sum be accepted.

Given that under the policy cascade, a payment in lieu of on-site provision is acceptable only where it can be demonstrated that on-site or off-site provision is not appropriate or practical, but given the views of the Head of Affordable and Private Sector Housing, the Committee is asked to consider which of the scenarios outlined above represents the best outcome in terms of achieving the objectives of the Council's affordable housing policy.

8.1.5 Retail use

The scheme introduces a ground and mezzanine floor shop (Class A1/A2) at the corner of the site (259 sqm).

City Plan Policy S21 states that new retail floorspace will be directed to the shopping centres. However, the supporting text acknowledges that retail development may also be appropriate in other parts of the Core CAZ where it can be introduced sensitively.

Although the site is not located on a designated shopping centre it is located on a main thoroughfare and frames the entrance to Shepherd Market, from Piccadilly. Small retail uses have recently occupied long-time vacant units on the lower floors of 90-93 Piccadilly, to the east, and permission relating to the refurbishment /partial redevelopment of that site the provision of a include larger Class A1/A2 unit on the lower floors. In this context, a small shop could be introduced on the application site without detriment to the character of the area, and would be acceptable in principle in land use terms.

8.2 Townscape and Design

The application site is known as 100 Piccadilly, and comprises the grade II listed buildings at No. 96 and 97 (built as the New Travellers' Club 1890-91 by T. and F. Verity) and No.98-100 (built as terrace houses in 1883 by Colonel Edis) which are also grade II listed. They stand on the north side of Piccadilly overlooking The Green Park, and are in the Mayfair Conservation

Area. The site also includes property at No.6 White Horse Street and No. 5 and 6 Yarmouth Place which are not listed.

The listed buildings have been redeveloped behind the street façades and little original fabric remains internally other than one staircase and a semblance of the original plan form. In heritage asset terms the facades and staircase are of greatest significance and the buildings have an imposing frontage to Piccadilly. The secondary façade to White Horse Street also makes a contribution to the building's significance, but the rear facades are entirely modern and of no interest. The roof is believed to be entirely modern but follows the original outline where it faces Piccadilly. The site is visible from The Green Park and in longer views from the north in Shepherd Market and forms the backdrop to Nos. 94 and 95 Piccadilly in views from the east.

Any external alterations are therefore likely to affect the setting of Nos. 94 and 95 Piccadilly which are, respectively, grade I and grade II listed buildings. The site is also adjacent to the grade II listed No 101-104 Piccadilly.

Historic England, whilst authorising the Council to determine the application as it thinks fit, has sent an accompanying letter expressing concern about the proposals. They acknowledge that the roof will be visible only to a limited extent from close to the site, on Piccadilly, and also that the front section of the building will retain its current roof form. However, they are concerned at the roof's visibility above adjacent listed buildings in views along Piccadilly, from other parts of the conservation area (Shepherd Market) and from other buildings. They consider the roof design to be incongruous, both in design and scale, for a listed building of this period, and that some degree of harm would be caused to the listed building and conservation area, which must be weighed against the public benefits of the scheme. The Council for British Archaeology also considers the new mansard and roof to be discordant features, having an adverse impact on the listed building and streetscene. They consider alterations to the retained front facades and the extension of the stonework on White Horse Street to be well considered.

An objection has been raised by a resident of 100 Piccadilly in relation to the impact of the proposed increased in width of window openings upon the special interest of the listed building, although other respondents have raised no objection to this aspect of the scheme. The objector has also expressed concern about the replacement of the lower mansard storeys to White Horse Street with sheer stonework, on the basis that this would result in the narrowing on the street on the upper levels, reducing the space between the application site and the listed buildings opposite and could have structural implications for the existing listed building.

Whilst the listed buildings have been altered and extended in the past, there is still considered to be some scope for enlargement. The excavation of ground to form new levels of accommodation at basement level would not normally be acceptable under a listed building because of the adverse impact the work would have on the historic hierarchy of the building. However, in this case, there is nothing of the original hierarchy of interiors remaining inside the building so the downward extension is acceptable as proposed in this case.

Regarding the external alterations and the roof level extensions, these may be divided into two principal parts. Firstly, the alterations in White Horse Street, where it is proposed to

rebuild and extend the upper floors. Here, the works are acceptable but will change the appearance of the building in views from Piccadilly thus affecting the setting of Nos. 94 and 95. The most obvious change will be the loss of some sky in the small gap between No.94 and No.95 when seen obliquely across the forecourt of No. 94. However, in this particular built-up urban setting, the loss is not significant or detrimental in terms of its impact on the setting of the neighbouring listed buildings and the proposal accords with UDP policies DES 9 and DES 10.

Secondly, there is the rooftop 'penthouse', which has been substantially revised since earlier pre-application discussions and it is now much more successfully integrated in to the design of the building. Nevertheless, it would be clearly visible from the upper floors of surrounding properties and in some longer views, particularly from the north and east. In these views, the roof would have a neutral impact. Although taller than the existing roof, the massing of the structure is characteristic of the varied roofscape of the surrounding area. Whilst it is overtly modern, its materials are appropriate for the building and its detailed design would not appear incongruous. It would therefore preserve the appearance of the listed building, the setting of neighbouring listed buildings and the character and appearance of the surrounding conservation area. This accords with UDP policies DES 6, DES 9 and DES 10.

Other alterations to the facades include new windows and slightly enlarged openings at ground floor level facing Piccadilly. The new windows with multi-pane glazing are an improvement and the widened openings are neutral because they affect modern fabric and the size of the widened openings is not disproportionate.

The new rear facades are simply detailed in brick and are acceptable, as is the demolition and replacement of No. 5 and 6 Yarmouth Place, with a building on basement, ground and first to fourth floors, with a roof top plant area.

The increased height of the stone façade to White Horse Street would make the street more cavernous at its southern end. However, this is not considered detrimental in heritage asset terms. The street already possesses that characteristic elsewhere along its length and reinforcing that aspect is acceptable in this case. As regards the impact on the special interest of the building, the detailed design of the new stonework will harmonise with the original which has already been much altered. There will also be increased passive surveillance from the ground floor windows and attractive metal railings and gates will be added.

It is suggested by an objector that the existing White Horse Street façade may not be sufficiently strong to take the weight of the proposed extension. Noting that it is effectively a veneer over a modern structure, the proposed alterations will be able to rely on modern means of support and the structural design of the new development should not have any adverse impact upon the structural integrity of the original façade. Therefore, the alterations to this part of the building are acceptable and accord with UDP policies DES 5, DES 9 and DES10.

8.2.2 Landscaping/trees

There are currently several planted/landscaped areas on the main site most notably the central atrium, with tropical and artificial planting, which serves as the residents' access; a

basement office courtyard at the rear of the 98-100 Piccadilly, a planted (but inaccessible) atrium adjacent to the office courtyard; planting on a mezzanine level roof, including a birch tree, and a residents' courtyard at the rear of the existing entrance foyer, which also provides pedestrian access/and means of escape to White Horse Street. Some of these areas are heavily shaded and are of limited amenity value.

The application includes proposals to provide a landscaped roof at mezzanine level, on the western site boundary, with maintenance access only to safeguard the amenities of occupants of adjacent flats. This roof garden, which would incorporate a replacement tree, would be overlooked by many of the flats within the development. The retained area of external courtyard on the northern site boundary would also be landscaped.

The applicants contend that the size of the tree ring means that the lifespan and quality of the existing tree has been adversely affected. Details have now been provided of the proposed planting area, While the level of soil build-up is not substantial, on balance, and given the current growing conditions for the exiting tree, the Council's arboriculture officer has raised no objection to the proposal subject to a condition requiring the submission of details of a hard and soft landscaping scheme for the development.

8.2.3 Archaeology

The scheme involves the excavation of a sub-basement beneath the main site, and the excavation of a new basement under 5-6 Yarmouth Place. The site is not in a designated Archaeological Priority Area but is crossed by the course of the River Tyburn. An archaeological desk-based assessment has been submitted, and reviewed by officers at Historic England (Archaeology). They concur with the applicant's view that the archaeological potential of the site is generally low but consider that there is potential for findings in Yarmouth Place and for greater archaeological survival on the site of the proposed sub-basement excavation on the main site, where the ground slopes downwards towards the north. Consequently, a condition is recommended requiring the approval of a Written Scheme of Investigation prior to any work being undertaken below ground level and for details of investigations to be published

8.2.4 Public Art

UDP policy ENV17 encourages the provision of public art as part of redevelopment proposals and requires the artwork to be spatially related to the development in question, and where fixed to a building, integral to the design of that building. The development will include decorative metal screens and gates at ground floor level. It is recommended that these are secured by condition.

8.3 Amenity

8.3 Amenity (Daylight Sunlight and Sense of enclosure)

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience and material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy, Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

The proposed development involves extensions to the building, principally at fourth floor level and above. In addition, the overcladding of the mansard storeys along the White Horse Street frontage, with sheer stonework, would increase the depth of window reveals to some of the retained flats. As previously, the building at 5-6 Yarmouth Place would be redeveloped to include two additional floors above ground level.

The nearest existing residential is at the application site itself on the ground and third to fifth floors of 100 Piccadilly, at the rear of the site at 3 and 5 Shepherd Street and 5 White Horse Street (behind Carrington Street car park). A development of four houses is currently under construction on the site of former 5A to 5E Shepherd Street (between the rear of 5 Shepherd Street and the car park). In addition, there are extant permissions for residential use of nos. 95 and 94 Piccadilly/12 White Horse Street and 10/11 White Horse Street, all to the east of the site. The daylight and sunlight report submitted is considered to be comprehensive

Daylight and Sunlight

The daylight/sunlight report is based on guidance published by the Building Research Establishment. Objections have been received from and on behalf of existing occupiers of 100 Piccadilly and from the occupants of Flats at 5 Shepherd Street to a loss of daylight and sunlight.

Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. If a room has two or more windows of equal size, the mean of their VSC values may be taken

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

Day Light to retained flats within the application building 100 Piccadilly

The report indicates that the scheme would result in some losses in VSC which would be significantly greater than the 20% benchmark. However the retained values are typically around 20 – 21% the lowest being 14%. These are not untypical for flats in a built-up central location. In addition, the NSL analysis shows the proposals would have a limited impact on daylight distribution within the rooms tested.

Objections have been received in relation to a loss of light to existing windows whilst scaffolding is in place. As this would be a temporary situation, the impact of the scaffolding could not reasonably form the basis of a recommendation for refusal. Objectors are also concerned about the infringement of the proposed development upon rights to light (and air space) for existing occupants of 100 Piccadilly. These are private legal matters between the developer and the residents and not a material planning consideration.

Neighbouring properties

3-5 Shepherd Street, 5 White Horse Street and 5a -5e Shepherd Street

Occupants of flats at 5 Shepherd Street have objected to a loss of light. The study shows that the impact on No's 3 and 5 Shepherd Street would be limited, with a maximum reduction of 3% VSC. The NSL assessment indicates that most rooms would experience no change, with the maximum reduction being 5%.

Similarly at No's 5 White Horse Street and 5a -5e Shepherd Street the study shows there would be no breach in BRE guidelines with regards to VSC to windows.

The report also assesses the impact of the proposals on the approved residential schemes at 95 Piccadilly and 94 Piccadilly/12 White Horse Street. There would be some impact to 94 and 95 Piccadilly. However this is primarily where light in some of the approved residential rooms would already be extremely poor and the principle habitable rooms would be unaffected. It is considered that this scheme would not adversely impact on the quality of the proposed housing on the sites opposite.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values.

Sun Light to retained flats within the application building 100 Piccadilly

The report shows that of the retained flats/room at 100 Piccadilly which require testing under the BRE guidelines, all windows would, with the exception of one window to a fourth floor living room/kitchen/ diner (Flat 8), continue to receive annual sunlight values exceeding the BRE target.

There would be some losses in winter sun which breach BRE guidelines, many of the losses are to bedrooms, which are afforded a lesser degree of protection than principal habitable rooms, or to rooms which already receive low levels of winter sun.

The occupier of Flat 2 has objected on the grounds that the proposal would result in a loss of sunlight to windows serving his flat, and the adjoining flat, and has supplied photographs showing sunlight reaching the face of these windows, advising that they do receive some morning sunlight. However, as these windows face slightly north-east, under BRE guidelines they do not require testing as they do not fall within 90 degrees of due south.

Neighbouring properties

3-5 Shepherd Street, 5 White Horse Street and 5a -5e Shepherd Street

At 3 and 5 Shepherd Street all windows tested comply with BRE guidelines with regards to sunlight levels. At 5 White Horse Street a single first floor window, facing south-west, would see a reduction 25% winter sun (from 4 to 3%). The report shows that there would be no significant change to sunlight to the extant residential schemes at 95 Piccadilly and 94 Piccadilly/12 White Horse Street.

Overlooking

It is not considered that any of the new windows would result in direct overlooking and a loss of privacy to the occupants of any of the surrounding properties or the extant residential schemes in the vicinity. The proposed development includes new terraces and balconies. The most significant of these, are the two fifth floor terraces at the rear of the site. Subject to screening where appropriate it is not considered that use of the terraces or balconies would result in privacy issues.

Loss of views/increased sense of enclosure

Proposals to overclad the existing third/fourth floor mansard with two levels of sheer stonework would increase the depth of window reveals. An objection has been received from the occupant of a third floor flat on the grounds that proposed alterations to the exterior face of the building and the replacement of French doors/Juliet balconies with conventional windows would result in the loss of views of Green Park and an increased sense of enclosure in views from the affected rooms due to the “funnelling” effect on the windows.

At present, views from within the rooms are of buildings on the opposite side of the street. It is possible to gain an oblique view of Green Park when standing at open French doors and looking southwards down White Horse Street. It would still be possible to see the park through the (open) replacement windows, albeit not so readily. However, it is not considered that the impact of these changes upon existing residents would be so significant as to justify a recommendation for refusal.

The additional bulk and massing on the site resulting from other extensions would not due to its relationship with adjoining properties, result in any material increase in the sense of enclosure to neighbouring windows.

8.4 Highways

The site is in a highly accessible location in terms of public transport being directly opposite Green Park Underground Station and on a busy bus route.

8.4.1 Car parking and access

UDP policy TRANS 23 requires residential parking to be provided at up to 1 space per dwelling for new units of 2 bedrooms or fewer and 1 or 2 spaces for dwelling with 3 or more bedrooms (with an aggregate of 1.5 spaces for these larger dwellings).

The scheme would retain 8 of the 12 existing parking spaces for use in association with 8 retained flats. An additional 31 spaces would be provided, for the 28 new and reconfigured units. Based on the standard in TRANS 23, a maximum of 33 spaces would be required and the level of additional parking provision is considered acceptable. One disabled parking space will be created within the retained car park. All of the parking bays within the stacker system exceed minimum dimensions these arrangements are considered acceptable. The additional 31 parking spaces would be unallocated. This would be secured as part of a legal agreement.

Several local residents have requested that future occupants of the development should not be permitted to apply for residents' parking permits. The City Council does not operate such a restrictive policy. However, given the level of parking provision, and as the new parking spaces will be unallocated, it is considered unlikely the proposals would have an adverse impact on on-street parking demand.

The London Plan requires the active provision of electric vehicle charging points for at least 20% of the parking spaces, with a further 20% provision of "passive" spaces for the future expansion of this programme. The applicants have provided some information to indicate that charging points can be provided within the car stacker system and this would be secured by condition.

No parking would be provided in association with the retail use, which is considered acceptable.

The existing car park entrance on White Horse Street would be retained but the entrance door would be positioned further forward, to remove an existing recess. This door would open automatically to reduce highway waiting times.

The new parking spaces would be located within a proposed sub-basement excavation providing parking on four levels. These would be accessed via a new car lift. A double car stacker would optimise the use of the restricted basement space. The Highways Planning Manager has expressed concern over the proposed use of one car lift to serve 31 spaces as the system would take a maximum of three minutes to park or retrieve a single vehicle. Consequently, if a resident arrived at the entrance to this car lift when the system was already in operation, the second vehicle would be waiting on White Horse Street for a minimum of three minutes. Given the limited width of the carriageway, there would be no opportunity for any other vehicle to pass during this time and the waiting vehicle would potentially also obstruct access to the retained car park, causing two vehicles to wait on the street and resulting in localised congestion. In addition, any failure or required maintenance of the stacker system would have an impact on on-street parking demand during that time.

Whilst it is accepted that the car park access is already used for parking for up to 12 vehicles, there is concern regarding the lack of visibility splay, resulting in potential conflicts between vehicles exiting the car park and pedestrians walking northwards along the extremely narrow pavements along White Horse Street. Any significant alterations to the listed building façade are unlikely to be considered acceptable. However, the number of vehicles using this access point would rise, from 12 to 39, increasing the potential for vehicular/pedestrian conflicts.

In response, the applicants have pointed to the fact that the level of actual car use is likely to be limited and that White Horse Street is subject to low traffic flows. Although the design incorporates an off-street waiting area, the use of this space has the potential to prevent a

vehicle from exiting from either of the two car lifts, then requiring the waiting vehicle to reverse into the street.

In conclusion, while the level of parking provision is welcomed, the Highways Planning Manger considers that the proposed parking access arrangements are unacceptable as the applicants have failed to demonstrate that they would not have a detrimental impact upon the operation of the highway and the safety of highway users. However, these concerns must be considered in the context of the requirement to protect the special interest of the listed building. Should the scheme be otherwise considered acceptable the Highways Planning Manager has requested that details of a vehicle signalling system and details of the design of the vehicle entrance/exit (including adjoining walls to ensure adequate visibility splays can be achieved to safeguard other highway users) be provided. Given site constraints and listed building considerations, the scheme is considered acceptable subject to these details, which should be submitted and approved prior to the commencement of works. In addition, it is recommended that any future 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.

There are two surface level parking spaces on the area of private land in Yarmouth Place, which are currently leased to the Embassy of Japan. The applicants have advised that the lease on these spaces is due to expire next year (hence no notice was served on the Embassy) but that this arrangement is set to continue.

8.4.2 Cycle parking

The Further Alterations to the London Plan (FALP) require residential cycle storage to be provided on the basis of 1 cycle space per 1 bed unit and 2 spaces for units comprising 2 or more bedrooms. A total of 64 cycle parking spaces would be provided at basement and ground floor level. The design and accessibility of the cycle stores is considered acceptable and the level of provision satisfies the requirements for all existing and proposed units within the development (63), which is welcomed and would be secured by condition.

The FALP would require two staff cycle spaces to be provided in association with the shop use. None provided within the scheme. A further condition is recommended requiring the submission of details of cycle parking for the proposed shop use. This issue has been raised with the applicants who contend that site constraints would prevent the provision of cycle storage within the shop unit. However, there would not appear to be any practical reason why two retail cycle spaces could not be provided either within the shop or in the Yarmouth Place building or on the adjacent land.

8.4.3 Site servicing including refuse storage

UDP Policy TRANS 20 and City Plan Policy S42 normally require schemes to incorporate adequate off-street servicing facilities. Additionally, policy S42 requires applicants to demonstrate that site servicing will be managed in a way which minimises any potential adverse impacts of the scheme. The application is supported by a Servicing Management Plan

8.4.3.1. Residential use

Servicing for the residential part of the development would take place from Yarmouth Place. A turntable will be installed on the area of private land outside 5-6 Yarmouth Place which would allow servicing vehicles to reverse into the ground level servicing bay at 5-6 Yarmouth Place and leave in forward gear. It is estimated that the majority of servicing trips would be made by small goods vehicles and it considered that these arrangements for the residential use are acceptable subject to arrangement for the maintenance of the turntable, which would be secured as part of the legal agreement.

The plans indicate that residential waste and recycling would be stored in the dedicated refuse area on the ground floor of the Yarmouth Place building. However, it is unclear whether there would be sufficient space for the storage of residual, recyclable and organic waste for the residential use and a condition is therefore recommended requiring the submission of further details.

8.4.3.2 Retail use

There is no physical link between the residential and retail parts of the development and the applicants propose that servicing for the retail shop, including refuse collections using Council services, would take place from Piccadilly on the basis that the “design and levels” associated with the development would not enable retail deliveries to be made in Yarmouth Place. The applicants acknowledge that any future retail tenant could hire a private refuse contractor.

However, the application does not address the impact of the loading ban in place on Piccadilly (0700 and 1900 on Monday to Saturday) and the requirement to restrict servicing hours in order to safeguard resident’ amenities. Given the nature of the development, there appears to be no practical reason why retail servicing could not take place off-street. However, in view of the current plans, it is it is accepted that it would not be desirable or practical for retail servicing to take place in Yarmouth Place, with goods either being transferred on trolleys via Yarmouth Place and Piccadilly or through the residential entrance to the rear of the proposed shop unit. In addition, the provision of an off-street servicing bay on White Horse Street adjacent to the car park access, would compromise both the appearance of the building and the pedestrian environment in White Horse Street. Given the narrow width of the roadway and pavement it is considered vital that the street level quality is maintained and improved where possible. It is also acknowledged that the existing office use, which is significantly larger than the proposed shop unit is subject to the same, existing, loading bans and that servicing for the existing residential and office uses appears to have taken place without detriment to residents’ amenities. Consequently, the proposed servicing arrangements are considered acceptable.

It is unclear whether the space dedicated to refuse storage in association with the proposed shop use is adequate. The applicants have indicated that waste for the shop will be left on the highway, awaiting collection, which has the potential to cause highway obstruction. However, the provision of appropriate waste and recycling storage facilities would ensure that the amount of waste left on the highway is minimised.

Notwithstanding the concerns outlined above, the submitted Servicing Management Plan includes many overarching principles suggesting how servicing for the development will be managed, although details of how specific processes will be followed, are limited. Nonetheless, given that provision of off-street servicing for the residential use, the submitted document is considered acceptable and a condition is recommended requiring it is followed. A

further condition is also recommended requiring the submission of a new SMP should it be proposed shop unit be occupied as a retail food shop as such uses have significant servicing demands.

8.5 Economic Considerations

It is acknowledged that the loss of the existing offices would result in the loss of potential employment opportunities, although the offices have been vacant for a number of years. Some employment, albeit limited, would be provided by the new shop.

8.6 Access and means of escape

The proposed building has been designed to meet the relevant access requirements of the Building Regulations and incorporates the principles of inclusive design. All new dwellings are designed to Lifetime Homes standards, where possible, taking into account site constraints. Level access will be provided to the entrance foyer.

A total of four new part M compliant lifts will be provided, including within a new lift and stair core serving the Yarmouth Place building. The two existing lifts, which currently serve 11 flats on third floor and above, will be retained. The plans indicate that these lifts would provide access to 19 flats at mezzanine level and above. These lifts can accommodate an unaccompanied wheelchair user.

Level access will also be provided to the new retail unit. There is access from the existing car park to stair cores and level access will be provided from the new car stacker to White Horse Street.

The Building Control and Environmental Health Officers have expressed concern about the creation of remote rooms (with access points adjacent to cooking facilities. Concerns have also been raised about the arrangement of stair cores and escape routes. In response, the applicants have submitted some further information, although this does not the form of a detailed fire strategy. In these circumstances, it is considered appropriate for an informative to be added to any decision notice advising that any alterations required to satisfy Building Regulations and Fire Safety Regulations are likely to require further permission and/or listed building consent.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant noise

The scheme includes the provision of plant on the basement and ground floors of the main building and on the roof of the new Yarmouth Place building. The application is supported by a Noise Report which has been assessed by the Environmental Health Officer. The site is in an area with ambient noise levels above WHO guidelines. The Environmental Health Officer has reviewed the submitted noise report and has confirmed that the plant would be likely to operate in accordance with Council standards subject to the installation of acoustic screening and louvres to the roof level plant on the Yarmouth Place building and to standard conditions relating to noise levels and vibration. As the plant has not yet been selected supplementary noise report to demonstrate that the selected equipment will operate in accordance with these conditions.

It is also proposed to provide an emergency generator and specific noise conditions are recommended to cover the operation of the generator in emergency mode.

The scheme also includes the provision of a sub-station. The potential for noise outbreak from the sub-station has not been considered within the acoustic report and it is therefore recommended that conditions relating to noise levels within the flats are amended to take account of this part of the scheme.

8.8 London Plan

The proposal does not raise any strategic issues.

8.9 Impact of construction works

8.9.1 Basement excavation

The scheme involves the excavation of additional sub-basement levels on the main site to provide new car parking and the excavation of a basement beneath 5-6 Yarmouth Place. 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 local amenity society has expressed concern over the impact of the basement works.

The site is not located within a Flood Risk Zone but is identified as being within a Surface Water Hotspot in the Council's Supplementary Planning Document "Basement Development in Westminster. The 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.

Policies relating to basement development have, in part, been used for the purpose of determining planning applications since 1 November 2015, but do not apply to applications submitted prior to that date, as in this case.

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 and a report detailing local ground conditions. Although these reports do not include details of a finalised basement design, they consider local geology and hydrology issues and include suggestions regarding the likely construction method, which are considered acceptable. The reports have been assessed by a Building Control Officer who has confirmed that the basement construction methodology is acceptable and those matters of geology, ground water and the protection of neighbouring buildings during construction works have all been taken into account.

8.9.2 Construction Management

This is a major development that has the potential to result in significant noise disturbance and inconvenience during the construction phase, to residents of 100 Piccadilly in particular, who have expressed concerns about their general safety (particularly if existing lifts and stairs are to be used for construction purposes), potential fire risk, increased security risk (and potential for insurance policies to be invalidated), and their right to the peaceful enjoyment of their homes. Specific comments have been received concerning the need to maintain access to the retained flats.

More general concerns from existing and neighbouring residents centre around general nuisance during the course of construction (noise, dust, construction traffic) particularly in the context of other approved development in the area and the potential of this disruption to affect tourism and local businesses. Respondents have requested that the proposals be supported by a robust construction traffic management plan.

The Embassy of Japan has expressed similar concerns, including concerns about increased security risk from workmen looking into Embassy windows. In addition, they are keen to ensure that access to the rear of their property, in Yarmouth Place, is maintained at all times.

The application is supported by a Construction Method Statement and a Construction Management Plan (Traffic and Logistics) which cover issues such as a programme of works, traffic management and aspects of environmental management. They set out in detail how the development will be constructed, the logistics of the development, traffic routing and the expected programme of works. Measures designed to mitigate any significant disruption, for both existing and neighbouring residents, are outlined including maintenance of general access and delivery points and access to car parking, progressive removal of waste from the

site, control of construction noise and dust/air quality and vibration; consideration of the timing of deliveries and waste removal to minimise disruption. There is an identified delivery route which exits onto Piccadilly from White Horse Street.

The applicants accept the need to manage and safeguard the amenities of the eight long leaseholders whilst any building works are taking place and acknowledge their concerns about the impact on their daily lives. The application assumes that the existing tenants will remain in the building residents and mitigation measures are proposed accordingly including the use of dust monitoring sensors (which activate a water dust suppression process) and noise control measures, including acoustic screening and constant noise monitoring. In addition, “heavy” working hours will be restricted to between 1000 and 16.00 hours. Safe access through the site to the retained flats will be maintained and at least one of the existing lifts will be in operation at all times. A residents’ liaison contact will also be provided. The existing residents’ car park will be out of operation during construction works and the applicant has undertaken to provide parking on an alternative site with a drop off and collection service for residents.

Given the potential impact of the work, the applicants would be required, as part of a s106 legal agreement, to sign up to a Site Environmental Management Plan, incorporating the Code of Construction Practice, which would encompass many of these measures. This would include a capped annual payment of £32,000, to include site monitoring and residents’ liaison. In order to safeguard the amenities of local residents, it is also recommended that standard conditions be imposed to limit the hours of construction and excavation works.

Concerns about residents’ safety and fire risk etc. should be addressed by the requirements concerning safe working practices on construction sites. Other issues relating to residents’ insurance policies and potential overlooking of Embassy windows by construction workers are matters that need to be addressed by discussion with the developers.

Subject to these arrangements, the impact of construction works upon neighbours’ amenities would be ameliorated as far as possible.

8.10 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.

8.11 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.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) imposed 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 the 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.

Westminster's has developed its own CIL which was introduced on 1 May 2016.

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 either £8,100,000 towards the City Council's affordable housing fund (less the agreed reduction for Westminster CIL) (index linked and payable upon the commencement of development) in lieu of on-site affordable housing provision on the main site OR
the provision of three affordable housing units at 55-56 Buckingham Gate, to be made ready for occupation prior to the occupation of any of the new or reconfigured flats on the main site, plus a contribution of £379,000 to the affordable housing fund in lieu of the shortfall in affordable housing on the donor site (less the agreed deduction for Westminster CIL) (index linked and payable upon the commencement of development on the donor site).
- b) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000 (during the demolition, excavation and construction phases).
- c) Costs of highways works around the site to facilitate the development (including the creation of a new crossover)
- d) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place
- e) Unallocated residential parking for the 31 new flats on the site)
- f) Monitoring costs

8.12 Environmental Impact Assessment

8.12.1. Sustainability

City Plan policy S28 requires new developments to incorporate exemplary standards of sustainable design and encourages developments to reduce energy use and emissions.

The applicants have submitted a detailed Sustainability Statement and an Energy Strategy in support of the proposals which adopts a BREEAM domestic refurbishment method of assessment. and confirms that the development will be designed to achieve an “excellent” rating.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments (currently 40%). Policy 5.6 in the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

Policy S39 of the City Plan seeks to encourage decentralised energy and to ensure that major developments make provision for site wide decentralised energy generation and where possible connectivity. Policy S40 seeks at least a 20% reduction of carbon dioxide emissions through the use of renewable energy.

A range of passive design features and energy efficient measures is proposed in the development. These include the use of mechanical ventilation with heat recovery, low energy lighting and water systems and heating systems and improvements to the thermal efficiency of the building fabric, including glazing. A CHP system is also proposed.

The development’s community heating systems will be designed to enable a future connection and associated internal routing to any future networks in the vicinity of the site.

It is anticipated that these measures will achieve a 63% reduction on CO2 emissions beyond the requirements of the Building Regulations.

The Sustainability Strategy also includes an assessment of SuDS (Sustainable Urban Drainage Systems). Developers are required to incorporate SuDS into their schemes which include attenuation for surface water run-off (as well as habitat, water quality and amenity benefits). The submitted report concludes that as the proposed basements will not embed within the clay level and, at 100 Piccadilly, does not extend across the whole site or to the site perimeters, that surface water will still be able to flow across the site following the development. As the impermeable area of the site will not change as a result of the development, there will be no increase in surface water run-off. The scheme includes the provision of an area of green roof at 100 Piccadilly, which will help to reduce the peak surface water run off rate from the building.

8.12.2 Biodiversity

City Plan policy S38 requires new developments to maximise opportunities to create new wildlife habitats. Given the proposed roof form, it is acknowledged that there is no potential to provide a green roof at main roof level. However, the scheme does include the creation of a mezzanine level roof garden and planting within the communal courtyard, with the opportunity for planting on private terraces. The planting of these external spaces would improve the site’s contribution to the biodiversity of the area, which is welcomed. Details of the planting schemes would be reserved by condition.

8.13 Other Issues

Objections have been received on the grounds that insufficient neighbour consultation has been undertaken. A Statement of Community Involvement submitted by the applicants details the level of consultation undertaken by them, which included invitation to a meeting/scheme exhibition. The City Council has also undertaken its usual consultation, with neighbour letters and press and site notices, giving occupants of neighbouring properties the opportunity to comment on the application.

The applicants have recently requested, should the scheme considered acceptable, that permission be granted for a 5 years rather than the usual 3 year period. This request has been made on the basis that there are particular difficulties presented by the fact that the building is partly occupied and that the developer is still in discussion with existing residents.. However, this is a situation which is common to many development schemes. The applicants have been asked to provide further supporting information but this has not been received to date. Consequently, it is not considered that any extension of the life of the permission could be justified.

The application is supported by a Contaminated Land Report (GEA 2015). However, the Environmental Health Officer considers that the sampling strategy and the submitted report are inadequate and has requested that the report should be resubmitted and further sampling undertaken. A condition is therefore recommended requiring the submission of an amended Phase 2 report,

Additionally, a further report is requested by the Environmental Health officer to show that relevant levels relating to Electro Magnetic Frequency (EMF) from the operation of the sub-station can be achieved. As this is not a material planning consideration, it would not be appropriate to impose such a condition. However, this matter could be addressed by way of an informative.

8. BACKGROUND PAPERS

1. Application form
2. Two letters from Historic England dated 5 October 2015
3. Letter from Historic England (Archaeology) dated 27 August 2015
4. E-mail from Thames Water dated 12 August 2015
5. E-mail from Metropolitan Police dated 23 May 2016 (enclosures)
6. E-mail from the Council for British Archaeology dated 10 September 2015
7. Letter from the Residents' Association of Mayfair & St James's dated 9 September 2015
8. Memoranda from Highways Planning Manger dated 12 November and 22 December 2015
9. Memoranda from Environmental Health dated 27 August (two) and 4 December 2015
10. E-mail from Arboricultural Officer dated 12 April 2016
11. E-mail from Head of Affordable and Private Sector Housing dated 18 May 2016
12. Infrastructure, dated 27 August 2015
13. Emails from Building Control dated 4 March (two) and 18 March 2015
14. Letter from the occupier Flat 1, Shepherd House, 5 Shepherd Street dated 26 October 2015
15. Letter from the occupier Flat 3, Shepherd House, 5 Shepherd Street dated 24 October 2015
16. Letter from the occupier Flat 4, Shepherd House, 5 Shepherd Street dated 26 October

- 2015
17. Letter from the occupier Flat 5, Shepherd House, 5 Shepherd Street dated 25 October 2015
 18. Letter from the occupier Flat 11, Shepherd House, 5 Shepherd Street dated 28 October 2015
 19. Letter from the occupier Flat 12, Shepherd House, 5 Shepherd Street dated 27 October 2015
 20. Letter from the occupier Shepherd House, 5 Shepherd Street dated 24 October 2015
 21. Letters from the occupier Flat 2, 100 Piccadilly dated 18 and 26 May 2015 and 26 May 2016 (enclosures)
 22. Letter on behalf of the residents of Flats 1, 2, 3, 4, 6, 8, 9 and 11, 100 Piccadilly dated 28 August 2015

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

Existing White Horse Street Elevation

Page 40



Proposed White Horse Street Elevation

KEY NOTES:

EXTERNAL WORKS:

- 01. Existing stone, cleaned with steam and water, repaired and repointed where necessary.
- 02. New stone, to match existing.
- 03. New waterstruck brickwork with tiled patternation.
- 04. New waterstruck brickwork with tiled patternation to replace existing cladding.
- 05. Existing cast iron rainwater goods, made good as required.
- 06. New cast iron rainwater goods, to match existing.
- 07. Existing Juliet balcony iron balustrade, made good as required.
- 08. Existing decorative metal railing, made good as required.
- 09. New stone capping to match existing.
- 10. New chimney pots.
- 11. New satellite dishes.
- 12. Existing openings widened to proposed retail unit.
- 13. Existing window openings enlarged both horizontally and vertically.
- 14. New render finish.
- 15. New glass balustrade.
- 16. New iron balustrade, to match existing.
- 17. Full height glazed curtain wall.

WINDOWS, DOORS & SHOP-FRONTS:

Note: All windows to have sound reducing glass

- 20. New glazed painted timber shopfront.
- 21. New single glazed painted timber windows to replace existing windows. New glass pane configuration making reference to historical condition. New secondary glazing installed.
- 22. New painted timber windows.
- 23. New double glazed metal windows.
- 24. New back glazed ironwork door.
- 25. New decorative metal double gates.
- 26. New decorative metal railing to window.
- 27. New canopy to proposed retail unit windows.
- 28. Automatic opening vent.
- 29. New metal louvres.
- 30. New double glazed metal door.
- 31. New double glazed door & window unit.
- 32. Painted metal panel doors.
- 33. New painted timber doors.
- 34. Access hatch with drop down ladder.

ROOFS & TERRACES:

- 40. New lead cladding panels.
- 41. New lead hoods to dormer windows.
- 42. New slate roof to match existing.
- 43. New factory finish lead to fall.
- 44. New terraco. finish lead to fall.
- 45. Full arrest system, to be installed.
- 46. New glass rooflight.
- 47. New lead gutter.
- 48. Lift overrun.
- 49. Pigeon mesh to plant areas.
- 50. Metal grille for ventilation.
- 51. Solar flue.
- 52. Stopped vents.
- 53. Traditional lead finish with timber roll joints.
- 54. New slate roof.

Please note: fall arrest/ man safe system locations to be reviewed.



Item No.

Existing Courtyard Elevation

This architectural section drawing illustrates a multi-story building complex with a central courtyard. The drawing shows various structural elements, including walls, floors, and stairs. A vertical green dashed line is labeled "Elevation change in angle". The drawing is oriented horizontally on the page.

Page 42

Proposed Courtyard Elevation

KEY NOTES:

EXTERNAL WORKS:

01. Existing stone, cleaned with steam and water, repaired and repointed where necessary.
02. New stone, to match existing.
03. New waterstruck brickwork with fitted patternation.
04. New waterstruck brickwork with fitted patternation to replace existing cladding.
05. Existing cast iron rainwater goods, made good as required.
06. New cast iron rainwater goods, to match existing.
07. Existing julia balcony iron balustrade, made good as required.
08. Existing decorative metal railing, made good as required.
09. New stone capping to match existing.
10. New chimney pots.
11. New satellite dishes.
12. Existing openings widened to proposed retail unit.
13. Existing window openings enlarged both horizontally and vertically.
14. New render finish.
15. New glass balustrade.
16. New metal balustrade, to match existing.
17. Full height glazed curtain wall.
18. Fritted glass to provide visual privacy.

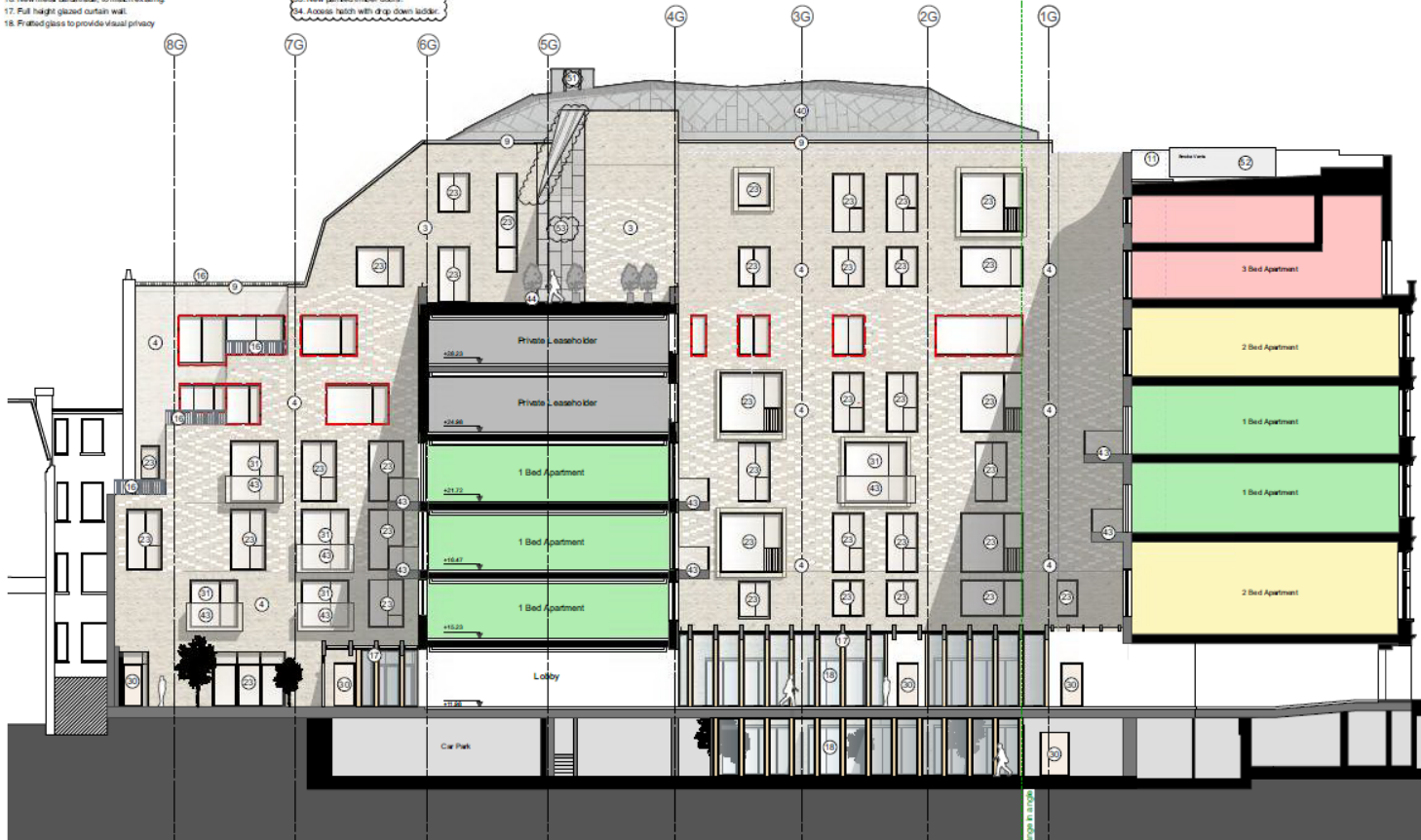
WINDOWS, DOORS & SHOP-FRONTS:

- Note: All windows to have sound reducing glass**
20. New glazed painted timber shopfront.
 21. New single glazed painted timber windows to replace existing windows. New glass pane configuration making reference to historical condition. New secondary glazing installed.
 22. New painted timber window.
 23. New double glazed metal windows.
 24. New back-glazed ironwork door.
 25. New decorative metal double gates.
 26. New decorative metal railing to window.
 27. New canopy to proposed retail unit windows.
 28. Automatic opening vent.
 29. New metal louves.
 30. New double glazed metal door.
 31. New double glazed door & window unit.
 32. Painted metal panel door.
 33. New glazed timber door.
 34. Access hatch with drop down ladder.

ROOFS & TERRACES:

40. New lead cladding panels.
41. New lead hoods to dormer windows.
42. New slate roof to match existing.
43. New balcony, finish to fall.
44. New terrace, finish laid to fall.
45. Fall airlock system, to be installed.
46. New glass rooflight.
47. New lead gutter.
48. Lift overrun.
49. Pigeon mesh to plant areas.
50. Metal grille for ventilation.
51. Boiler flue.
52. Spindle work.
53. Traditional lead finish with timber rod joints.
54. New slate roof.

Please note: fall arrows/ main safe system locations to be reviewed.



Item No.

Existing Yarmouth Place Elevation

This architectural drawing illustrates the existing and proposed elevations of Yarmouth Place. On the left, the existing building is shown with a traditional facade featuring a ground-floor entrance with columns, a second floor with arched windows, and a top floor with a row of small, square windows. To the right, a new, taller building is proposed, characterized by a modern design with a grid of windows and a sloped roofline. A vertical green dashed line, labeled 'Elevation change in angle' at both the top and bottom, indicates the vertical alignment between the two structures. The drawing uses black lines for structural elements and grey shading for the ground level.

Page 44

Proposed Yarmouth Place Elevation

KEY NOTES:

EXTERNAL WORKS:

01. Existing stone, cleaned with steam and water, repaired and repointed where necessary.
02. New stone, to match existing.
03. New weberstruck brickwork with fitted patternation.
04. New weberstruck brickwork with fitted patternation to replace existing cladding.
05. Existing cast iron rainwater goods, made good as required.
06. New cast iron rainwater goods, to match existing.
07. Existing Juliet balcony iron balustrade, made good as required.
08. Existing decorative metal railing, made good as required.
09. New stone capping, to match existing.
10. New chimney pots.
11. New satellite dishes.
12. Existing openings widened to proposed retail unit.
13. Existing window openings enlarged both horizontally and vertically.
14. New render finish.
15. New glass balustrade.
16. New iron balustrade, to match existing.
17. Full height glazed curtain wall.

WINDOWS, DOORS & SHOP-FRONT:

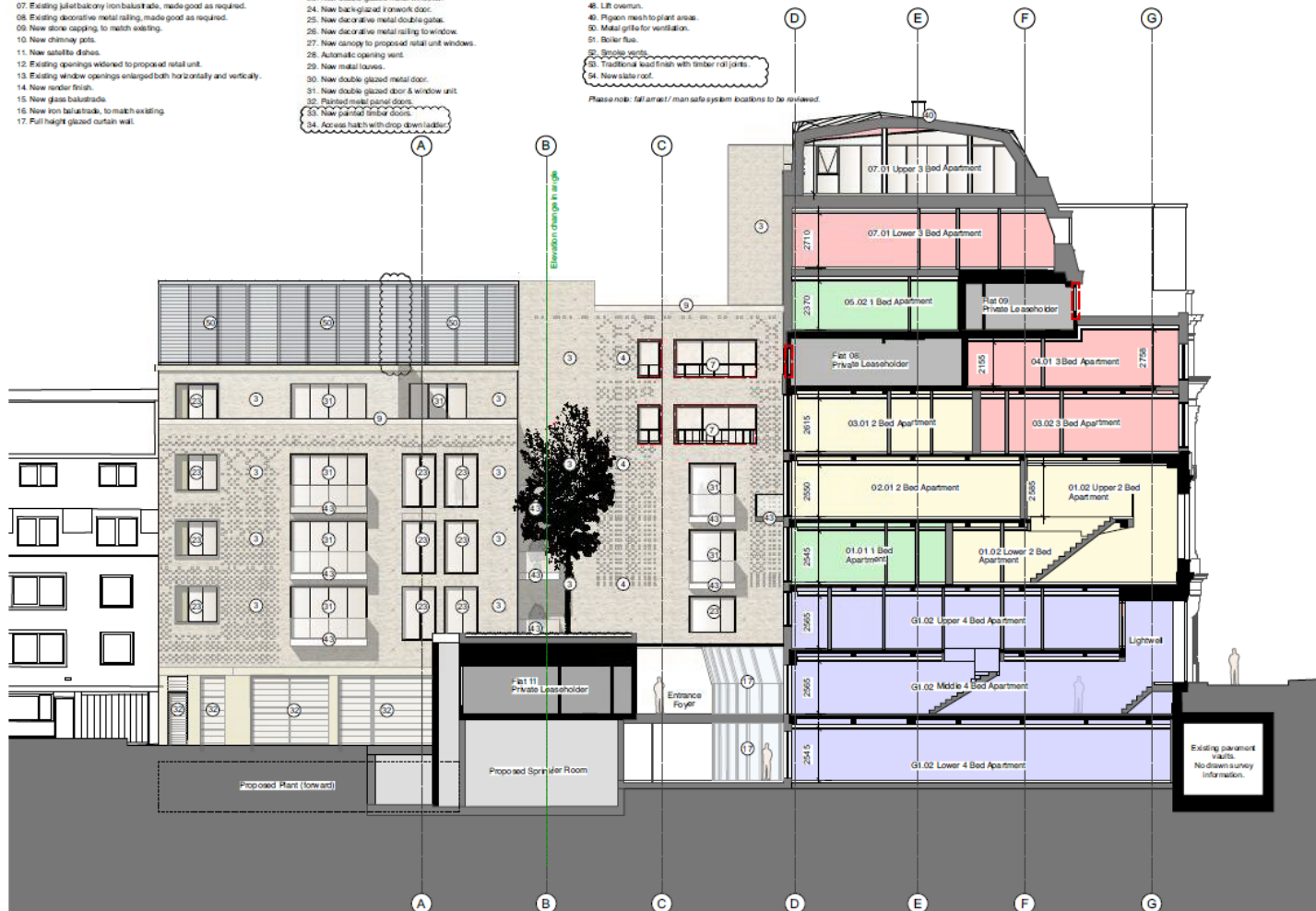
Note: All windows to have sound reducing glass

20. New glazed painted timber shopfront.
21. New single glazed painted timber windows to replace existing windows. New glaze pane configuration making reference to historical condition. New secondary glazing installed.
22. New painted timber windows.
23. New double glazed metal window.
24. New back-glazed ironwork door.
25. New decorative metal double gate.
26. New decorative metal railing to window.
27. New canopy to proposed retail unit windows.
28. Automatic opening vent.
29. New metal louvers.
30. New double glazed metal door.
31. New double glazed door & window unit.
32. Painted metal panel doors.
33. New painted timber doors.
34. Access hatch with drop down ladder.

ROOFS & TERRACES:

40. New/lead cladding panels.
41. New lead hoods to dormer windows.
42. New slate roof to match existing.
43. New/Existing timber roof joists.
44. New/Existing, timber lead to flat.
45. Full area system, to be installed.
46. New glass rooflight.
47. New lead gutter.
48. LIFT overrun.
49. Pigeon mesh to plant areas.
50. Metal grille for ventilation.
51. Boiler flue.
52. Slope vents.
53. Traditional lead finish with timber roof joints.
54. New slate roof.

Please note: fall arrest / man safe system locations to be reviewed.

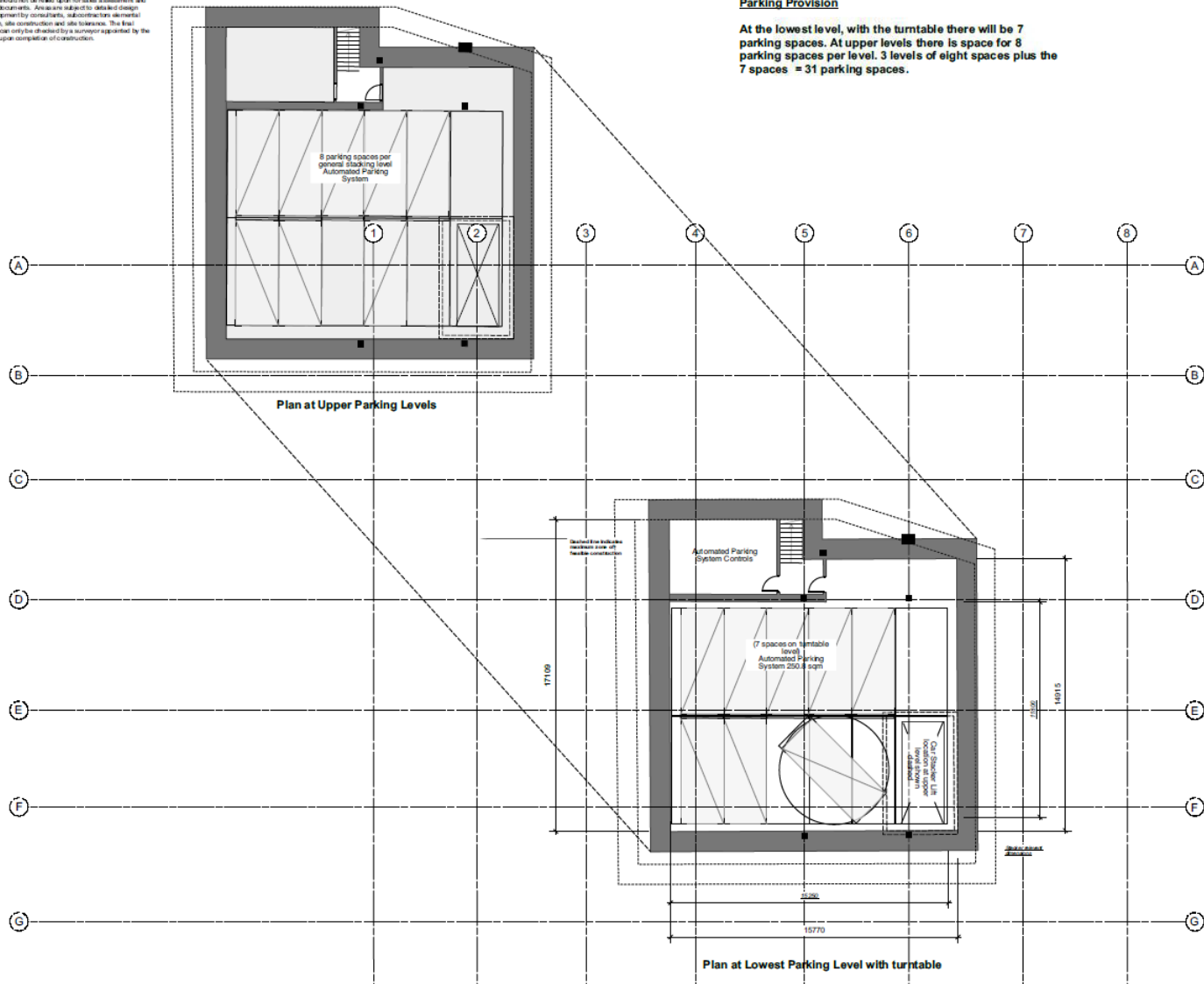


Proposed Sub Basement

NOTES:
 The areas circled or noted on plans are indicative only. They should not be relied upon for basis assessment and legal documents. Areas are subject to detailed design development by consultants, subcontractors, structural design, site construction and site clearance. The final areas can only be checked by a surveyor appointed by the client upon completion of construction.

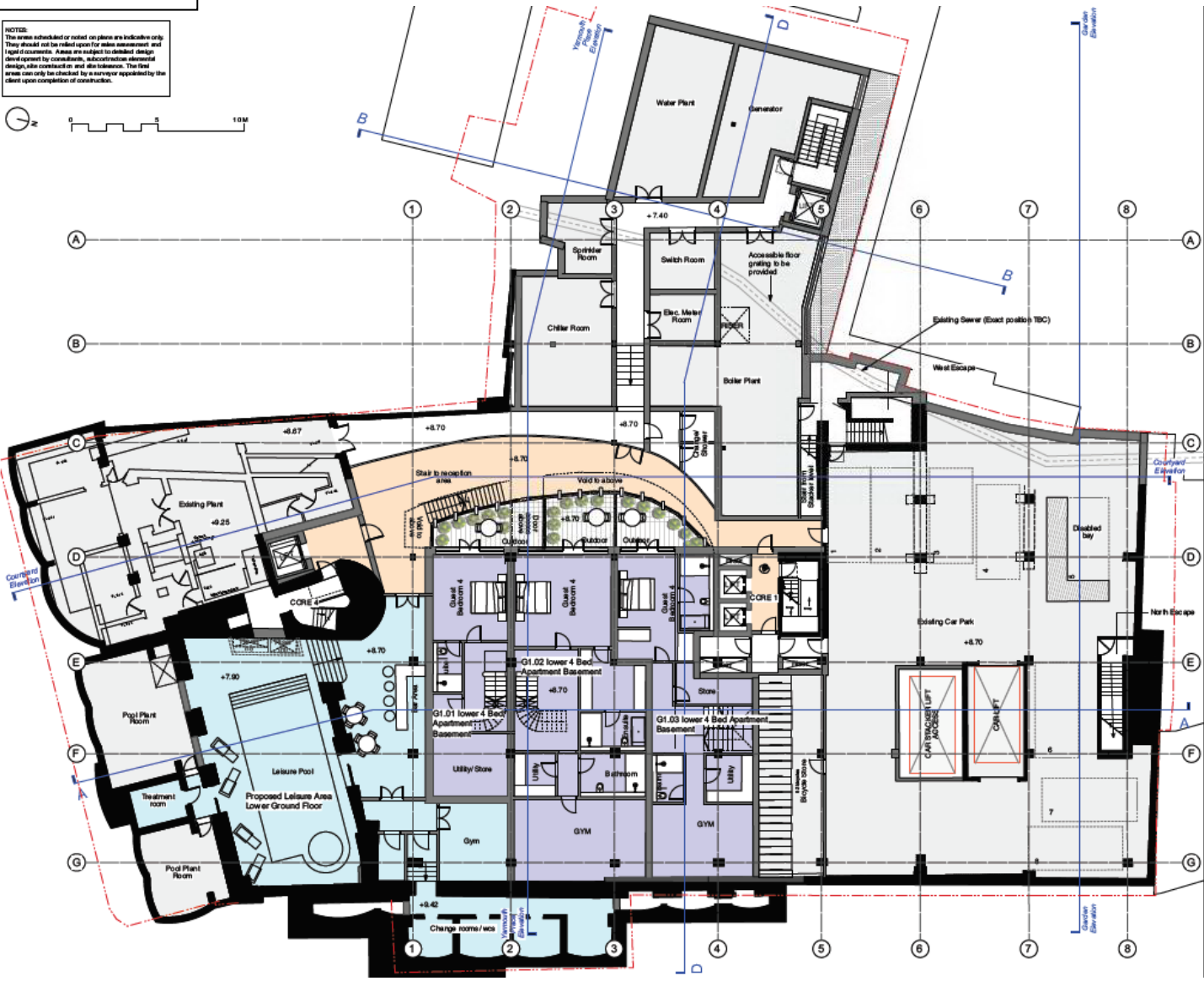
Parking Provision

At the lowest level, with the turntable there will be 7 parking spaces. At upper levels there is space for 8 parking spaces per level. 3 levels of eight spaces plus the 7 spaces = 31 parking spaces.



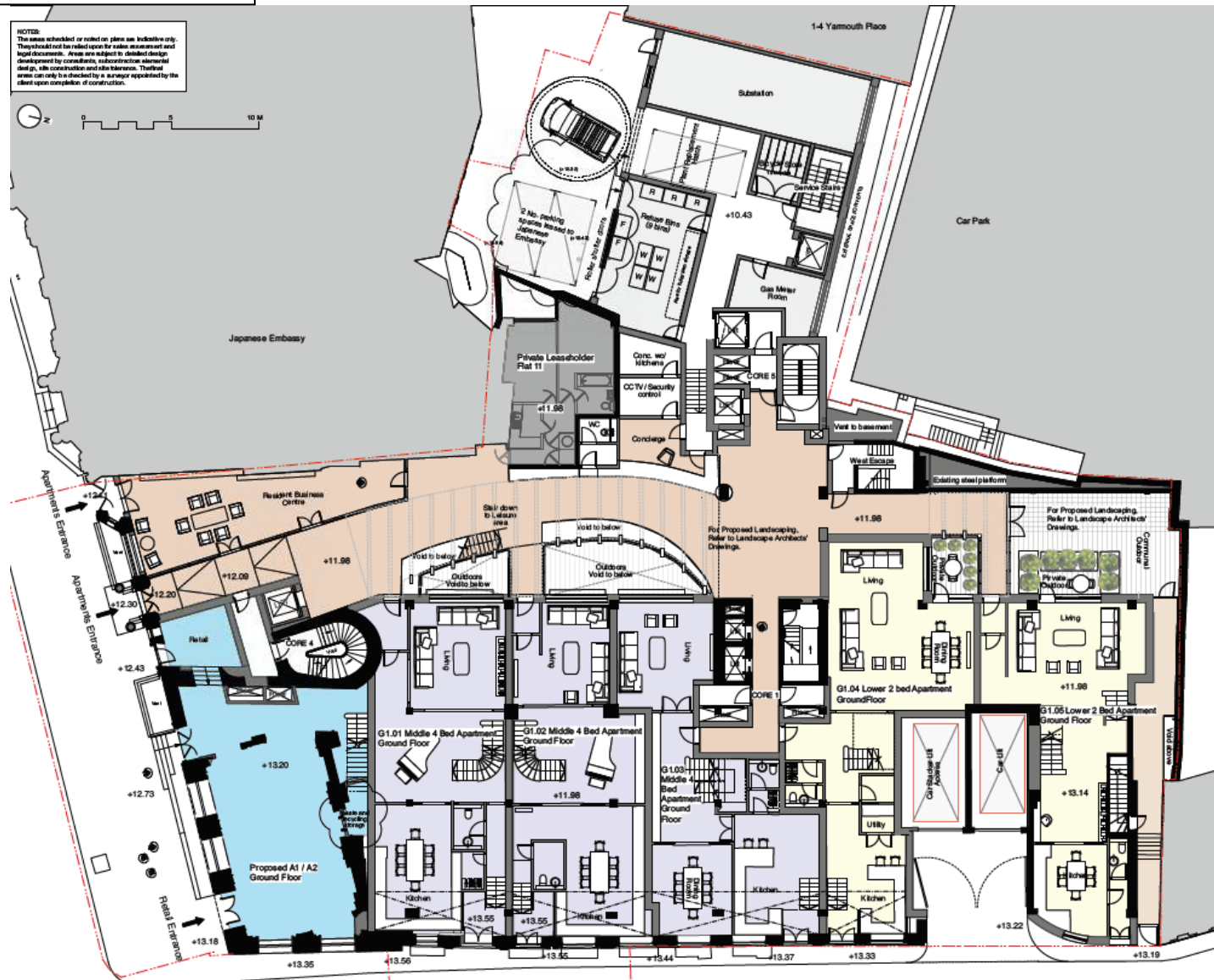
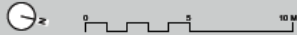
Proposed Basement

NOTES:
 The areas scheduled or noted on plans are indicative only. They should not be relied upon for mass measurement and liquid requirements. Areas are subject to detailed design development by consultants, subcontractors, structural design, site construction and site services. The final areas can only be checked by a surveyor appointed by the client upon completion of construction.



Proposed Ground Floor

NOTES:
The areas scheduled or noted on plans are indicative only. They should not be relied upon for making measurement and legal documents. Areas are subject to detailed design development by consultants, subcontractors, elemental design, site construction and site balance. The final areas can only be checked by a surveyor appointed by the client upon completion of construction.



DRAFT DECISION LETTER

Address: 100 Piccadilly, London, W1J 7NH,

Proposal: Excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 x flats (Class C3) (an additional 28 above existing), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (SITE COMPRISES 96-100 PICCADILLY AND 5-6 YARMOUTH PLACE).

Reference: 15/06446/FULL

Plan No's: Fabric removal drawings: 1723_DWG_01_/001_P1, 002_P1, 003_P2, 004_P2, 005_P1, 006_P1, 007_P1, 008_P1, 009_P1, 010_P1, 020_P1, 021_P1, 022_P2, 023_P1, 024_P1, 033_P1, , Proposed drawings: 1393_DWG_00_/201_PP7, 202_PP10, 203_PP9, 204_PP8, 205_PP7, 206_PP7, 207_PP8, 208_PP8, 209_PP8, 210_PP8, 211_PP8, 212_PP9, 213_P2, 220_PP9, 221_PP9, 222_PP10, 223_PP9, 230_PP8, 233_PP9, 302_PP10, 304_PP8, , Air Quality Assessment (Air Quality Consultants dated 3 December 2015); Servicing and Delivery Management Plan (Arup 15 October 2015).

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only,;

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in 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 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 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development,
- i) new external doors,
 - ii) new windows,
 - iii) new railings and gates,

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the

development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To 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 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 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 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 Mayfair 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)

- 12 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 13 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)

- 14 (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.

- 15 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.

- 16 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 14 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.

- 17 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.

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

Reason:

As set out in ENV6 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.

- 19 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 20 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

You must apply to us for approval of sound insulation measures and a Noise Assessment Report,

which includes an assessment of low frequency noise from the proposed sub-station, to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

- 21 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 22 The new and reconfigured flats hereby approved shall not be occupied until the air quality mitigation measures detailed in the report dated 3 December 2015 by Air Quality Consultants have been incorporated within the development and those measures shall be permanently maintained thereafter.

Reason:

To protect the living conditions of people who may use the property in future as set out in S 31 of Westminster's City Plan: Strategic Policies adopted November 2013 (R13DC)

- 23 You must apply to us for approval of full details and specifications of the proposed boilers and CHP system demonstrating that the development will be air quality neutral. You must not start work until we have approved what you have sent us., You must then carry out the work according to these approved details and specifications. (C26CB)

Reason:

To protect the living conditions of people who may use the property in future as set out in S 31 of Westminster's City Plan: Strategic Policies adopted November 2013 (R13DC)

- 24 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)

- 25 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)

- 26 You must provide each cycle parking space for the proposed flats 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.

- 27 You must apply to us for approval of details of secure cycle storage for the Class A1/Class A2 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 line 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.

- 28 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 flats and Class A shop unit. (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)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in 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)

- 30 All servicing to the Class A1/A2 shop unit must take place only between 0600 and 0700 and 1900 and 2100 hours Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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. (R13EC)

- 31 Customers shall not be permitted within the Class A1/Class A2 shop premises before 07.00 or after 21.00 each day. (C12AD)

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. (R13EC)

- 32 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)

- 33 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. CHP system, , 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)

- 34 Prior to the occupation of the new/reconfigured flats hereby approved, electric vehicle charging points (active) for a minimum of 6 parking spaces (20) and electric vehicle charging points (passive) for a minimum of 6 vehicles (20%) within the new car park (31 spaces) hereby approved shall be provided. These charging points shall be permanently retained and maintained for the life of the development.

Reason:

In accordance with policy 6.13 of the Further Alterations to the London Plan

- 35 Prior to any occupation of the Class A1/A2 unit hereby approved as a retail food shop (Class A1), you shall submit and have approved in writing a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy 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)

- 36 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)

- 37 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 make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA),

- 38 Prior to the commencement of the development, you must apply to us for approval of details of a supplementary report including an assessment of the impact of vibrations from underground tunnels in the vicinity of the site upon the flats hereby approved, including details of all proposed vibration mitigation measures. Any mitigation measures recommended as a result of this assessment must be provided prior to the occupation of the new and reconfigured flats in accordance with the approved details and thereafter permanently maintained.

Reason:

To ensure that the design and structure of the development will provide sufficient protection from vibration from external sources and will provide a high quality living environment for future occupants in accordance with S29 of Westminster's City Plan: Strategic Policies.

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.

- 39 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land is contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation

strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 40 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 X 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)

- 41 **Pre Commencement Condition.** You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats. (C13FB)

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)

- 42 Prior to the commencement of development you must apply to us for approval of the detailed design of the residents' car park entrance and exit, including adjoining walls, to demonstrate that adequate visibility splays can be achieved.. You must not start work until we have approved what you have sent us., , You must then carry out the work according to these approved details (C26CB)

Reason:

In the interests of public safety 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. (R24BC)

- 43 The development shall be serviced in accordance with the Delivery and Servicing Management Plan (Arup 15 October 2015).

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)

- 44 Prior to any occupation of the Class A1/A2 unit hereby approved as a retail food shop (Class A1), you must apply to us for approval of a revised Servicing Management Plan. The shop must not be occupied until we have approved what you have sent us and must thereafter be serviced in accordance with this approved plan.

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)

- 45 **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)

- 46 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: measures to prevent overlooking from the fifth floor terraces shown on drawing DWG_00_209_PP8 hereby approved to terraces and windows of neighbouring flats within the development (on third, fourth and fifth floors). You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To 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 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 a contribution towards the City Council's affordable housing fund; the provision of a Management and Maintenance Plan for the car lift and servicing turntable; the provision of unallocated residential parking (31 spaces); the City Council's Code of Construction Practice and a Site Environmental Management Plan; monitoring costs (I55AA)
- 3 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 groundwork's 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.

- 4 To be able to comply with the Code of Construction Practice a full SEMP will be required or 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 build 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.
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. , , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974. , ,
- 24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP ,

Phone: 020 7641 2000,

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

- 6 Conditions on this permission; 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)
- 7 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)
- 8 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)
- 9 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)
- 10 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)
- 11 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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. , , 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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.,
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.,
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.,
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., ,

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

- 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. , , 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 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 17 The Council considers that the amount of daylight into and the view that is likely from the would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 18 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, Website www.westminster.gov.uk, Email res@westminster.gov.uk, Tel : 020 7641 3003 Fax : 020 7641 8504
- 19 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the shop on part ground and part mezzanine floors can change between the Class A1 (Retail) and Class A2 (Professional and Financial Services) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 20 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, , 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, , **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.**

- 21 Prior to the occupation of the new and reconfigured flats you should seek to ensure that Electro Magnetic Frequency (EMF) levels associated with the operation of the proposed sub-station accord with current legal requirements and/or appropriate guidance.
- 22 The Site Environmental Management Plan secured as part of the s106 legal agreement 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 build 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. ,
- 23 Conditions on this permission 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)

- 24 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 25 Condition refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below

Contaminated Land Officer,
Environmental Health Consultation Team ,
Westminster City Council,
Westminster City Hall,
64 Victoria Street,
London SW1E 6QP ,
Phone: 020 7641 3153 , (I73AB)

- 26 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230).

(I58AA)

- 27 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the shop unit on part ground/part mezzanine floors floor can change between the Class A1/A2 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

- 28 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: 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. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit 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 , 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.

- 29 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)

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

DRAFT DECISION LETTER

Address: 100 Piccadilly, London, W1J 7NH,

Proposal: Internal and external alterations including excavation of new sub-basement levels, extension of mezzanine floor, extensions at rear fourth and fifth floor levels, erection of a sixth floor mansard extension, with additional accommodation within the roof, and alterations to building facades.,

Reference: 15/06447/LBC

Plan Nos: Fabric removal drawings: 1723_DWG_01_/001_P1, 002_P1, 003_P2, 004_P2, 005_P1, 006_P1, 007_P1, 008_P1, 009_P1, 010_P1, 020_P1, 021_P1, 022_P2, 023_P1, 024_P1, 033_P1, , Proposed drawings: 1393_DWG_00_/201_PP7, 202_PP10, 203_PP9, 204_PP8, 205_PP7, 206_PP7, 207_PP8, 208_PP8, 209_PP8, 210_PP8, 211_PP8, 212_PP9, 213_P2, 220_PP9, 221_PP9, 222_PP10, 223_PP9, 230_PP8, 233_PP9, 302_PP10, 304_PP8,

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s):

- 1 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)

- 2 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 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 and appearance of the Mayfair 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)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

Reason:

To protect the special architectural or historic interest of this 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)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 You must apply to us for approval of detailed drawings of the following parts of the development , 1) new external doors, 2) new windows, 3) new railings and gates. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and 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. (159AA)

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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	Oxford House, 70-88 Oxford Street, London W1D 1BS		
Proposal	Demolition of rear first floor car parking deck and associated car lift, stair and ventilation shaft. Erection of replacement two storey structure for use, together with part existing basement, as new restaurant (Class A3). Excavation beneath part of north-west of site to enlarge existing basement level to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. Use of part ground as a new retail (Class A1) unit and use of first floor as retail (Class A1) floorspace to extend existing retail units at basement and ground floor levels. Removal and replacement of the existing cladding and associated facade alterations including alterations to shopfronts to create two storey retail frontage to Oxford Street. Alterations to rear courtyard and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	Pontsarn Investments Ltd		
Registered Number	16/01073/FULL	Date amended/ completed	8 February 2016
Date Application Received	8 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>(a) A payment towards the City Council's Affordable Housing Fund of £1,846,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City.</p> <p>(b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks 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</p>
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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

The application site is situated on the northern side of Oxford Street at its corner with Newman Street and it is located within the West End Special Retail Policy Area and the Tottenham Court Road Opportunity Area (TCROA) as defined in the City Plan, and is also within the Strategic Viewing Corridor - Parliament Hill to Palace of Westminster.

It comprises a 1960s building sited on the Oxford Street frontage behind which there is a raised parking/loading deck backing onto the former Royal Mail distribution centre which abuts the site in Newman Street/Rathbone Place to the north. The building is nine storeys above ground with two basement levels and a rooftop plant room, and it is mainly in office use except for the ground floor and first basement levels which are in retail use. The surrounding buildings are mainly in commercial use, including the development currently under construction on the former Royal Mail site which has office floorspace abutting the application site.

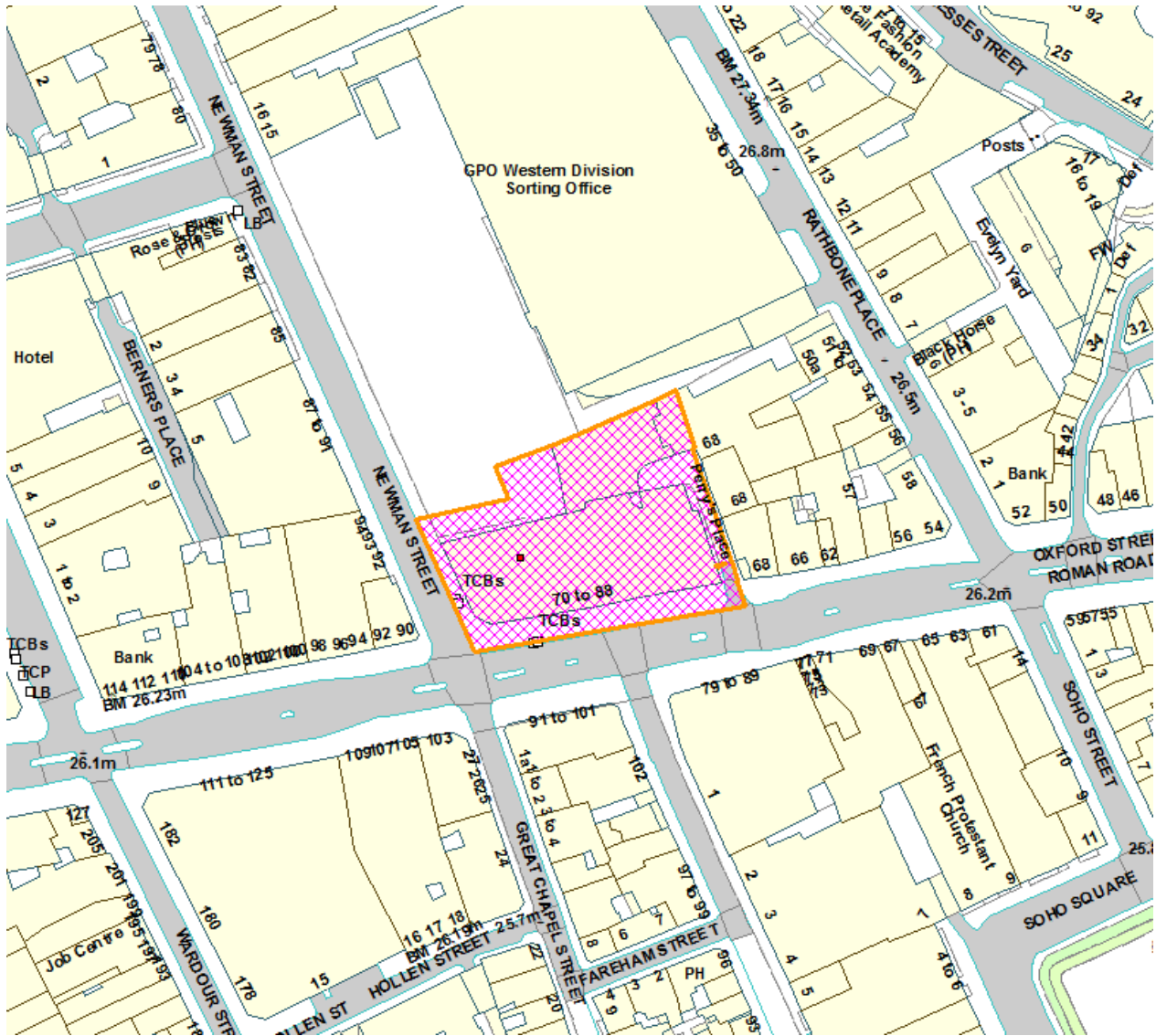
Permission is sought to convert the existing office (Class B1) floorspace at first floor level into additional retail (Class A1) floorspace. The existing car parking deck and associated car lifts and access stair are proposed to be demolished and replaced by a two storey structure to provide a ground floor entrance and first floor private dining to the proposed restaurant (Class A3) at basement, ground and first floor level. The existing basement is proposed to be enlarged in the north-western corner of the site to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. The entrance to the retained office floorspace will be relocated to the rear. This will allow the existing entrance to be converted to retail (Class A1) floorspace so that there is an unbroken run of shops on the Oxford Street elevation. Minor alterations are proposed at roof level. Finally, the façade of the building is proposed to be radically altered and double height shopfronts created on the Oxford Street frontage.

The key issues for consideration are:

- The proposed increase in shopping provision in this location.
- The impact of the proposals on the strategic viewing corridor.
- The urban design quality of the proposals.
- The acceptability of the proposed new restaurant.
- Access, servicing and parking.
- Whether a policy-compliant payment towards the City Council's Affordable Housing Fund is an acceptable substitute for the provision of housing on site.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MAYOR OF LONDON

- The proposal will have a negligible impact upon the London View Management Framework and the proposal does not raise any strategic planning issues.
- Authorisation for the City Council to determine the application without further reference to the Greater London Authority.

HISTORIC ENGLAND

Recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

- No objections to the loss of the existing car parking facilities.
- Welcomes that servicing, including waste collection, is to be undertaken off-street.
- Welcomes the Servicing Management Plan.
- While accepts that the existing office does not have any cycle parking and that the offer of 80 spaces is a big improvement on that situation, would welcome the provision of further cycle parking and, in particular, short-stay visitor parking. This could be accommodated in the rear courtyard.

LONDON UNDERGROUND LIMITED

No objection.

CROSSRAIL 2

No comment.

TRANSPORT FOR LONDON

- The removal of an existing vehicle access on Oxford Street (i.e. Perry's Place) is welcome.
- A Delivery and Service Plan should be secured by condition.
- The Council should consider whether it is necessary to provide additional on street/on

- site blue badge parking.
- Cycle parking should accord with London Plan (2015) standards, in addition to the provision of cycle changing facilities (such as showers/changing rooms).
- Expects that a Construction and Logistics Plan be secured
- Expects that a revised Travel Plan is secured for the site.

LONDON UNDERGROUND

- No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 261;

Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the northern side of Oxford Street at its corner with Newman Street and it is located within the:

- Core CAZ;
- West End Special Retail Policy Area;
- Primary Frontage of the West End International Shopping Frontage;
- West End Stress Area;
- Tottenham Court Road Opportunity Area; and
- Strategic Viewing Corridor (Parliament Hill to Palace of Westminster).

The site is not located within a conservation area, although the East Marylebone, Soho and Hanway Street are immediately to the west, south and east, respectively.

The site comprises a 1960s building sited on the Oxford Street frontage behind which there is a raised parking/loading deck backing onto the former Royal Mail distribution centre (currently being redeveloped). The building is nine storeys above ground with two basement levels and a rooftop plant room. It is mainly in office use except for the ground floor and first basement levels which are in retail use. The lower basement level accommodates plant.

Access to the parking/loading area is from Newman Street. There is also a narrow access into the site from Oxford Street, suitable only for cars and not large vehicles. This access route is known as Perry's Place and terminates at the site with no-through access. Perry's Place is one-way with no entry from Oxford Street but, given the difficulty of exiting onto Oxford Street, it is generally gated shut and seldom used except for pedestrian access.

The surrounding buildings are mainly in commercial use. The site opposite on the south side of Oxford Street is being redeveloped as part of the Crossrail project and will accommodate a mixed use scheme with residential flats fronting Oxford Street.

The southern part of the sites lies beneath a London Underground tunnel (the Central Line). Approximately the eastern two-thirds of the site are within the Cross Rail 2 Safeguarding Area.

6.2 Recent Relevant History

Permission was granted on 3 January 1958 for the redevelopment of the site including the erection of a twelve storey building comprising ground, basement, sub-basement and nine upper floors. Second to ninth floors and part first floor are used for Class B1 office purposes and there are Class A1 retail units at ground and basement level. The remainder of the basement, ground and first floors are used as car parking for the commercial occupants of the building. Various conditions were attached to the decision including Condition 2 that ensured that the car parking accommodation is 'provided and retained permanently for the accommodation of the vehicles of the occupiers and users of the building only and shall not be used for any other purpose.'

Permission was granted on 18 April 2008 (Ref: 08/01869/FULL) to vary Condition 2 to allow more flexibility in the use of the car parking accommodation through allowing alternative uses provided this is in agreement with the City Council.

Planning permission was granted on 16 September 2016 (Ref: 13/01594/FULL) for, 'Extensions and alterations to the building including demolition and replacement of the top three levels with remodelled and extended three floors plus new rooftop plant floor and additional basement excavation, to provide retail (Class A1) floorspace at basement, ground and first floor levels with 89 residential flats (Class C3) on the floors above; car/cycle parking facilities, servicing area, storage, plant and landscaping; associated external alterations'. This permission was not been implemented but remains extant.

7. THE PROPOSAL

Permission is sought to demolish the rear first floor car parking deck and associated car lift, stair and ventilation shaft and erect a replacement two storey structure that, together with the part of the existing basement currently used for car parking, will form a new restaurant (Class A3). Kitchen extract will be directed to roof level above the office floors using an existing shaft location in the main building stair core.

It is proposed to excavate to the north-west of the site to enlarge the existing basement level to provide cycle parking and associated facilities to serve the retained office floorspace over second to ninth floor level. The office entrance is proposed to be relocated from the front of the building to the rear. This will allow the creation of an additional retail unit on Oxford Street. The first floors are also proposed to be converted into retail (Class A1) accommodation to enlarge the existing retail units at basement and ground floor levels.

The removal of the car parking deck allows the creation of a courtyard to the rear of the site that will be accessible to pedestrians throughout the day. Replacement gates will be installed at the entrance from Newman Street and Oxford Street to secure the area late at night and early in the morning. This area will also act as the location for servicing and refuse collection.

Finally, the facades of the building will be re-clad, replacement plant installed at rear first and roof level, and replacement shopfronts installed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A summary table of the proposed land use implications of the proposal is set out below.

	Existing (gross floorspace sq.m)	Proposed (gross floorspace sq.m)	Change (gross floorspace sq.m)
Office (Class B1)	8,267	7,562	-705
Retail (Class A1)	2,444	3,644	+1,200
Restaurant (Class A)	0	564	+564
Total	10,711	11,770	+1,059

Proposed retail floorspace

The relocation of the office entrance to the rear and its replacement with an additional retail unit will result in an unbroken run of retail units. This, combined with the conversion of the first floor into additional retail accommodation, will result in an increase in Class A1 floorspace on site of 1,200 m². This will enhance the unique status and offer of the West End Special Retail Policy Area, improve the contribution that this site makes to the character and function of the West End International Shopping Frontage and contribute towards one of the priorities within the Tottenham Court Road Opportunity Area, in accordance with City Plan Policies S5, S6, S7, S21 and UDP Policies SS3 and SS4.

Proposed new restaurant

The proposal would see the creation of a new restaurant on site measuring 564 m². The majority of this floorspace will be at basement floor level, with the ground forming the reception and the first a small private dining area.

Whilst City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses (amongst others), UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city (whilst acknowledging that they provide services to people living in, working in and visiting Westminster and contribute to its role as an entertainment centre of national and international importance). Further, City Plan Policy S24 states, *'New entertainment uses will 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. New large-scale late-night entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster'*.

As the site is location with the West End Stress Area and has a floorspace exceeding 500 sq.m, the relevant policy for its assessment is UDP Policy TACE 10 where there is a

presumption against such entertainment premises, with exceptional circumstances having to be demonstrated for such premises to be acceptable.

Such exceptional circumstances are considered to exist in this case. The restaurant is located on the immediate northern boundary of the Stress Area. It is not within the bulk of the West End Stress Area, which is to the south of Oxford Street. There are no other restaurants in the immediate vicinity of the site, and the restaurant would not in any way therefore add to an existing concentration of entertainment uses.

The bulk of Oxford House itself will further separate the restaurant from the activity of Oxford Street itself. In reality, it is anticipated that any additional activity generated by the restaurant will be imperceptible when compared with the volume of activity on Oxford Street.

It is proposed that a managed delivery and servicing plan will be implemented that will restrict servicing to 03:00 – 08:00 and 10:00 – 12:00.

A kitchen extract flue will be provided to the top of the main Oxford House building. The flue is marked on the proposed application drawings. This high level flue will ensure that odours are adequately dispersed.

The proposed opening hours are 08.00 to 00.00 (daily). These are within core hour for predominately residential areas. This, combined with the central location of this site and the absence of any residential properties within the immediate vicinity of the proposed restaurant, means that these operating hours are considered to be acceptable in terms of the impact upon residential amenity.

Given the above, it is considered that the proposed restaurant will not give rise to any amenity concerns and will complement the retail function of the primary Oxford Street frontage.

Mixed use policies

Policy 2.11(A)(a) of the London Plan requires that where there are increases in office floorspace in the CAZ they should provide for a mix of uses including residential. City Plan Policy S1 is more specific and requires an equivalent amount of housing floorspace to be provided where there are increases in commercial floorspace of over 200 sq.m where this is deemed to be appropriate and practicable. UDP Policy CENT 3 provides additional context to this strategic policy, stating that the City Council's preference for housing from mixed use development to be provided on-site in the first instance, with off-site provision or payment in lieu acceptable only when it can be demonstrated that on-site provision is not appropriate or practical.

The City Council is in the process of making changes to its 'mixed use' policy. The emerging policy only relates to increases in office floorspace rather than to increases in all commercial floorspace. As no increase in office floorspace is proposed, if the application was determined under the emerging policy there would be no requirement to provide any housing. The proposed changes to the current 'mixed use' policy were subject to an

examination in public on 9 March 2016. Following this examination, the proposed changes are subject to further public consultation until 5 June 2016. The Inspector will then determine whether or not this replacement policy is sound.

At the time of writing the report the emerging policy can be afforded little material weight. This may however have altered by the time this application is determined. An update on the status of the emerging replacement policy will be reported verbally at committee.

Currently the policy requirement is that the commercial increase should be matched by an equivalent amount of residential floorspace, provided this is appropriate and practical. No residential accommodation is proposed on site. It is not considered practical or desirable to include residential accommodation in this location given the existing priority placed on the delivery of additional retail space. In addition, the introduction of an additional core would significantly reduce the quality of the proposed office floors and the efficiency of the building. This is not desirable. The applicant does not have any sites within the vicinity of the proposed development on which additional residential floorspace could be delivered.

In view of the strong strategic support for both additional office and retail development in this location, a financial payment towards the City Council's Affordable Housing Fund in lieu of residential accommodation is considered to be acceptable.

The applicant disputes the method for calculating the increase in gross commercial floorspace. Despite the definition of 'gross floorspace' with the glossary of the UDP (2007) excluding car parking, the applicant argues that this floorspace should be added to the existing building given the strong policy support for the loss of surplus commercial car parking which reflects the desire to move towards more sustainable modes of transport. Such a position is not accepted. Using the adopted definition, the increase in gross commercial floorspace is 1,059 m². Based on the formula set out within the reasoned justification to Policy CENT3 of the UDP, this equates to a policy compliant payment in lieu of on-site residential provision of £1,846,000. Including the basement car parking within the existing floorspace of the building would result in a lower payment of £1,190,000 and the applicant has agreed to make this payment.

8.2 Townscape and Design

The existing building was built circa 1960 and is one of the tallest at the eastern end of Oxford Street. It is not of architectural merit and it does not contribute positively to the character and appearance of this end of Oxford Street. It is outside but adjacent to, and affects the setting of and views of, the East Marylebone Conservation Area and the Soho Conservation Area. Ideally the existing building would be demolished and replaced with a lower, higher quality building which responded positively to its context. However, it is acknowledged that this is unrealistic for economic reasons and the proposal is therefore to retain most of the existing structure and reclad it.

Height and bulk

The height and bulk at roof level would remain largely unchanged, although there will be an area of screened plant. The London View Management Framework view from Parliament Hill (Protected vista 2A.2) is already infringed by the top of the existing building. The proposed building has a very similar impact on the view and is acceptable.

Design

The proposed building would comprise a fully glazed two storey base (housing the retail units), with a precast stone (concrete) framed façade from second to sixth floor levels, with two recessed floors and plant area at roof level. The main façade is divided into bays with square proportions, each containing two windows framed with decorative metalwork columns and panels. The windows are recessed, giving the façade a significant degree of modelling and richness. At sixth floor level the framework extends above the windows to create a brise soleil. The fully glazed double height shopfronts are framed in a dark stone.

The west façade above the office entrance is treated slightly differently, with the use of the dark stone framework. The rear façade, which faces on to the side of the new Rathbone Place redevelopment, is largely glazed. The two roof storeys are also largely glazed. The plant area is screened by metal louvres.

This proposal is considered to be of high quality, relatively simple, but elegant, design which would improve the appearance of the building and contribute positively to the regenerated townscape evolving at the eastern end of Oxford Street. It complies with urban design and conservation policies in the Core Strategy and Unitary Development Plan, Policies CS28, DES 1, DES 4, DES 14 and DES 15 in particular.

8.3 Residential Amenity

The development being built out on the former Royal Mail site to the north of the application site is mixed use but the residential element does not abut the application site, with offices being proposed. This, together with the reasonable distance between the proposed terraces and the residential properties proposed above the new Crossrail station opposite, means that the proposed new restaurant or the new terraces associated with the offices do not raise any amenity concerns in respect to noise and disturbance or overlooking.

8.4 Transportation/Parking

The removal of the office car parking on site is welcome through reducing commuting by private motor vehicles.

Whilst the Highways Planning Manager notes that the provision of 72 spaces falls short of the requirements set out in the London Plan, the increased quantum of cycle parking over the existing provision is welcome.

All deliveries, servicing and waste collection will occur off-street within Newman Yard. It is intended that servicing will be restricted to 03:00 – 08:00 and from 10:00 – 12:00. Rising bollards will restrict access outside of these hours. This will ensure that servicing occurs outside of peak times of arrival/departure of pedestrians for the office building. This, combined with adherence to the Servicing Management Plan, will ensure that any potential for conflict between vehicles and pedestrians in the Newman Yard is minimised.

The Newman Yard servicing area will be gated overnight with gates closed from 00.00 – 06.00 in order to prevent inappropriate use.

8.5 Economic Considerations

There are no overriding economic considerations that are relevant to the determination of this application.

8.6 Access

Level access is provided to the retail units, new restaurant and the office building.

8.7 Other UDP/Westminster Policy Considerations

Plant

Subject to conditions, Environmental Health has no objection to the proposed plant in respect to noise or vibration.

Refuse /Recycling

Following discussion with the City Council's Cleansing Manager, the proposed arrangement for the storage of waste and recyclable materials is acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- (a) A payment towards the City Council's Affordable Housing Fund of £1,846,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City.
- (b) The costs of monitoring the S106 legal agreement.

This is, however, subject to an update at committee in respect to the weight that should be afforded to the City Council's emerging replacement City Plan Policy S1 (as set out in more detail in Section 8.1 of this report).

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None of particular relevance.

9. BACKGROUND PAPERS

1. Application form.
2. Response from the Greater London Authority, dated 14 April 2016.
3. Response from Historic England, dated 23 March 2016.
4. Response from Environmental Health, dated 21 April 2016.
5. Response from Highways Planning, dated 28 April 2016.
6. Response from Cleansing, dated 28 April 2016.
7. Response from Transport for London, dated 1 March 2016.
8. Response from Transport for London (in its capacity as administrators to the Crossrail 2 Safeguarding Direction), dated 3 May 2016.
9. Response from London Underground Infrastructure Protection, dated 5 May 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 MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

KEY DRAWINGS





Existing



View from Newman Street towards Newman Yard (illustrative view)

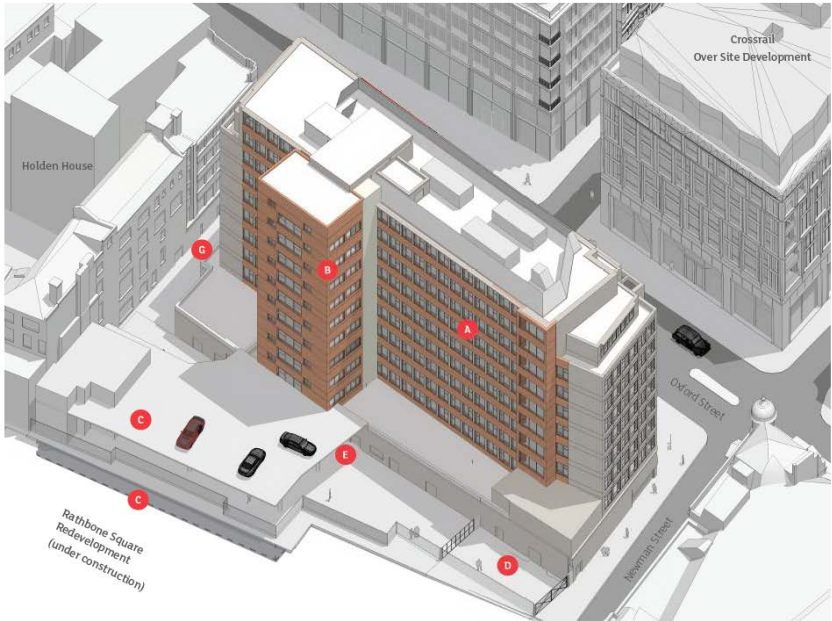


Existing

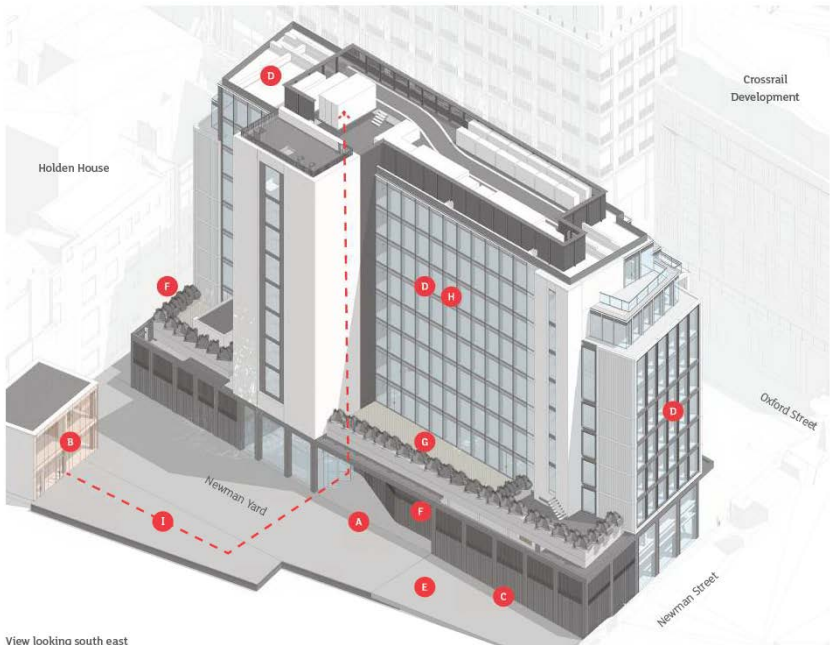


Proposed view from Dean Street (illustrative view)

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South east view from Newman Street



View looking south east

DRAFT DECISION LETTER

- Address:** Oxford House, 76 Oxford Street, London, W1D 1BS,
- Proposal:** Removal and replacement of the existing cladding and associated facade alterations, an extension of retail (Class A1) floorspace to the first floor, the creation of a two storey retail frontage to Oxford Street, creation of restaurant floorspace (Class A3) at part basement, ground and first floor, improved vehicular access to create a courtyard and other associated works.
- Reference:** 16/01073/FULL
- Plan Nos:** 1990_X_GA(B2)01_XX Rev. P05, 1990_X_GA(B1)01_XX Rev. P08, 1990_X_GA(00)01_XX Rev. P04, 1990_X_GA(01)01_XX Rev. P05, 1990_X_GA(02)01_XX Rev. P05, 1990_X_GA(03)01_XX Rev. P05, 1990_X_GA(04)01_XX Rev. P04, 1990_X_GA(05)01_XX Rev. P04, 1990_X_GA(06)01_XX Rev. P04, 1990_X_GA(07)01_XX Rev. P05, 1990_X_GA(08)01_XX Rev. P05, 1990_X_GA(09)01_XX Rev. P05, 1990_X_GA(B2)01_XX Rev. P05, 1990_X_GA(RF)01_XX Rev. P05, 1990_X_GS(AA)01_XX Rev. P05, 1990_X_GS(BB)01_XX Rev. P04, 1990_X_GS(CC)01_XX Rev. P04, 1990_X_GE(NO)01_XX Rev. P05, 1990_X_GE(WE)01_XX Rev. P05, 1990_X_GE(EA)01_XX Rev. P05, 1990_X_GE(SO)01_XX Rev. P05, 1990_X_GE(WE)02_XX Rev. P03, 1990_X_EE(NO)01_XX Rev. P03, 1990_X_EE(NO)02_XX Rev. P03, 1990_X_EE(TY)01_XX Rev. P03, 1990_X_EE(TY)02_XX Rev. P03, 1990_X_EE(SO)01_XX Rev. P05 and 1990_X_EE(WE)01_XX Rev. P05; and Delivery and Servicing Management Plan (as set out within Transport Strategy (April 2016)).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 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 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)

- 4 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)

- 5 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)

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 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.

- 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) 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.

- 10 Customers shall not be permitted within the restaurant premises before 08.00 or after 00.00 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 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

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

- 12 All delivery and servicing shall take place in accordance with the Delivery and Servicing Management Plan hereby approved.

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)

- 13 You must provide the waste store shown on drawing 1990_X_GA(B1)01_XX Rev. P08 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please 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)

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

4 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

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

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 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)

6 Conditions 6, 7 and 9 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)

Item No.
2

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Park Mansions, Knightsbridge, London, SW1X 7QU,		
Proposal	Single storey extension at roof level to provide four additional residential units, including terraces and plant room. Reinstatement of the central cupola and northern and southern turrets.		
Agent	Mr Tom Payne, Bilfinger GVA		
On behalf of	Knightsbridge Freehold Company LTD		
Registered Number	15/10847/FULL	Date amended/ completed	23 November 2015
Date Application Received	11 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge Green		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks planning permission for a roof extension to provide 4 additional flats.

The main issues for consideration are:

- The detailed design of the extension and impact on the surrounding conservation area and views into and across the area.
- The impact of the extension on the amenity of other flats within Park Mansions.

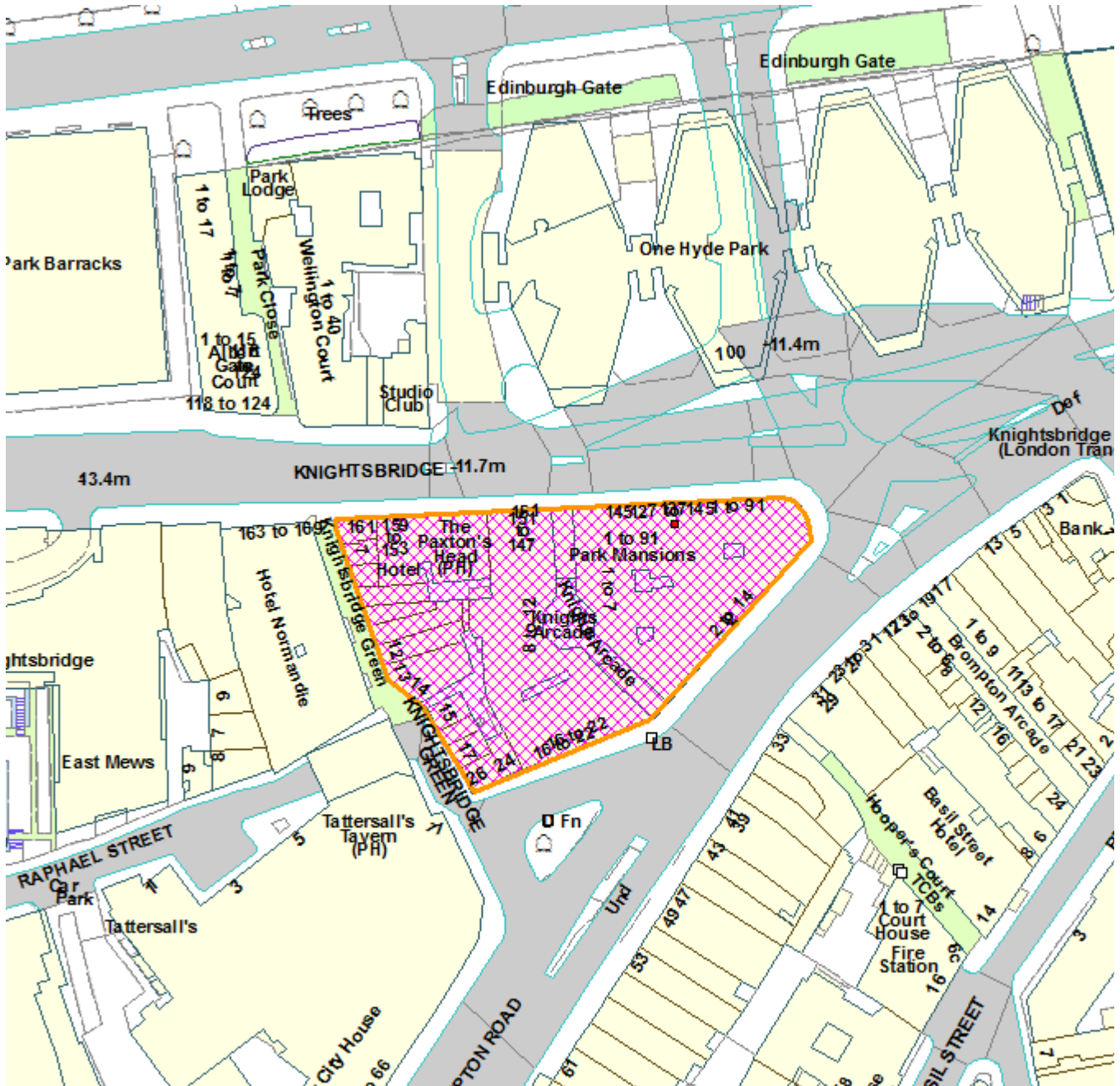
There has been substantial objection to the proposals from residents of Park Mansions, their Leaseholders Association and the Knightsbridge Association. The objections largely relate to the principle of a roof extension on this building and its impact upon the building and wider conservation area, the implications for the amenity of existing residents and increased parking pressures along with other non planning matters.

The proposed extension is set well back from the street elevations. Though it will be visible in some long views and private views from the upper storeys of surrounding buildings, it is not considered that

the views would be damaging to the building or wider conservation area. There is considered to be a significant benefit in restoring the turrets and cupola which were part of the original building design and removed many years ago.

Whilst there will be a material impact on the daylight and sunlight to some residential windows, it is not considered that the impact is such that a refusal of planning permission could be sustained on this occasion.

3. LOCATION PLAN



4. PHOTOGRAPHS



Brompton Road elevation



Long View from the east

5. CONSULTATIONS

Councillor Robathan

Objection – considers that the extension will be visible in long views and the style is inappropriate for this building. The terraces and the large windows in the new units will cause overlooking to existing residents.

Royal Borough of Kensington & Chelsea
No objection.

Knightsbridge Association

Objection. The extra floor will detract from the roofline. The removal of the 14 chimney stacks is unacceptable as they are an integral part of the building's composition. The extension is likely to be visible in long views. There will be greater impact to the light on existing flats than the daylight report would suggest.

Highways Planning Manager

Object on the basis that the 4 additional flats will add to the pressure on the availability of on-street parking in the area.

Cleansing

Request a revised plan is submitted showing refuse storage.

District Surveyor

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 196

Total No. of replies: 53

No. of objections: 53

No. in support: 0

Objections received on the following grounds:

Design

- The building is unsuitable for a roof extension – it has been identified as such in the Conservation Area Audit.
- The design is an unsuitable addition to an Edwardian roofscape.
- The removal of 14 chimney stacks is unacceptable in terms of its impact on the conservation area and the host building.
- The metal screen is not appropriate and just serves to hide an incongruous structure behind.
- The restoration of the cupola is not a benefit.

Amenity

- Loss of daylight and sunlight to residential windows facing the lightwell.
- The extension would provide an unacceptable outlook to windows facing the lightwell, given many flats are single aspect.

- Overlooking from the proposed flats and terraces.
- Noise and dust from construction.

Highways

- The applicants proposal of permit free development for the 4 additional flats is impractical.
- The additional flats will put pressure on local on street parking.
- The construction will disrupt Knightsbridge traffic

Other

- Inadequate waste storage.
- Existing residents' flats would be uninhabitable during construction works.
- Impact of a prolonged period of scaffolding on the living conditions of residents is unacceptable.
- Structural issues regarding the ability of the existing building (rooftop and foundations) to be able to take the additional weight of the extension.
- The removal of the chimney stacks means that those who use them as a route for flues from gas fires/boilers would be compromised.
- The additional storey is not capable of construction as the proposed flats would conflict with the hot water/heating pipework on the existing roof.
- Repeated applications for the same development.
- Existing waste water drainage system is inadequate and results in frequent flooding of the Brompton Rd entrance; additional flats will put more pressure on this system.
- Fire escape routes are blocked.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Park Mansions is an unlisted Edwardian residential building comprising 96 flats, with commercial units at street level. It is within the Knightsbridge Green Conservation Area. It is noted as an unlisted building of merit in the conservation area appraisal. The building is arranged around three lightwells.

6.2 Recent Relevant History

July 2012 (12/03283/FULL) – application for “Residential extension at roof level (new eighth floor) to existing residential mansion block to provide five additional residential units” withdrawn.

1 February 2013 (RN 12/11828/FULL) – application for a roof extension to provide 5 additional dwellings (3x3 bed and 2 x 4 bed) was refused under delegated powers solely on design grounds.

November 2013 (13/06733/FULL) – application for “residential extension at roof level (new eighth floor) to existing residential mansion block to provide nine additional residential units

including terraces and relocated plant room”. Withdrawn following a recommendation to committee for refusal on design, amenity and highways grounds.

7. THE PROPOSAL

This application seeks permission for a roof extension at eighth floor level comprising 4 residential units with associated terraces. The application follows the refusal or withdrawal of several previous applications for roof extensions to provide various amounts of additional residential accommodation. It is also proposed to reinstate the cupola and currents, understood to have been removed in the 1970s.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The residential use is acceptable in principle and is in line with S15 of the City Plan. Policy H5 of the UDP requires 33% of new residential units to be of three or more bedrooms. The proposed mix of unit sizes is 2 x 3 bedroom units and 2 x 2 bedroom units. The 3 bedroom flats comprise 158 square metres and 135 square metres, whilst the 2 bedroom flats are 103 and 108 square metres. The proposed terraces provide amenity space for each flat.

In terms of the quality of accommodation provided, each of the units is considered to be well proportioned and would satisfy the national space standards.

8.2 Townscape and Design

Park Mansions is located in a prominent position within the Knightsbridge Green Conservation Area. Erected in 1897-1902, it is an exuberant design in red brick and Bath stone. It is identified in the Conservation Area Audit as an unlisted building of merit and as a landmark building with an identified local view of the building from the east. The Audit also identifies it as a building with a distinctive roofline and a completed composition.

There has been significant local opposition to the proposals in terms of the principle of a roof extension, as well as the detailed design, removal of 14 chimney stacks and impact on views from both street level and from private vantage points. The Park Mansions Leaseholders Ltd and the Knightsbridge Association have made detailed representations in this regard, as well as occupiers of individual flats within Park Mansions.

UDP policy DES 6 relates to roof level alterations and extensions. It states that permission may be refused for roof extensions in a number of circumstances, including where buildings are completed compositions and where the existing building's form or profile makes a contribution to the local skyline or was originally designed to be seen in silhouette. As such, any proposed alteration to the roof needs to be considered against this policy to assess its impact on these.

The proposal is for modification of the roofs behind the front roof slope and the construction of new single storey roof extensions. The rear roof slope is removed along with a number of roof structures, plant and chimneys and flues which are currently located on the flat roofs behind. Significantly, there is no alteration to the front roof slopes or chimneys located within them. It is also proposed to restore the original cupola and flanking turrets to the prominent east corner which is considered an enhancement.

Given the single storey nature of the new construction and the set back behind the retained front roof slope, there is very little visibility of the proposed new structure from the surrounding streets. The identified local view in the Conservation Area Audit is slightly affected with a glimpse of part of the new structure visible in the sky component between two chimneys on the south elevation. However, the view is also improved with the reconstructed cupola and flanking turrets which could be considered to enhance this view. There are fleeting views from other vantage points (view 4, Hyde Park, view 6 Raphael Street, view 8 Brompton Road) but it is not considered that any of these cause significant harm to the host building or conservation area. There would be some limited views of the new extension from the upper floors of adjacent higher buildings, but this would not be considered a significant impact in conservation area terms and could be considered an improvement over the current view of a cluttered and rather unsightly rooftop. Any harm to these views is considered minor and could be considered to be outweighed by the public benefit of reinstating the cupola and flanking turrets to the corner.

The design approach adopted for the new roof structures is for a fairly neutral design aesthetic with clean lines and minimal detailing. The use of materials is restrained and in a modern idiom. The units are predominantly inward looking with highly glazed facades onto the internal courtyard. There is very little architectural impact on the views of the building from surrounding streets. While the view from the internal courtyard is affected, this has little impact on the conservation area. The neutral aesthetic does not clash with the relatively plain and unadorned elevations facing onto the courtyard.

The statutory requirement for development in conservation areas is for them to preserve or enhance the character or appearance of the conservation area. The impact of the works proposed upon the conservation character and appearance is very minor and is considered to be outweighed by the benefit of reinstating the highly prominent cupola and flanking turrets. In terms of the National Planning Policy Framework, the less than substantial harm would be outweighed by the public benefits. It would be important, if permission was granted, to ensure that the works to the cupola and flanking turrets were required as part of the permission.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The application has attracted objections from a significant proportion of existing residents within the building itself, along with the occupiers of the residential units above the Bulgari Hotel and residential occupiers in 199 Knightsbridge, both buildings located to the west of the site.

Sunlight and Daylight

The application is supported by a daylight/sunlight assessment that analyses the impact of the extension on the amount of natural light available to the existing windows within the building. The Building Research Establishment (BRE) guidelines state that daylight levels may be adversely affected if the Vertical Sky component (VSC) measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Although a failure to meet these criteria does not necessarily mean that a proposal is unacceptable, it does provide planning authorities with a guide to assessing the impact of development on neighbouring properties. In terms of sunlight, the BRE sets out as a guide that at least 25% of annual probable sunlight hours should be received over the year, with 5% of those hours during the winter period. For there to be a material impact upon the level of sunlight received, the BRE guidance is that the proposed level of sunlight must be less than 0.8 times the original figure.

The occupiers of one of the apartments above the Bulgari Hotel consider that the applicant's daylight/sunlight assessment should have included their windows. The extension is set well away from these windows and it is not considered that a single storey addition would have any undue impact on the daylight or sunlight to these properties. The applicants daylight consultant has confirmed that any assessment of the windows above the hotel was scoped out of their assessment due to the proposed extension not breaching the 25 degree line taken from the centre of the affected window (as set out in the 2011 BRE guidelines).

The proposed roof extension has a material impact on some of the windows facing the central and east lightwells within Park Mansions. In terms of daylight, there is a material loss of VSC to 13 windows in the south east elevation of the east lightwell. Four of these windows serve non habitable rooms (bathroom or entrance hall). Of the remaining windows, four will lose between 27% to 29% while there is a very marginal impact on the remaining 5 windows (largely bedrooms) at 21-22% loss. The affected windows are not from single aspect flats.

In terms of sunlight, there is a material impact to 11 windows in the central lightwell facing south and east, all of which are from single aspect flats. As a general point, the level of sunlight received by the windows facing the lightwells within Park Mansions is fairly low, particularly in winter, but quite typical of an urban setting such as this. The actual loss of sunlight to most windows is small, the percentage loss being high due to existing low figures. There is one east facing window at fourth floor where both summer and winter sunlight are materially affected.

There is no flat where both daylight and sunlight are materially affected. In the context of an urban area, it is considered that the retained levels of daylight to the affected windows are reasonable, and whilst there are impacts on sunlight particularly in winter, the losses are considered to be within reasonable limits. It is not considered therefore that permission could reasonably be withheld on the basis of loss of daylight and sunlight to existing windows.

Sense of Enclosure

The additional storey will be apparent when viewed from residential windows adjacent and opposite the extension. It is not considered that the resultant relationship would be

uncommon for an urban environment and as such it is not considered that the application is contrary to ENV13 in this respect.

Privacy

Objectors are concerned that the windows of the additional storey will result in an excessive degree of overlooking to existing residential windows overlooking the lightwells. There are large expanses of glazing facing the lightwell serving living areas, bedrooms and bathrooms.

To respond to objectors' and officer concerns regarding the potential for overlooking between the proposed flats and other existing residential windows within Park Mansions, the applicants have proposed to install angled louvres over the more sensitive windows in this regard. The louvres would certainly improve the situation, but they will also be required to the lightwell elevation living room windows of 'penthouse D' (to the Brompton Rd side of the site). The applicants point out that there is a 17m separation between the north and south sides of the lightwell at this point – this is noted, but neither the City Plan nor the UDP have any specific distance references in relation to overlooking between properties.

There also appear to be small balconies shown on the plans and elevations to the lightwell elevations. The applicants state that the projecting areas shown immediately in front of windows within the proposed extension will not be accessible. Any balconies in this location will not be acceptable and would exacerbate issues of overlooking and the potential noise and disturbance associated with balconies in close proximity to residential windows. An amending condition is recommended in this regard.

In terms of the terraces, it is recommended their extent is limited beyond that shown on the submitted drawings. As shown on the drawings, it is considered there is potential for overlooking towards the flats at the Bulgari Hotel and windows facing the lightwells within Park Mansions. Additional set backs are recommended to be secured by condition.

8.4 Transportation/Parking

Policy TRANS23 requires, where appropriate and practical, the provision of off-street parking for new residential developments.

No off street parking is proposed to serve the additional flats. There is no off-street parking serving the building as a whole and it is clearly impractical to provide off-street parking in this development. By way of mitigation for the potential impact of the proposed flats, the applicants propose car club membership for each of the residential units for a period of 25 years.

Objections have been received on the basis that the cars associated with the 4 proposed flats will put additional pressure on the availability of on-street parking in the area. Objectors do not consider that the use of a car club would be sufficient to offset the potential pressure put on local on-street parking.

The Highways Planning Manager states that the most recent survey of available on street parking overnight, showed a 76% occupancy rate when single yellow lines were included. During the day, the parking survey showed all legal on-street spaces were taken.

The previous application for 9 flats (withdrawn in November 2013) was recommended for refusal on the grounds that this number of flats would increase pressure on on-street parking to an unacceptable degree. The application for 5 flats that was refused in February 2013 was not refused on highways grounds. Our adopted policy has not changed in the intervening period.

In the context of the large number of flats within Park Mansions, it is not considered that an additional 4 flats is a significant increase. Whilst it is acknowledged that there is little on-street parking availability, the area has exceptionally good access to public transport and the mitigation offered in the form of car club membership is considered a reasonable solution. It is recommended the car club membership is secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed units would benefit from the existing lift access being raised up to serve the eighth floor.

8.7 Other UDP/Westminster Policy Considerations

The City Council's cleansing manager has requested a revised plan is submitted to show locations for refuse storage for the new flats. It is recommended this is secured by condition. The demands on waste storage are high given the overall number of flats and commercial occupiers at ground floor, and objectors concerns in this regard are well understood. However, it is considered that this issue can be dealt with effectively by condition and in itself would not be a reason for refusing the application.

There is some plant shown on the drawings within an enclosure to the west of the roof. It is recommended the standard noise conditions are imposed, along with a pre-commissioning report to be carried out to demonstrate the required noise levels can be achieved.

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 application is of an insufficient scale to require an Environmental Assessment.

8.12 Other Issues

Construction impact

A draft construction management plan has been submitted, containing brief details of the proposed locations for scaffolding, gantries and deliveries. The submitted plan does not go into sufficient detail at this stage, and it is recommended a revised management plan setting out further details of the construction programme, deliveries/loading, security and means of reducing dust/noise during construction is reserved by condition.

Given its modular construction, the applicants state a lot of the work building the extension will be done off site, then the modules lifted by crane onto the rooftop. Knightsbridge would have to be closed for this purpose. Objectors have concerns over the logistics and the ability of cranes to undertake this task. Reference is also made to the requirement for scaffolding, how long this might be in place and associated inconvenience to existing residents. The closure of roads and appropriate licences are obtained under other legislative regimes and are not a matter for consideration at planning stage.

Structural issues

The objections of the Park Mansions Leaseholders and individual occupiers within the building refer to the impact on the structure of the building and whether it could withstand the weight of the roof extension. The applicants have provided an additional letter from a Structural Engineering consultancy, on which the Leaseholders have provided comments. The City Council's District Surveyor has examined the documents and does not raise any concerns at this stage in respect of the capability of the scheme satisfying the Building Regulations in due course. Structural matters are dealt with by Building Regulations and the extension must be built to comply.

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. To go further would be to act beyond the bounds of planning control.

Objections also refer to the extension blocking fire escape routes over the existing roof. The applicants have confirmed that the existing routes would be maintained. In any event, the development has to satisfy the Building Regulations requirements for ensuring safe escape routes and planning permission could not reasonably be refused on this basis.

Other

Parts of the existing flat roof are covered with hot water/heating pipes. There is concern from objectors that the presence of the pipes would either hinder construction or render the scheme un-buildable. There is a concern that the extension would be higher than shown in the drawings in order to accommodate sufficient void area for the pipes. Objectors are concerned that there is a risk their heating and hot water supply will be disrupted as a result of works being done to the pipes to enable the extension to be built. The applicants are aware of this issue. They state that the central heating system itself is not to be replaced, but the distribution pipes running over the flat roof will be replaced and will fit into a 250mm void which has been designed into the overall height of the scheme.

The detail of what happens to the hot water pipes is not a planning matter, but it clearly has the potential to effect the height of the overall development. The City Council is obliged to consider the drawings as submitted, and any subsequent alteration to the bulk or height of the scheme is likely to require a further application for planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cllr Robathan dated 15 January 2016.
3. Response from the Knightsbridge Association, dated 8 January and 11 May 2016
4. Response from Environmental Health dated 22 December 2015
5. Response from the Highways Planning Manager dated 14 December 2015.
6. Response from Cleansing dated 15 December 2015.
7. Response from the District Surveyor dated 24 May 2016.
8. Letter and attachments from Bilfinger GVA on behalf of the applicant dated 26 February 2016.
9. Letters from Park Mansions Leaseholders Ltd dated 29 December 2015 and 9 May 2016.
10. Letter from the owners of 6 and 7 Park Mansions dated 31 December 2015.
11. Letter from Turley Associates on behalf of 199 Knightsbridge dated 4 January 2016.
12. Letter from Somerset Consult on behalf of 8th and 9th floor apartment Bulgari Hotel dated 5 January 2016.
13. Letter from the occupier, 26 Park Mansions dated 5 January 2016
14. Letter from the occupier, 83 Park Mansions dated 5 January 2016.
15. Letter from the occupier, 40 Park Mansions dated 5 January 2016.
16. Letter from the occupier, 44 Park Mansions dated 6 January 2016.
17. Letter from an occupier of Park Mansions dated 6 January 2016.
18. Letter from Xenia on behalf of 7th floor apartment Bulgari Hotel dated 6 January 2016.
19. Letter from the occupier, 12 Park Mansions dated 6 January 2016.
20. Letter from the occupier, 68B Park Mansions dated 6 January 2016.
21. Letter from the occupier, 14 Park Mansions dated 8 January 2016.
22. Letter from the occupier, 26B Park Mansions dated 8 January 2016.
23. Letter from the occupier, 87 Park Mansions dated 12 January 2016.
24. Letter from the occupier, 27 Park Mansions dated 12 January 2016.
25. Letter from the occupier, 36 Park Mansions dated 12 January 2016.
26. Letter from the occupier, 86 Park Mansions dated 12 January 2016.
27. Letter from the occupier, 64 Park Mansions dated 13 January 2016.
28. Letter from the occupier, 34 Park Mansions dated 13 January 2016.
29. Letter from the occupier, 19 Park Mansions dated 14 January 2016.
30. Letter from the occupier, 65 Park Mansions.
31. Letter from the occupier, 3 Park Mansions.
32. Letter from the occupier, 71a Park Mansions.
33. Letter from the occupier, 24 Park Mansions.
34. Letter from the occupier, 88 Park Mansions.
35. Letter from the occupier, 37 Park Mansions.
36. Letter from the occupier, 90 Park Mansions.
37. Letter from the owner 31, 33 and 71 Park Mansions.
38. Letter from the occupier, 29 Park Mansions.
39. Letter from the occupier, 76 Park Mansions.
40. Letter from the occupier, 82 Park Mansions.

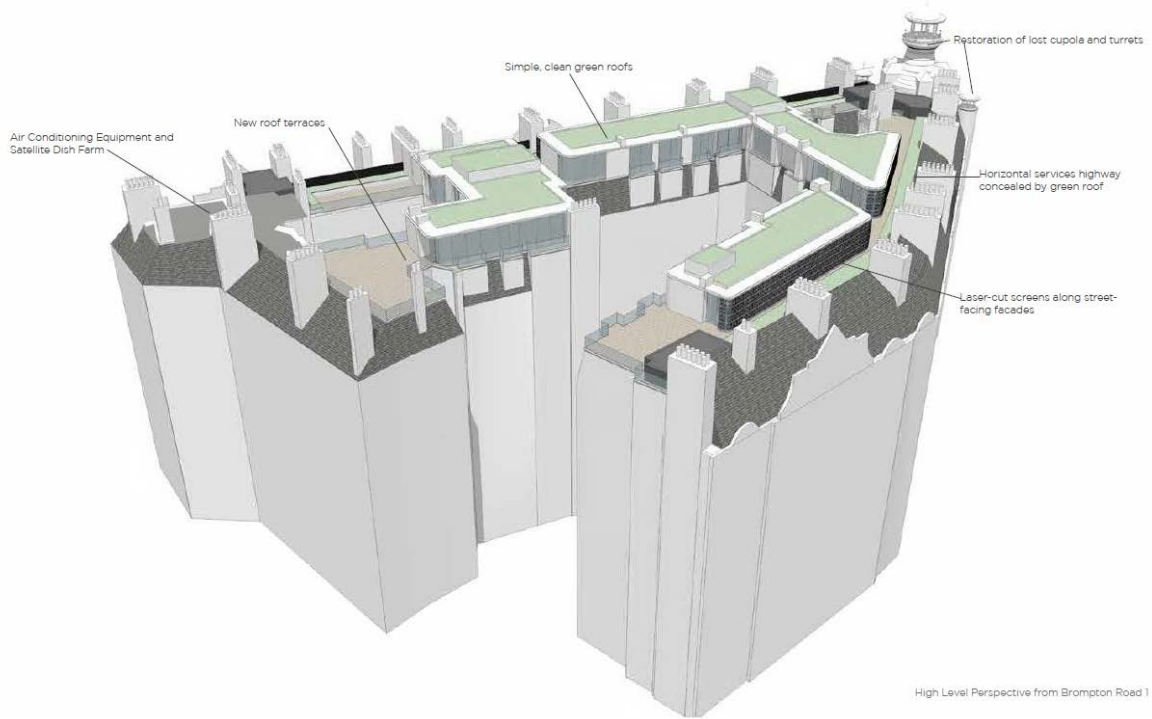
41. Letter from the occupier, 62 Park Mansions.
42. Letter from the occupier, 52 Park Mansions.
43. Letter from the occupier, 26 Park Mansions.
44. Letter from the occupier, 83 Park Mansions.
45. Letter from the occupier, 68A Park Mansions.
46. Letter from the occupier, 43 Park Mansions.
47. Letter from an occupier, Park Mansions.
48. Letter from the occupier, 8 Park Mansions.
49. Letter from the occupier, 66 Park Mansions.
50. Letter from the occupier, 1 and 2 Park Mansions.
51. Letter from the occupier, 72 Park Mansions.
52. Letter from the occupier, 53 Park Mansions.
53. Letter from the occupier, 4 Park Mansions.
54. Letter from the occupier, 61 Park Mansions.
55. Letter from the occupier, 26A Park Mansions.
56. Letter from the occupier, 35 Park Mansions.
57. Letter from the occupier, 42 Park Mansions.
58. Letter from the occupier, 51 Park Mansions.
59. Letter from the occupier, 84A Park Mansions.
60. Letter and attachments from the occupier, 11 Park Mansions.
61. Letter from the occupier, 86 Park Mansions.

Selected relevant drawings

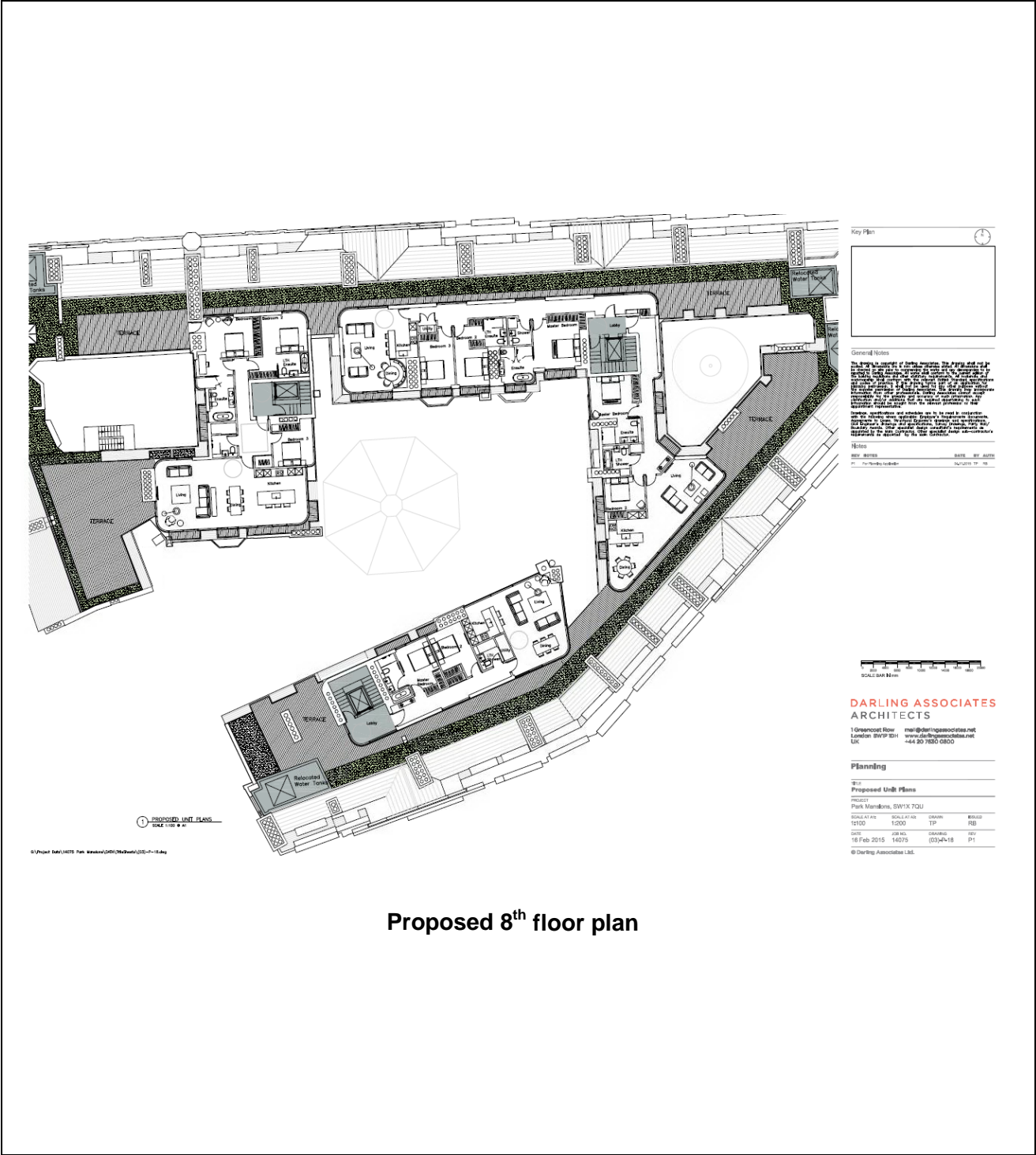
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LOUISE FRANCIS ON 020 7641 2488 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



High level axonometric of roof extension viewed from Brompton Road



General Notes

The drawings are prepared in accordance with the Australian Standards for Architectural Drawings. The drawings are to be used for the construction of the building and are not to be used for any other purpose. The drawings are the property of Darling Associates Architects and shall remain their property. The drawings are to be used in accordance with the conditions of the contract. The drawings are to be used in accordance with the conditions of the contract. The drawings are to be used in accordance with the conditions of the contract.

REV	DATE	BY	CHKD
01	16/02/15	AM	AM



DARLING ASSOCIATES ARCHITECTS

1 Greenoast Row
 Location: 80/81/82
 LIC: 44 20 7850 0850

Planning

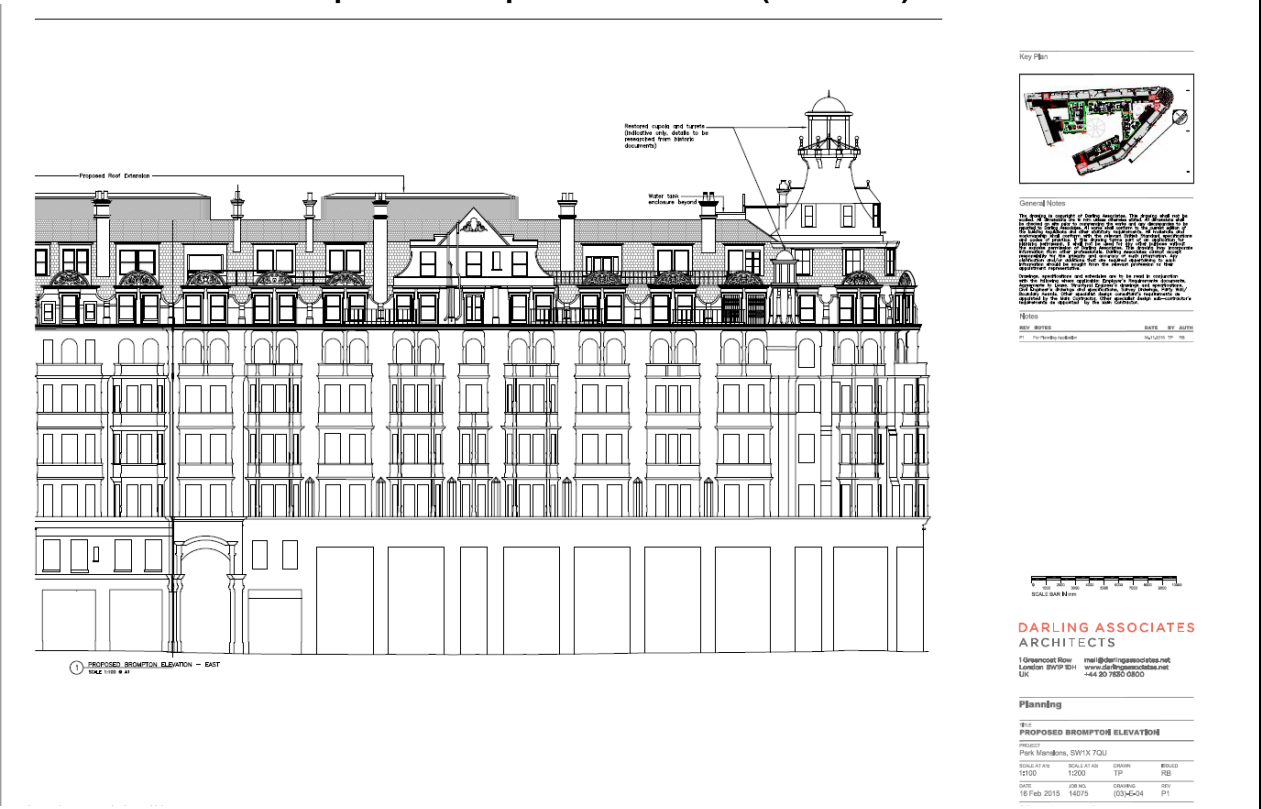
REV	DATE	BY	CHKD
01	16/02/15	AM	AM

Proposed 8th floor plan



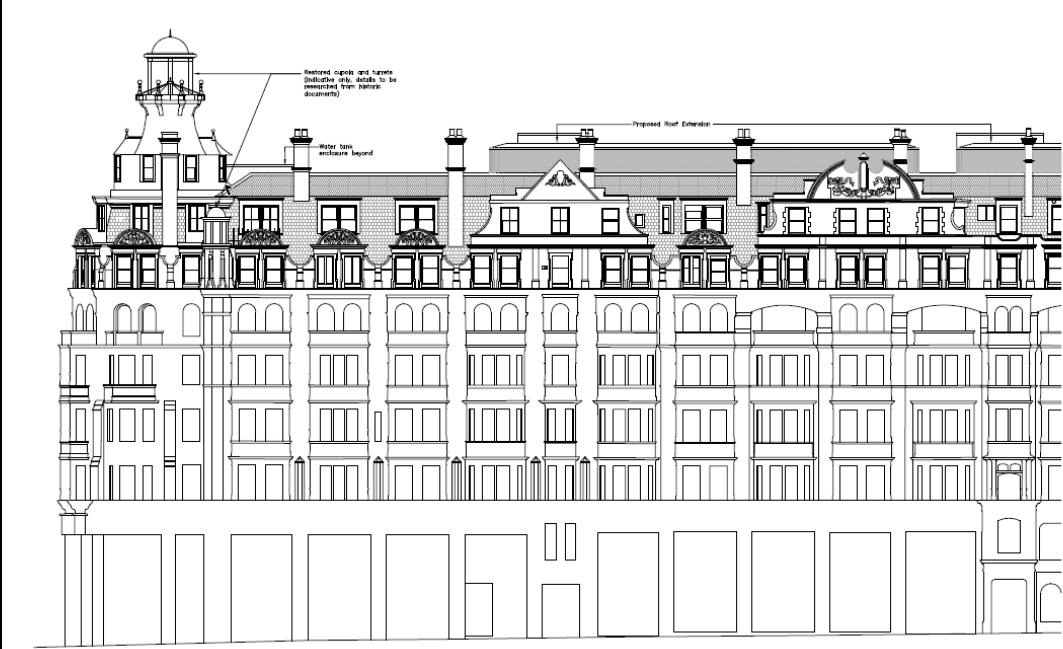
1 PROPOSED BROMPTON ELEVATION - WEST
SCALE 1:100 @ A1

Proposed Brompton Rd elevation (west side)



1 PROPOSED BROMPTON ELEVATION - EAST
SCALE 1:100 @ A1

Proposed Brompton Rd elevation (east side)



1 KNIGHTSBRIDGE ELEVATION - EAST
1042 1018 8 14

Proposed Knightsbridge elevation (east side)



1 PROPOSED KNIGHTSBRIDGE ELEVATION - WEST
1042 1018 8 14

Proposed Knightsbridge elevation (west side)



General Notes

The Project is located in the City of London. The Project and its site are subject to the provisions of the City of London (Planning) Act 2002 and the City of London (Planning) Regulations 2002. The Project is subject to the provisions of the City of London (Planning) Act 2002 and the City of London (Planning) Regulations 2002. The Project is subject to the provisions of the City of London (Planning) Act 2002 and the City of London (Planning) Regulations 2002.

Notes

REV.	DATE	BY	APP'D
01	16/11/2015	TP	RB



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Planning

BY:			
PROPOSED KNIGHTSBRIDGE ELEVATION			
PROJECT	SCALE AT A3	SCALE AT A4	DATE
Park Mansions, SW1X 7QU	1:1000	1:2000	16 Feb 2015
DATE	JOB NO.	DRAWING	REV.
16 Feb 2015	14075	03/A-01	P1



General Notes

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Notes

REV.	DATE	BY	APP'D
01	16/11/2015	TP	RB



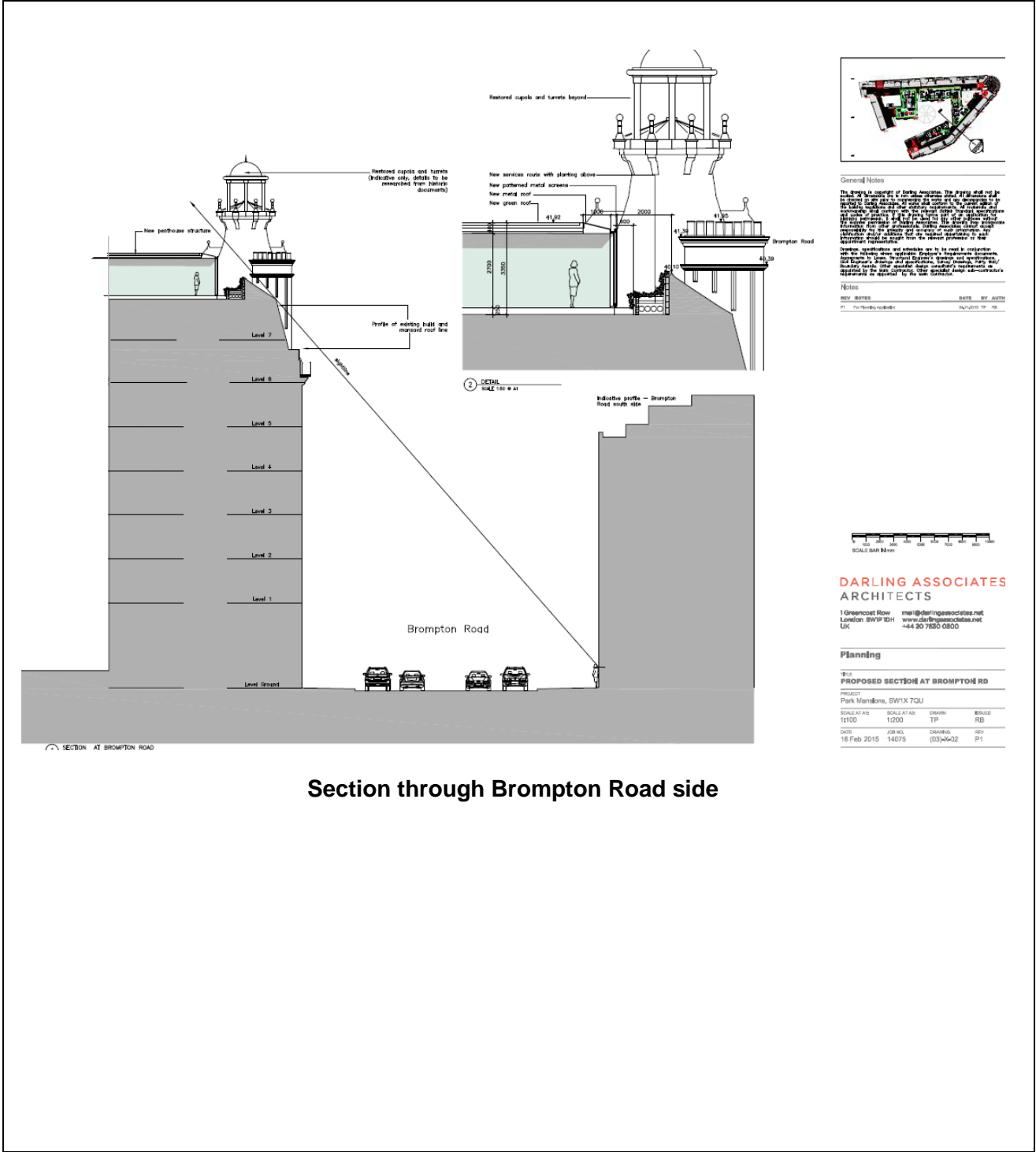
DARLING ASSOCIATES ARCHITECTS

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Planning

BY:			
PROPOSED KNIGHTSBRIDGE ELEVATION			
PROJECT	SCALE AT A3	SCALE AT A4	DATE
Park Mansions, SW1X 7QU	1:1000	1:2000	16 Feb 2015
DATE	JOB NO.	DRAWING	REV.
16 Feb 2015	14075	03/A-02	P1

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General Notes

The drawings are prepared by Darling Associates. The design shall not be used for any other project without the written consent of Darling Associates. The design is based on the information provided by the client and is not to be used for any other project without the written consent of Darling Associates. The design is not to be used for any other project without the written consent of Darling Associates. The design is not to be used for any other project without the written consent of Darling Associates.

Notes

REV.	NOTES	DATE	BY	AUTH.
01	For Planning Application			



DARLING ASSOCIATES ARCHITECTS

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Planning

PROPOSED SECTION AT BROMPTON RD			
PROJECT	SCALE DRAWING	DATE	REV.
Park Mansions, SW1X 7QU	1:200	TP	RB
18 Feb 2015	14075	(03)-W-02	P1

Section through Brompton Road side

DRAFT DECISION LETTER

Address: Park Mansions, Knightsbridge, London, SW1X 7QU

Proposal: Single storey extension at roof level to provide four additional residential units, including terraces and plant room. Reinstatement of the central cupola and northern and southern turrets.

Plan Nos: (01) S-01; E-01/P1; (01) E-02/P1; (01) E-03/P1; (01) E-04/P1; (01) E-05/P1; (01) E-06/P1; (01) E-07/P1; (01) E-08/P1; (01) X-01/P1; (01) X-02/P1; (01) X-03/P1; (02)-P-08/P1; (02)-X-01/P1; (02)-X-02/P1; (02) X-03/P1; (03) X-01/P1; (03)-E-01/P1; (03)-E-02/P1; (03)-E-03/P1; (03)-E-04/P1; (03)-E-05/P1; (03)-E-06/P1; (03)-E-07/P1; (03)-E-08/P1; (03)-P-08/P1; (03)-P-09/P1; (03)-P18/P1; (03)-X-01/P1; (03)-X-02/P1; (03)-X-03/P1.

Supporting documents:

Design and Access Statement (rev P1 November 2015 Darling Associates); Townscape, heritage and visual assessment dated November 2015 (Richard Coleman Citydesigner); Daylight/sunlight assessment (Hawkins environmental, August 2015); Planning Statement (Bilfinger GVA November 2015); Transport Assessment (Odyssey Markides July 2015); statement of community involvement (four communications November 2015); Draft construction management plan (John Sisk November 2015).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site 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 flats. (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)

- 4 You must apply to us for approval of details of secure cycle storage for the residential 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 line 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.

5 **Pre commencement condition.**

You must not start work on the site until we have approved appropriate arrangements to secure the following.

- Car club membership for a minimum period of 25 years for successive occupants of the 4 roof level flats.
- Completion of the works to restore the cupola and turrets prior to the occupation of the residential units.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in TRANS23, DES1 and DES9 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

6 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 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.

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - louvred screens to the lightwell elevations of the flats. For the avoidance of doubt this must also include the lightwell elevation of Penthouse D (the unit to the south side of the application site). 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.

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)

- 8 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 Knightsbridge Green 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 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 Knightsbridge Green 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 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) all new windows at a scale of 1:10
 - ii) the metal screen to elevations at a scale of 1:10 (typical detail)
 - iii) the cupola and turrets to be reconstructed at a scale of 1:50 with details at 1:10
- You must not start work on these parts of the development until we have accepted what you have sent us. You must then carry out the work according to these details.

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 Knightsbridge Green 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)

- 11 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a

point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

- 14 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 12 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.

- 15 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: The green roof

You must not remove any of these features. (C43FA)

Reason:

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

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the useable areas of the terraces to be set back from the lightwell elevations and from the west elevation. 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. 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)

- 17 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme the removal of balconies from the lightwell elevations. 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. 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 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 or visit www.ccscheme.org.uk.
- 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)
- 4 For the avoidance of doubt the Construction Management Plan required under condition 6 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act

1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.

- 5 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)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 th June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	55 Victoria Street, London, SW1H 0EU,		
Proposal	Infill terrace at 11 th floor level to create additional internal living space, installation of a retractable roof to provide access to new roof terrace at 12 th floor level enclosed by glass balustrades, creation of additional terrace at rear 11 th floor level enclosed by glass balustrade, reconfiguration of rooftop PV cells to accommodate roof terrace, increase height of CHP flue and alterations to windows and doors.		
Agent	Gerald Eve		
On behalf of	Coveside (55 Victoria St) Ltd		
Registered Number	15/09202/FULL	Date amended/ completed	1 October 2015
Date Application Received	1 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Refuse planning permission – detailed design and creation of roof top clutter.
--

2. SUMMARY

The site is located on the corner of Victoria Street and Strutton Ground. Permission was granted on 5th August 2013 for alterations and extensions to create a part 8, part 10, part 12 storey building with replacement of the façade and associated works including creation of terraces in association with the use of the building as 54 residential units (Class C3), retail (Class A1) and bank (Class A2). Subsequent to the original permission a variety of non-material amendments and variations have been approved. Works are continuing on site and the building is now substantially complete.

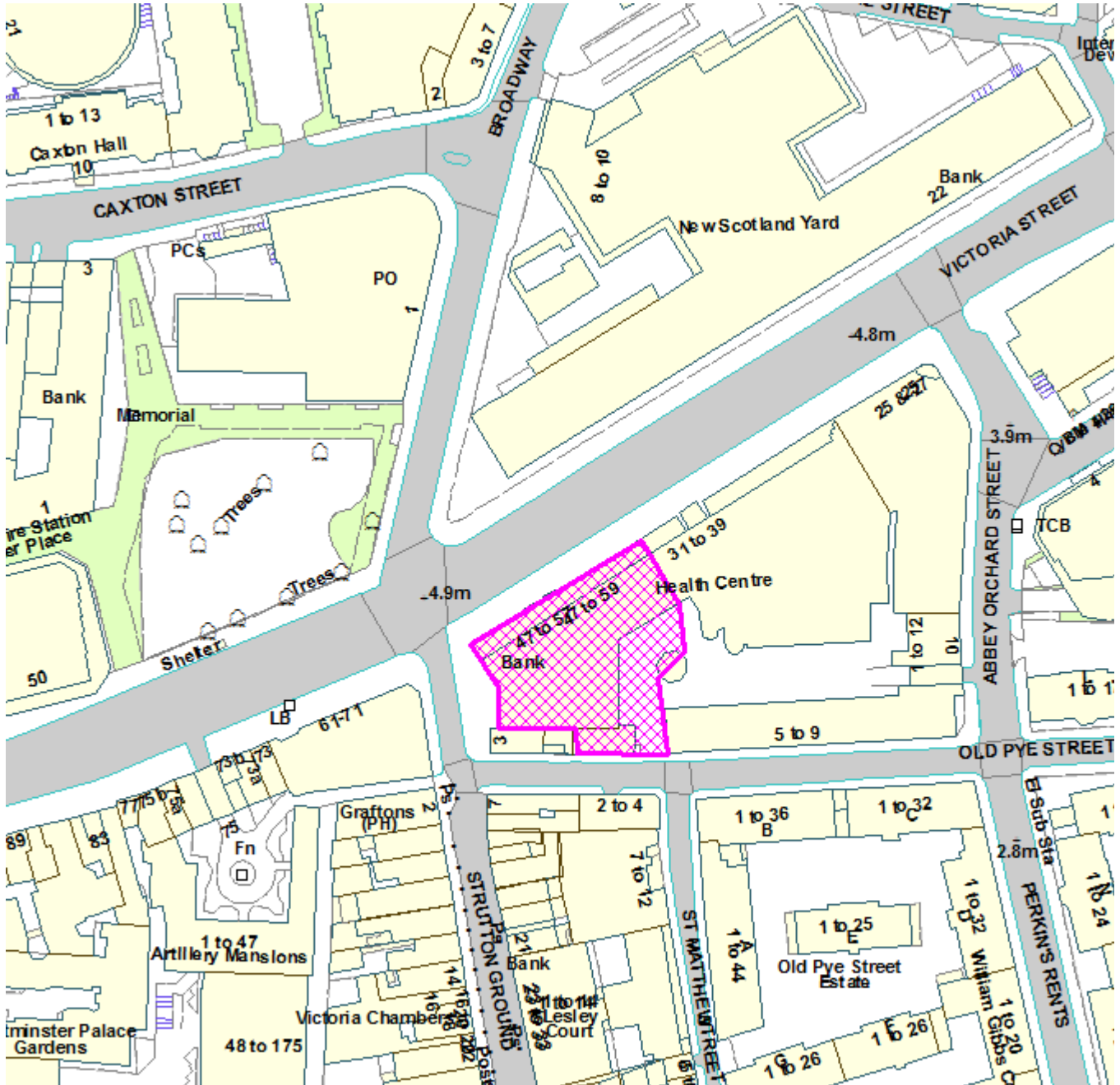
Permission is now sought to make alterations to the duplex penthouse located on 10th and 11th floor levels. The upper most two storeys of the building include substantial full height areas of glazing, the original intention being to provide a more transparent and lightweight appearance to these floors. The penthouse includes an inset terrace at 11th floor level. The application seeks to infill the 11th floor terrace replicating the glazing to the floor below. A new terrace is proposed on top of the tower at 12th floor level which will be accessed from the penthouse via an internal stair and a sliding rooftop hatch. The terrace would amount to approx 45m² and would be surrounded by glass balustrade. A large power generator flue would also need to be extended at roof level by approx 1m.

The proposals are considered unacceptable in design terms. The approved inset 11th floor terrace successfully incorporated itself within the architecture of the building, thus minimising any high level visual clutter and having the additional benefit of lightening the tower at its top. The current proposal would erode this design losing the 'pergola style' open character and visual interest at the top of the tower. In addition to this the proposals would introduce additional clutter at roof level, be it roof terrace paraphernalia or people using the terrace itself, which would be visible in longer views as illustrated by the photograph in this report. Overall, the proposal is considered to represent poor design which erodes the quality of the approved scheme.

The other elements of the current proposal which include the creation of a terrace at rear 11th floor level, enlargement of two east facing windows and modifications to a one bedroom flat at first floor level to create two bedrooms are considered acceptable. Given the new terraces are a substantial distance from neighbouring residential occupiers, they are not considered to lead to negative impact on amenity.

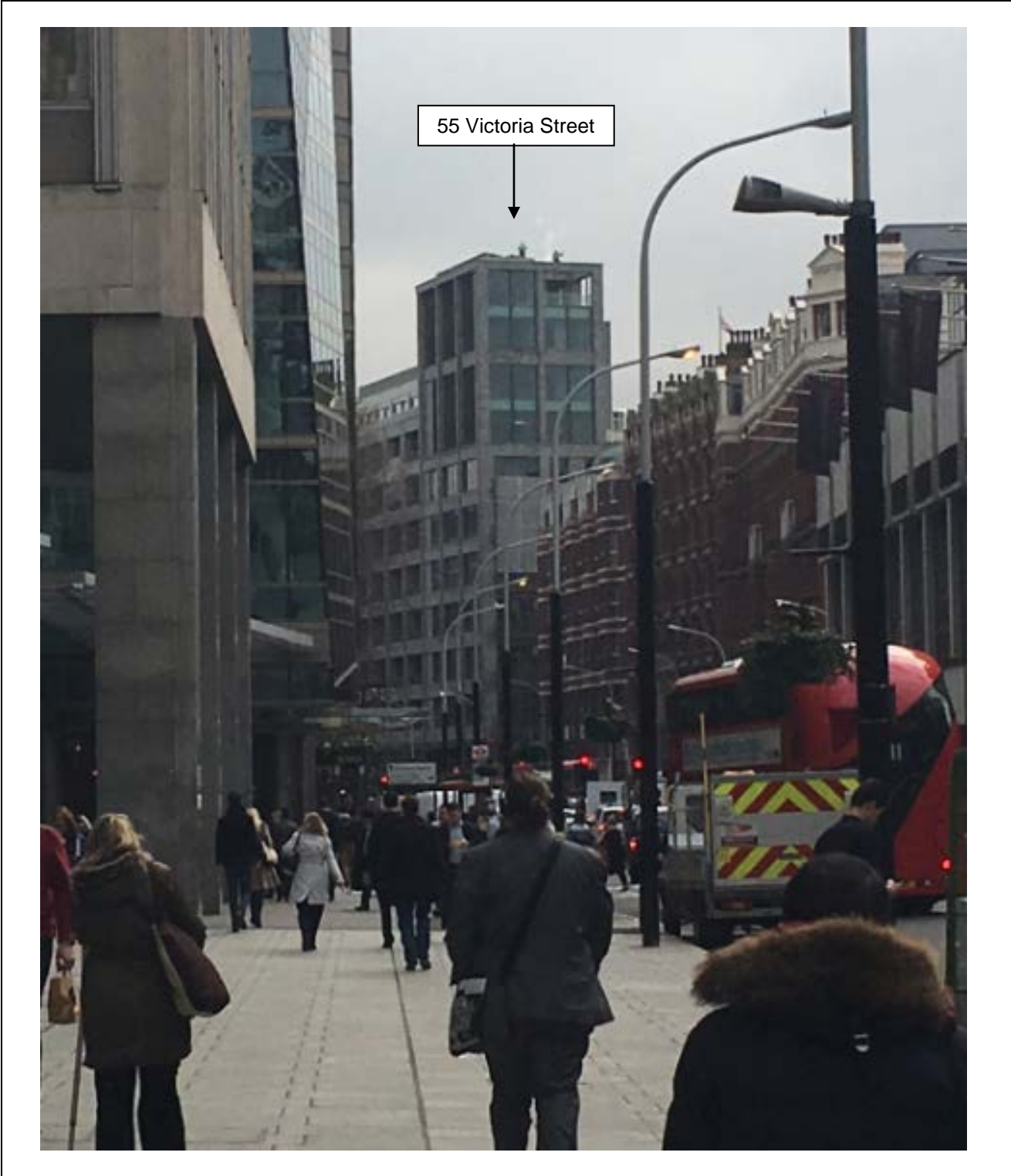
The introduction of two external terraces would result in the reduction of PV panel areas from 150m² to 106m². The applicant has confirmed that the agreed commitment to achieve an "excellent" BREEAM Domestic Refurbishment scheme can still be achieved through use of higher efficiency PV panels.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THORNEY ISLAND SOCIETY

Object on the basis that the effect on the skyline from Victoria Street is significant - adding to the bulk of an already high building.

WESTMINSTER SOCIETY

Any response received to be reported verbally.

ENVIRONMENTAL HEALTH

No comment.

ADJOINING OWNERS/OCCUPIERS

Number consulted: 44

Number of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from the Thorney Island Society dated 30 October 2015
3. Response from Environmental Health dated 17 November 2015

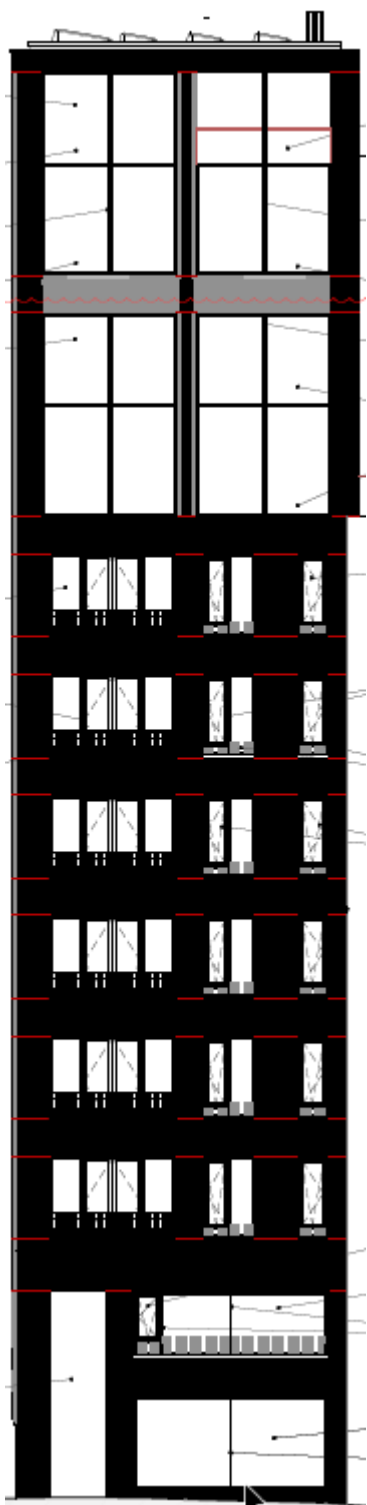
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY EMAIL AT vnally@westminster.gov.uk

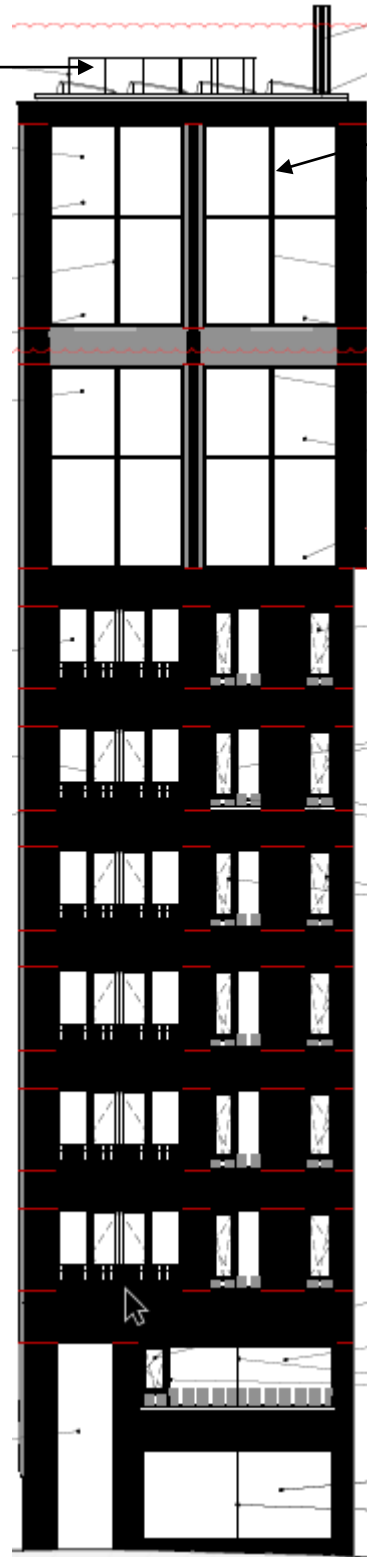
7. KEY DRAWINGS

STRUTTON GROUND ELEVATION



EXISTING

12th floor terrace balustrade



Area of existing terrace to be infilled

PROPOSED

DRAFT DECISION LETTER

Address: 55 Victoria Street, London, SW1H 0EU,

Proposal: Infill terrace at 11th floor level to create additional internal living space, installation of a retractable roof to provide access to new roof terrace at 12th floor level enclosed by glass balustrades, additional terrace at rear 10th floor level enclosed by glass balustrade, reconfiguration of rooftop PV cells to accommodate roof terraces, increase height of CMP flue and alterations to windows and doors.

Reference: 15/09202/FULL

Plan Nos: PL000; PL001 P1; P002 P2; P003 P1; P011 P1; P012 P1; P013 P1; P014 P1; P015 P1; P016 P1; P017 P1; P021 P1; P022 P1; Sustainability Note; Design and Access Statement.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s):

Reason:

- 1 Because of the impact on the detailed design of the tower through the infilling of the inset terrace and the creation of roof top clutter the proposed alterations would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (X16BB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Berkeley Square, London, W1J 6DB,		
Proposal	Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.		
Agent	Miss Mieka Sywak		
On behalf of	Miss Mieka Sywak		
Registered Number	16/01776/FULL	Date amended/ completed	4 April 2016
Date Application Received	29 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee consider that there are exceptional circumstances in this case to permit the proposed use on a temporary basis?

2. SUMMARY

The application was deferred by the Planning Applications Committee on the 17th May 2016 (see minutes and report attached below) in order for the applicant to provide further detailed information as to when the marquees will be vacant with a view to reducing the time which the marquees will be in situ.

Permission was granted by Committee on 17th May 2016 for 19 marquees on the north side of Berkeley Square to host the Glamour Awards and the London Real Estate Forum between 1 June 2017 and 19 June 2017 and for unspecified dates in future years.

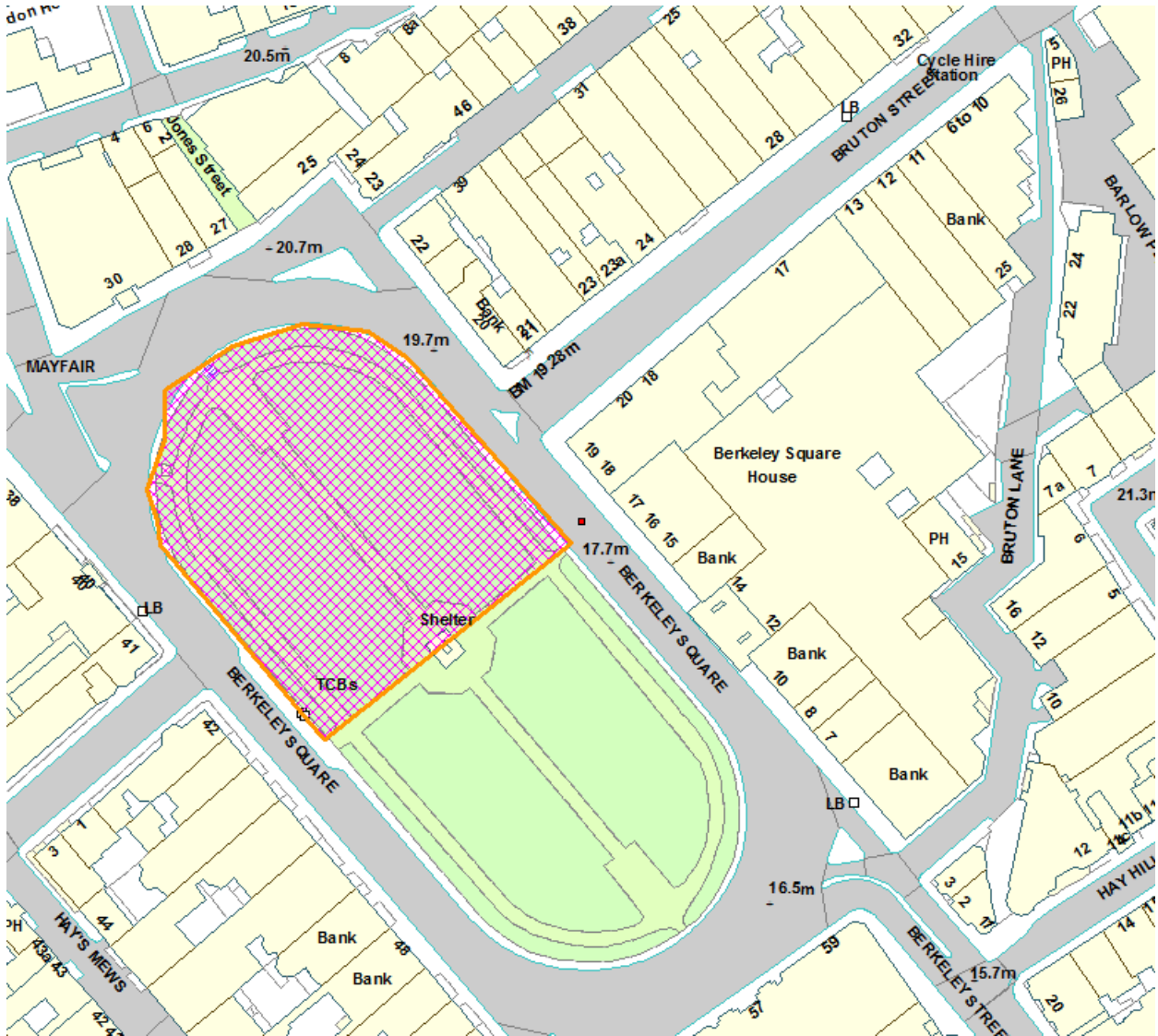
The applicant has subsequently provided detailed document explaining what happens on each of the 45 days that they would have possession of the northern side of the square. This is summarised as follows (the full breakdown forms a background paper) :

- Days 1 to 10 - utilised for the erection of the marquees, the installation of fencing, re-location of planters, installation of services (waste, water, electricity and internet) and the installation of toilets and catering facilities;
- 11 to 12 - scheduled for the 'exhibitor move-in', when all the exhibitors bring their displays on site to designated stands;
- 13 - LAPADA Fair Collectors Preview event;
- 14 to 19 – LAPADA is open to members of the public and the marquees also host a charity reception in aid of Action For Rehabilitation From Neurological Injury (ARNI);
- 19 to 21 - the stands for the LAPADA event will be dismantled and all the relevant signage will be removed;
- 21 to 23 – the marquees are empty; previously these interim days were used to host a further charity event but following a number of noise complaints in relation to this event in 2015 this has now been omitted. The applicant has advised that when the dates for the 2017 events are reviewed they will seek to omit this vacant period, but as the dates for 2016 have already been advertised and contracts finalised it will not be possible to change it for this year;
- 24 to 30 - the marquees are reconfigured to the design of the PAD event, including the repositioning of the catering facilities, toilets and fire exits, installation of new signage and the construction of the internal stands for exhibitors;
- 30 to 33 - exhibitors set up their individual stands and all the displays are moved on site;
- 34 to 36 – the marquees are used for the hosting of a charity event in aid of CLIC Sargent, VIP tours, a collectors preview, judging of the PAD exhibits and press events;
- 36 to 40 the PAD event is open to the general public from 11:00 until 20:00 until the fifth day when it is open from 11:00 until 18:00; and
- 41 to 45 - removal of the exhibitions, stands, marquees and all associated equipment and returning the north side of the square to its previous condition before the area is handed back to Westminster Council.

The applicant has stated that in future years they would seek to reduce the time that the square is occupied for the events, through additional sharing of resources between the two events. They advise that this could reduce their occupancy by 4-7 days however the logistics for 2016 are already set (dates have been published, including exhibitor and contractor contracts). Consequently in 2016 it would be impractical to close the dates between the two fairs.

22 letters of support have been submitted since the application was last presented to the Planning Committee. These letters seek to emphasise the benefits of the fair for local businesses with regard the opportunity for local art and antiques galleries to present their wares to an international audience. They also detail the additional economic benefits of the 50,000+ visitors for other local businesses such as hotels, restaurants and retail businesses. It is acknowledged that the fairs will provide an economic benefit for many local businesses.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

ADDITIONAL LETTERS OF SUPPORT RECEIVED AFTER THE PREVIOUS PLANNING COMMITTEE:

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

(The previous committee report wrongly identified the Residents Society of Mayfair and St. James's as having objected but this was from the Mayfair Residents Group)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

22 letters of support on some or all of the following grounds:

The events provide support to local businesses, not just arts and antiques dealers but also hotels, restaurants and other retail businesses.

The events promote London as an international centre for the arts and antiques trade.

6. BACKGROUND PAPERS

1. Application form and letter from LAPADA and PAD dated 26 May 2016
2. Email from the Residents Society of Mayfair and St. James's dated 17 May 2016
3. Letter from occupier of 28 Pimlico Road, London dated 20 May 2016
4. Letter from occupier of 61 Cadogan Square, dated 24 February 2016 (received 20 May 2016)
5. Letter from H Blairman & Nsons, PO Box 6374, dated 20 May 2016
6. Letter from Panter & Hall, 11-12 Pall Mall, London, dated 20 May 2016
7. Letter from Anthea A.G. Antiques LTD, 58 Davies Street, London dated 20 May 2016
8. Letter from Galerie Kreo - London, 14A Hay Hill, dated 19 December 2016 (received 20 May 2016)
9. Letter from Hamiltons Gallery, 13 Carlos Place, London dated 12 February 2016 (received 20 May 2016)
10. Letter from Mazzoleni Art, 27 Albemarle Street, London, dated 20 May 2016
11. Letter from Wakelin & Linfield, PO Box 48, dated 20 November 2016 (received 20 May 2016)
12. Letter from CLIC Sargent, , Philanthropy And Partnerships, dated 20 May 2016
13. Letter from Rose Uniacke, 76-84 Pimlico Road, London, dated 6 January 2016 (received 20 May 2016)
14. Letter from Philip Mould & Company, 18-19 Pall Mall, dated 25th November 2015 (received 20 May 2016)
15. Letter from Mackinnon Fine Furniture, 5 Ryder Street, St. James's, London, dated 20 May 2016
16. Letter from Butchoff Antiques, 154 Kensington Church Street, dated 20 May 2016
17. Letter from John Joseph Antique Jewellery, Stands 345-6 Grays, 58 Davies Street, dated 20 May 2016
18. Letter from Rebecca Hossack Art Gallery, 2A Conway Street, London dated 21 May 2016
19. Letter from occupier of, Willow Gallery, 40-41 Duke Street, London dated 30 November 2016 (received 23 May 2016)
20. Letter from Wimpole Antiques, 2 Upper Wimpole Street, London dated 23 May 2016
21. Letter from Michael Hoppen Gallery, 3 Jubilee Place, London, dated 23 May 2016

22. Letter from Lucas Rarities Ltd., 47 Maddox Street, London dated 26 May 2016
23. Letter from Huntingdon Antiques, Stow-on-the-Wold, Gloucs dated 26 May 2016
24. Letter from Kleanthous Antiques, 144 Portobello Road, London dated 26 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 MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT mgiles@westminster.gov.uk

DRAFT DECISION LETTER

Address: Berkeley Square, London, W1J 6DB,

Proposal: Erection of seven marquees on the north side of Berkeley Square Gardens for a temporary period for antiques and art fairs between 31 August 2016 and 15 October 2016 and for unspecified dates in years 2017 to 2020.

Reference: 16/01776/FULL

Plan Nos: Site Designation Plan, Drawings: LAPADA 2016 Rev 07, PAD London 2016, PAD Marquee Elevations, LAPADA Marquee Elevations.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:, ,
* between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on
Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work
must not take place outside these hours. (C11AA)

Reason:

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

- 3 The use of the marquee structures hereby granted permission shall be for a limited period between 31 August 2016 and 15 October 2016 when the structures and associated works shall be removed and the land restored to its former condition.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January

2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

- 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 (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.

- 6 You must apply to us for approval of the dates for which you seek to erect the permitted marquees in 2017, 2018, 2019 and 2020. Permission must be granted in writing before the marquees can be erected in these years.

Reason:

The use is not as set out in DES12 of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

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 when seeking to discharge Condition 6 of this permission in relation to the dates for the events in future years the City Council will expect to see a reduction in the length of the tenancy period of the square in line with the stipulations in the letter dated 26th May 2016.

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

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Upper Belgrave Street, London, SW1X 8BD,		
Proposal	Internal and external alterations including creation of a garage on the Wilton Street elevation with associated crossover, a rear extension at fourth floor level and enlarged roof terrace at fifth floor level in connection with the use of the property as a single family dwelling. excavation works at lower ground floor, rebuilding of ground floor rear infill addition, rear extension at first floor and third floor levels, creation of terraces at first and roof levels, and installation of condensers at roof level		
Agent	Ms Rosalind Price		
On behalf of	Waltonwagner Limited		
Registered Number	16/02481/FULL 16/02482/LBC	Date amended/ completed	31 March 2016
Date Application Received	19 March 2016		
Historic Building Grade	II*		
Conservation Area	Belgravia		

1. RECOMMENDATION

Refuse permission and listed building consent – design and heritage impact

2. SUMMARY

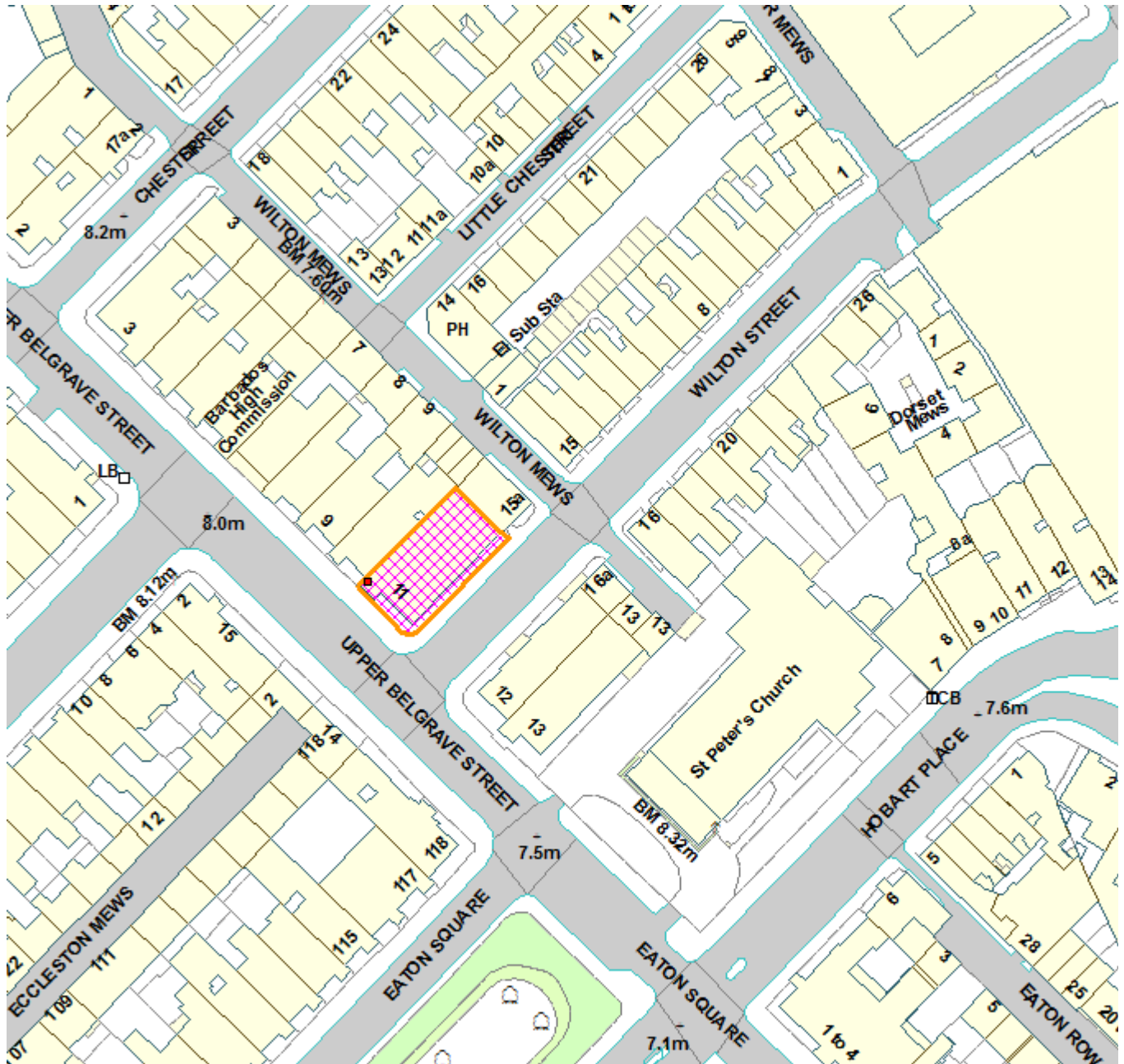
11 Upper Belgrave Street is a grade II* listed building located in the Belgravia Conservation Area. It comprises lower ground, ground, and four upper floors. It has recently been granted permission for conversion back into a single family dwelling. Permission/consent is now sought for additional alterations both internally and externally.

The main issues which arise from the proposals are:

- The impact on the special architectural / historic interest of the grade II* listed building;
- The impact on the character and appearance of the Belgravia Conservation Area;
- The impact on the highway and residential movement;

The proposal is considered to have an adverse impact upon the special architectural / historic interest of the listed building and upon the character and appearance of the conservation area. It is not considered that there are public benefits which outweigh the harm cause and as a consequence the applications are recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



Photo 1: Upper Belgrave Street (front) and Wilton Street (side) elevations



Photo 2: Wilton Street (side) and Wilton Mews (rear) elevations, showing main rear wing, currently faced in brick with a stucco return, with the lower closet wing adjoining to the right.



Photo 3: As Photo 2, but close-up, showing the narrow width of the rear wing, and its definition from the lower closet wing.



Photo 4: Ground Floor Kitchen Wall and Chimney Breast proposed for removal.



Photo 5: First Floor Garden Room to Lobby Wall (right hand wall) proposed for removal and cornice proposed to be concealed by elaborate suspended ceiling.

5. CONSULTATIONS

Historic England

Do not wish to comment. Authorisation to determine application received 26/04/2016.

Belgravia Neighbourhood Forum

Any comments received to be reported verbally

Belgravia Residents Association

Any comments received to be reported verbally.

Highways Planning - Development Planning

Suitable mitigation measures required to off-set the loss of the on-street residential parking on Wilton Street.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19 Total No. of replies: 12

No. of objections: 11

No. in support: 1

Highways:

- loss of existing on-street parking for residents
- creation of a hazard and congestion in a busy street, too close to junction, increased danger to pedestrians in particular school children

Design:

- garage in this elevation is out of character and destroys integrity building and surroundings,
- garages are traditionally located in the mews

Other

- excavation works, construction noise and traffic obstruction
- description of development does not include the garage

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an end of terrace first rate townhouse forming the corner of Upper Belgrave Street and Wilton Street, within the Belgravia Conservation Area. It forms the southern end of the Grade II* listed terrace, 3-11 Upper Belgrave Street, designed by George Basevi and built 1830-35 as part of his work for Thomas Cubitt for the development of the upper end of the designed Belgravia townscape.

Originally a private hotel of high repute, it later became a house in the proper sense in the later 19th century, undergoing a significant scheme of alteration in the 1880s under

its then owner, the Earl of Cork and Orrery. The City Council's records show that the property has been used as offices since 1938. Planning permission granted on 17 July 1986 for the use of the premises as offices, confirms that the lawful use of the property is Class B1 office for National and Cultural Institutions or Ecclesiastical organisations, including the headquarters of charitable and voluntary organisations serving a national or international role or members of listed professions in the decision notice. The building was last occupied by the Institution of Structural Engineers which left the building in June 2014.

6.2 Recent Relevant History

16/02428/LBC

Internal alterations including the installation of new joinery, skirting boards, architrave and cornicing; installation of window seats; new applied stucco embellishment on all floors; creation of new shower niches at second and third floor level; new ceiling design to dining room and living rooms. External alterations including raising the height of existing chimney stack and replacement of chimney pots; masonry wall at roof level; installation of satellite dish and aerial; new roof light at roof level; new pyramidal roof light and two rooflights at first floor level; installation of external CCTV, intercom panels and new ventilation grills.

Application Permitted 31 May 2016

16/02410/NMA

Amendments to planning permission dated 29 February 2016 RN: 15/06723/FULL for Alterations in association with change of use to a single family dwelling, including enlargement of window opening at lower ground floor and new window with fanlight; demolition and rebuilding of ground floor level rear infill addition with associated excavation works of 1000mm for drainage and services , one storey rear extension at first floor level, rear extension at third floor level, insertion of pilasters to side and rear elevations, creation of terraces at first floor level and roof level with associated balustrades, insertion of new rooflights at first floor level and roof level, roof and rooflight moved from fourth to roof level, and installation of condensers at roof level with associated dropping of roof level. Namely, changes to roof level design changes, changes to the front elevation, changes to the side elevation, and changes to the rear elevation.

Application Permitted 31 May 2016

15/06724/LBC

Internal and external alterations in association with change of use to a single family dwelling, including enlargement of window opening at lower ground floor and new window with fanlight demolition and rebuilding of ground floor level rear infill addition with associated excavation works of 1000mm for drainage and services , one storey rear extension at first floor level, rear extension at third floor level, insertion of pilasters to side and rear elevations, creation of terraces at first floor level and roof level with associated balustrades, insertion of new rooflights at first floor level and roof level, roof and rooflight moved from fourth to roof level, and installation of condensers at roof level with associated dropping of roof level.

Application Permitted 18 December 2015

15/06723/FULL

Alterations in association with change of use to a single family dwelling, including enlargement of window opening at lower ground floor and new window with fanlight; demolition and rebuilding of ground floor level rear infill addition with associated excavation works of 1000mm for drainage and services , one storey rear extension at first floor level, rear extension at third floor level, insertion of pilasters to side and rear elevations, creation of terraces at first floor level and roof level with associated balustrades, insertion of new rooflights at first floor level and roof level, roof and rooflight moved from fourth to roof level, and installation of condensers at roof level with associated dropping of roof level.

Application Permitted 29 February 2016

14/10038/FULL

Use as a single family dwelling house.

Application Permitted 19 December 2014

7. THE PROPOSAL

Listed building consent (16/02428/LBC) has recently been granted and a Non-Material Amendment application (16/02410/NMA) has recently been approved (both on 31 May 2016 under officer's delegated powers) for Items 1 to 17 as listed below, for works which are considered to be non-contentious:

1. New timber splayed linings to lower ground floor windows;
2. Window seats to ground floor Family Living Room, Dining Room and Kitchen / Family Dining;
3. New timber dado panelling to Family Living Room and Dining Room;
4. New decorative plaster ceilings to Family Living Room and Dining Room;
5. Alteration to base of main stair, to turn steps 45 degrees and new decorative plaster mouldings to main staircase, from ground up to fourth floor level.
6. Installation of trench heaters to first floor rooms, new timber dado panelling, fabric wall hangings and joinery units (concealing air-conditioning units) in first floor Reception Room;
7. Full height French panelling and bookcases to first floor Study;
8. New timber dado panelling and joinery units (concealing air-conditioning units) to meet existing cornices in first floor office;
9. New wall and ceiling design to the second floor Master Bedroom (subject to an amending condition requiring an amended design);
10. Alterations to build-out cills to windows in second floor Master Bedroom and Her En-suite and formation of shower niches to second floor en-suites.
11. Built-in joinery to conceal air-conditioning units to second floor Bedroom Two, fourth floor Bedroom Four, Studio and Living Room.
12. Blocking up internally window to secondary staircase at third floor level (rear elevation);
13. Infilling of internalised sash window overlooking main staircase at fourth floor level;
14. Alterations to approved rooflights to both roof levels;
15. Installation of external lighting and security cameras / intercoms at lower ground and ground floor levels;

16. Installation of cast-iron grilles to external walls;
17. Levelling of height of secondary chimney and installation of TV aerial and satellite dish to main roof.

The planning and listed building consent applications which are the subject of this report include all of the above works, plus the more contentious items listed 18 to 21 below:

18. Removal of internal wall and chimney breast at ground floor level to form enlarged Family Kitchen / Dining area;
19. Removal of internal wall at first floor level and false ceilings / wall linings to form formalised Garden Room;
20. Construction of extension at fourth floor level, finished in stucco to match adjoining elevation;
21. Enlargement of approved bike store to become a garage.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office

The lawful use of the building is office use (Class B1). The proposal would result in the loss office floorspace. The principle of residential conversion of the property has already been accepted by virtue of the 2014 planning permission (RN: 14/10038/FULL), and the 2015 planning permission and listed building consent (RN: 15/06723/FULL and 15/06724/LBC). Nevertheless the Council has acknowledged the need to safeguard Westminster's role as an economic generator of high value creative employment and also meet the borough's considerable housing needs. To this end, the implementation of office policies is currently being reviewed and interim measures (set out in an initial statement dated 18 March 2015) announced; no loss of office floorspace in the Core Central Activities Zone (CAZ), Named Streets, and Opportunities Areas will be considered acceptable unless a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace. As the property lies outside those identified areas it is considered that the loss of the existing office accommodation cannot reasonably be resisted.

Furthermore the provision of additional housing accommodation is welcomed under the City Plan Policy S14 and saved UDP Policy H3. Therefore the change of use is considered acceptable in principle. Moreover the proposal is to return the building to residential use is welcome in historic building terms.

Affordable housing

There is a policy expectation that the affordable housing should be provided on site.

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or over 1000sq.m of additional residential floorspace 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 additional residential floorspace within the building comprises 1,761.73m² (GEA) which triggers a requirement for the provision of 240m² of affordable housing under S16 of the Westminster City Plan: Strategic Policies and H4 of the UDP. Policy S16 adopts a cascade approach with a preference for on-site affordable housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu of the amount of affordable housing floorspace required.

It is acknowledged that provision on site in this instance would compromise the purpose of the proposals which are to return the listed building to its original use. No 11 Upper Belgrave Street was originally built as a single family dwelling. Accommodating three affordable housing units would involve the provision of separate cores, access and arrangements; the invasive works would not be acceptable on listed building grounds. Although the applicant (Grosvenor) owns a number of properties in the area, the buildings in this part of Belgravia would be costly to maintain for an RSL. In the absence of an alternative site, a payment in lieu of on-site or off-site provision is considered acceptable and the applicant has agreed to meet this requirement. The required payment in lieu is £1,412,880. A payment of £1,332,840 secured by the 29 February 2016 permission has already been paid to the Council. The applicant has agreed to pay the additional amount of £80,040 to meet the full policy compliant figure required in connection with the current application. Had the application been considered acceptable in all other aspects the affordable housing contribution would have been secured by Grampian condition.

8.2 Townscape and Design

In accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when determining these applications special regard / attention must be paid to the preservation of the special architectural / historic interest of the listed building and to the preservation / enhancement of the character / appearance of the conservation area. As guided by Sections 7 and 12 of the NPPF, great weight must be placed on the preservation of designated heritage assets such as these, and harm may only be granted permission where that harm would be significantly and demonstrably outweighed by public benefits which can only be secured through allowing that harm.

The works proposed by the applications which are the subject of this report are extensive, and would on the whole return the building to a more elaborate set of interiors of very high quality, commensurate with the size and significance of the building. They are based on a sound assessment of the building and Basevi's other works, but also introduce new (traditionally designed) elements of interior design which would add new layers to the building's architectural significance.

Items 1-17 listed above in Section 7 of this report have already been approved on 31 May 2016 under application references 16/02428/LBC and 16/2410/NMA. N.B. Item 9 was approved subject to a condition requiring an amended design for the panelling to the Master Bedroom on the second floor. Without such a condition the panelling proposed for this room is considered unacceptable, see below. Items 18-21 of the proposals are considered to be more contentious and therefore form the subject of this report.

Items 9: Second Floor (internal)

The design shown for the Master Bedroom is considered to be excessively elaborate for a bedroom at this level in the building, which is otherwise characterised by a decreasing architectural hierarchy from this floor upwards (the second floor should be notably simpler in design than the principal Ground and First Floors).

Item 18: Ground Floor Kitchen

Approval is sought to remove an internal wall and chimney breast, leaving shallow nibs and a downstand from the ceiling, to create a larger Family Kitchen / Dining Room. As approved by the original consents, these two spaces would have remained separate but linked via enlarged openings each side of the chimney breast.

The rooms affected are secondary rooms, but are characteristic of the cellular planform, more modest rooms typical towards the rear of a house of this type. The proposal would result in a significant loss of historic fabric, most particularly in the form of the chimney breast which projects from the side walls. Whilst the nibs and downstand would provide some interpretation of the rooms' historically separate form, the character of the resultant space would be effectively that of one room, so losing the distinctive small cellular planform to this part of the house.

Item 19: First Floor Garden Room

To the first floor it is proposed to remove the wall which separates the Garden Room from the inner lobby, and to build into the space a highly designed set of suspended ceilings and wall linings, to link the first floor external terrace through the principal Reception Room without having to traverse the separate lobby.

The layout of this space is important to the cellular planform of the building, as are the internal proportions of the Garden Room. The proposals would wholly overwhelm the character of this space, concealing the attractive cornicing which defines the room and deleting the understanding of the planform in this part of the house.

Item 20: Fourth Floor Extension

The extant approvals include for an extension to the closet wing at third floor level to be finished in brick to match the more vernacular rear elevations of the terrace and to define it from the more polite elevations of the main house and rear wing, facing Wilton Street. It is now proposed to extend the closet wing further, up to the top fourth floor, to be finished in stucco to match the main rear wing.

Policy DES 5 of the Unitary Development plan is clear that extensions should normally terminate a storey below the main parapet level – this proposal would equal the main parapet level. Whilst the policy uses the terminology of ‘normally’ so accepting that there may occasionally be exceptions, it is not considered that this property provides such an exception. In extending to this level and in the same material as the main rear wing, would create an adversely broad rear elevation, with proportions in excess of the established proportions of the principal elevations. It would blur the line between the main rear wing and the closet wing.

Item 21: Enlargement of Approved Bike Store to Garage

Objections have been received on design grounds to the introduction of a garage to the Wilton Street elevation of the building.

The proposed arched garage door to the Wilton Street (side) elevation is designed to mimic the mews arches which are common in Belgravia. The manner in which this would be infilled by a combined pedestrian and garage door set however compromises that design such that, whilst acceptable and not unattractive, it would be a somewhat confused design, not least because the entrance to Wilton Mews remains, without an arch, almost immediately to the east of the site.

However, the design as proposed is otherwise of a high quality and would, subject to detailing, produce an acceptable addition to the side elevation of the house. Therefore it is not considered reasonable to refuse permission/consent on design and listed building grounds in relation to the introduction of a garage.

Summary: Townscape, Heritage and Design

Items 1 to 8, and 10 to 17, and Item 21, are considered acceptable in design grounds. Items 1 to 17 have also been determined under officers’ delegated powers separately via the concurrent NMA/LBC submission listed in the planning history above, including an amending condition to deal with Item 9.

Items 9 and 18 to 20 are however considered to be harmful to the special architectural and historic significance of the listed building, and item 20 would in addition harm the building’s positive contribution to the character and appearance of the Belgravia Conservation Area.

Whilst the proposals would undoubtedly introduce some personal benefits for the applicant, although these are likely to be minimal, there would be no public benefits resulting from the harm which is considered to be caused. As such there are considered to be no exceptions to the statutory presumption against harm as required by the Act and the NPPF, and as such Planning Permission and Listed Building Consent are recommended to be refused for the reasons listed below.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly in dwellings, and that developments should not

result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The proposals include rear extensions at first, third and fourth floor levels. The proposal is supported by a daylight and sunlight assessment, and due to the existing relationships with the adjoining properties the proposed rear extensions do not raise amenity concerns.

Under planning permission 15/06723/FULL the principle of roof terrace at first and fifth floor levels were considered acceptable in amenity terms.

The introduction of a garage on the Wilton Street elevation allowing space for one car is not considered to raise amenity concerns for the adjoining neighbours.

8.4 Transportation/Parking

Nine letters of objection have been received regarding the creation of the garage to the Wilton Street elevation with an associated crossover. The neighbours are particularly concerned about design, pedestrian and vehicular safety and loss of parking issues. One letter of objection refers to the fact that the creation of a garage was not originally mentioned in the description of development. This was amended and new consultation letters to neighbours were sent.

Whilst the position of the new access is not ideal given the nature of Wilton Street and Wilton Mews, the applicant has submitted a Transport Statement in support of the proposed access which is considered acceptable and generally robust. The information indicates relatively low speeds on both roads. The proposed garage will provide space for one car only, it is a low speed road with accesses, and the proposed garage is set back from the public highway with railings enclosing the front space. Therefore it is not considered reasonable to refuse permission on pedestrian and vehicular safety grounds.

The area of kerb where the crossover would be installed is occupied by a section of residential car parking bays. The proposal will result in the loss of a minimum of 2 on-street car-parking spaces, maybe more when visibility splays are factored into the measurement. The provision of one private off-street car parking space is not normally considered a direct and suitable replacement for on-street parking as it is limited to small number of users contrary to on-street car parking spaces which are of benefit to many.

The applicant proposes to provide at no public cost 2 replacement parking bays within the immediate vicinity of the site and as such the proposal will not result in the loss of on-street residents parking. Had the application been considered acceptable, this would have been secured through Grampian condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Other than remarks made in section 8.4, there are no other access issues associated with this proposal.

8.7 Other UDP/Westminster Policy Considerations

Had the application been considered acceptable on design grounds the Council's standard noise conditions would have been recommended in relation to the installation of condensers at roof level.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Not relevant

8.11 Environmental Impact Assessment

Not relevant.

8.12 Other Issues

Three letters of objection raise concerns about the excavation works, noise, and disturbance associated with the creation of a garage.

The excavation works of 1000mm remain as per approved scheme under 15/06723/FULL and 15/06724/LBC.

Objection on the grounds of noise and disruption during construction works do not in themselves form a sustainable reason to refuse permission. Had the application been considered acceptable the Council's standard hours of building works condition would have been recommended. In addition a highway licence would be required before any construction equipment such as scaffolding or skips can be placed on the road or pavement.

9. BACKGROUND PAPERS

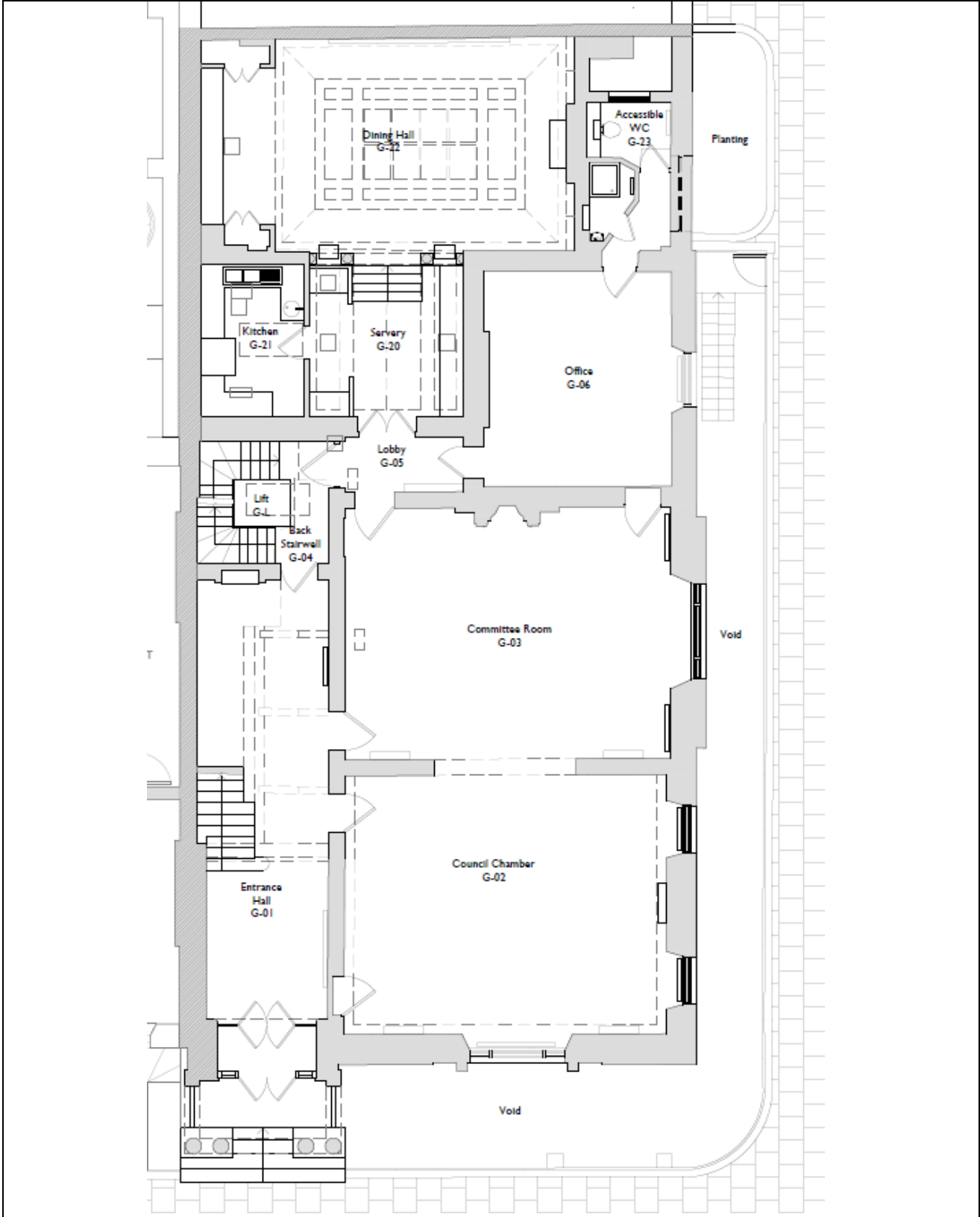
1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 26 April 2016
3. Memo from the Highways Planning Manager, dated 11 May 2016
4. Letter from agent of occupier of 15a Wilton Street, London, dated 8 April 2016
5. Letter from occupier of 1 Wilton Street, London, dated 26 April 2016
6. Letter from occupier of 14 Wilton Street, London SW1X 7AF, dated 28 April 2016

7. Letter from occupier of 6 Wilton Street, London SW1X 7AF, dated 28 April 2016
8. Letter from occupier of 11, Wilton Street, dated 29 April 2016
9. Letter from occupier of 17 Wilton Street, London, dated 2 May 2016
10. Letter from occupier of 5 Wilton Street , London, dated 3 May 2016
11. Letter from occupier of 4 Wilton Street , London, dated 3 May 2016
12. Letter from occupier of 12 Upper Belgrave Street , London, dated 9 May 2016
13. Letter from occupier of 16 Wilton Street , London, dated 9 May 2016
14. Letter from occupier of 19 Wilton Street, London, dated 11 May 2016
15. Letter from occupier of 8 Wilton Street, London, dated 19 May 2016

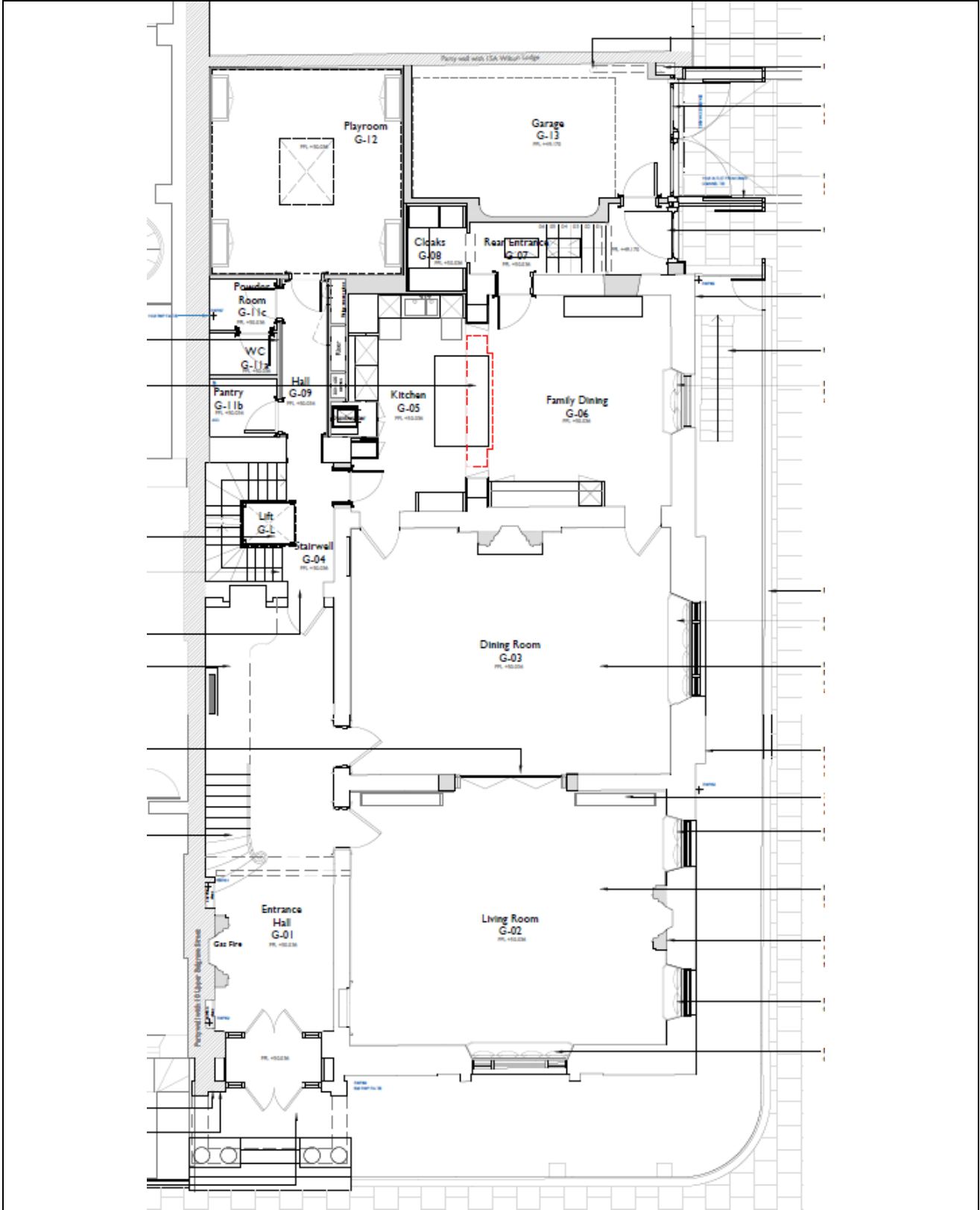
Selected relevant drawings

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

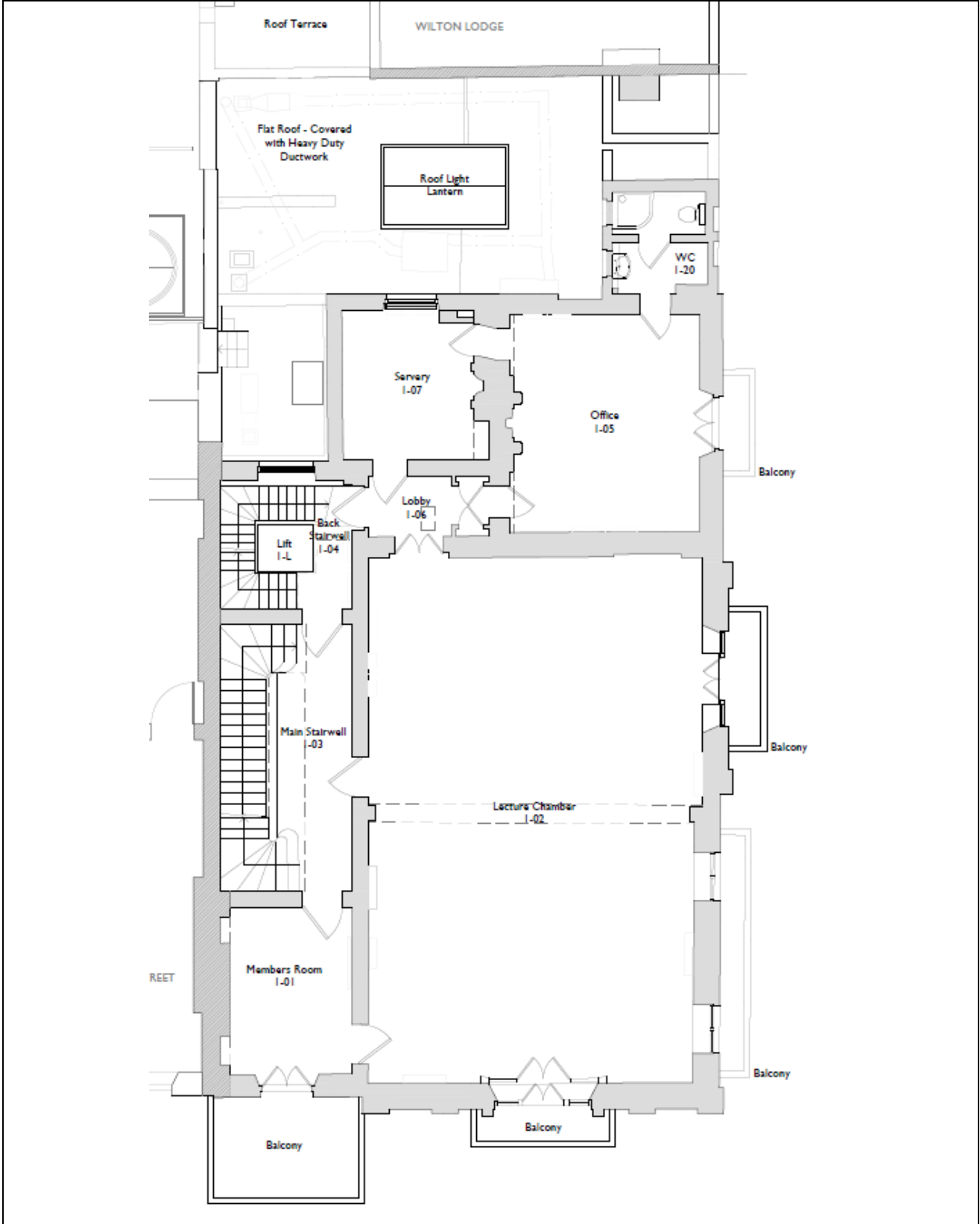
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AURORE MANCEAU ON 020 7641 7013 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk



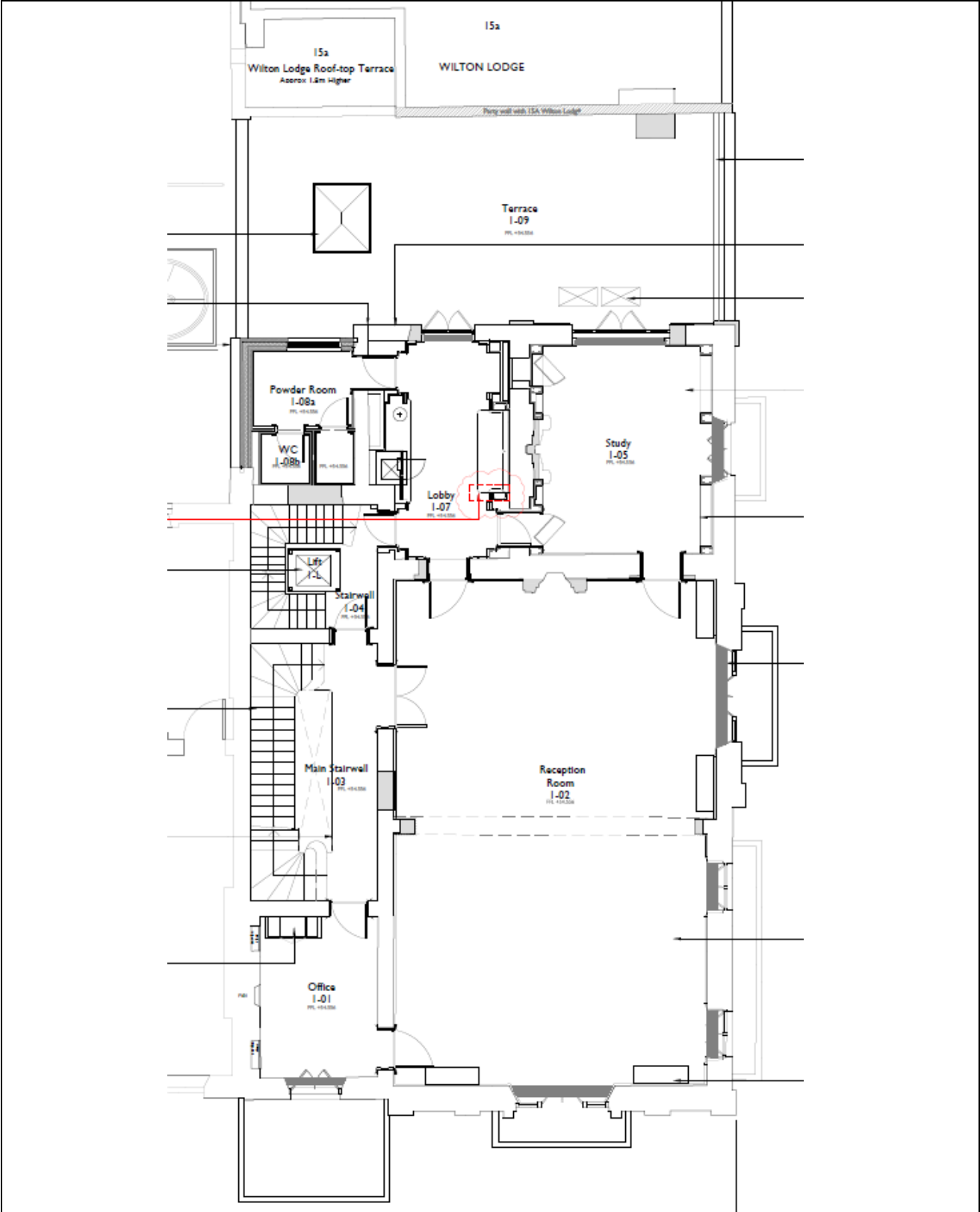
Existing ground floor



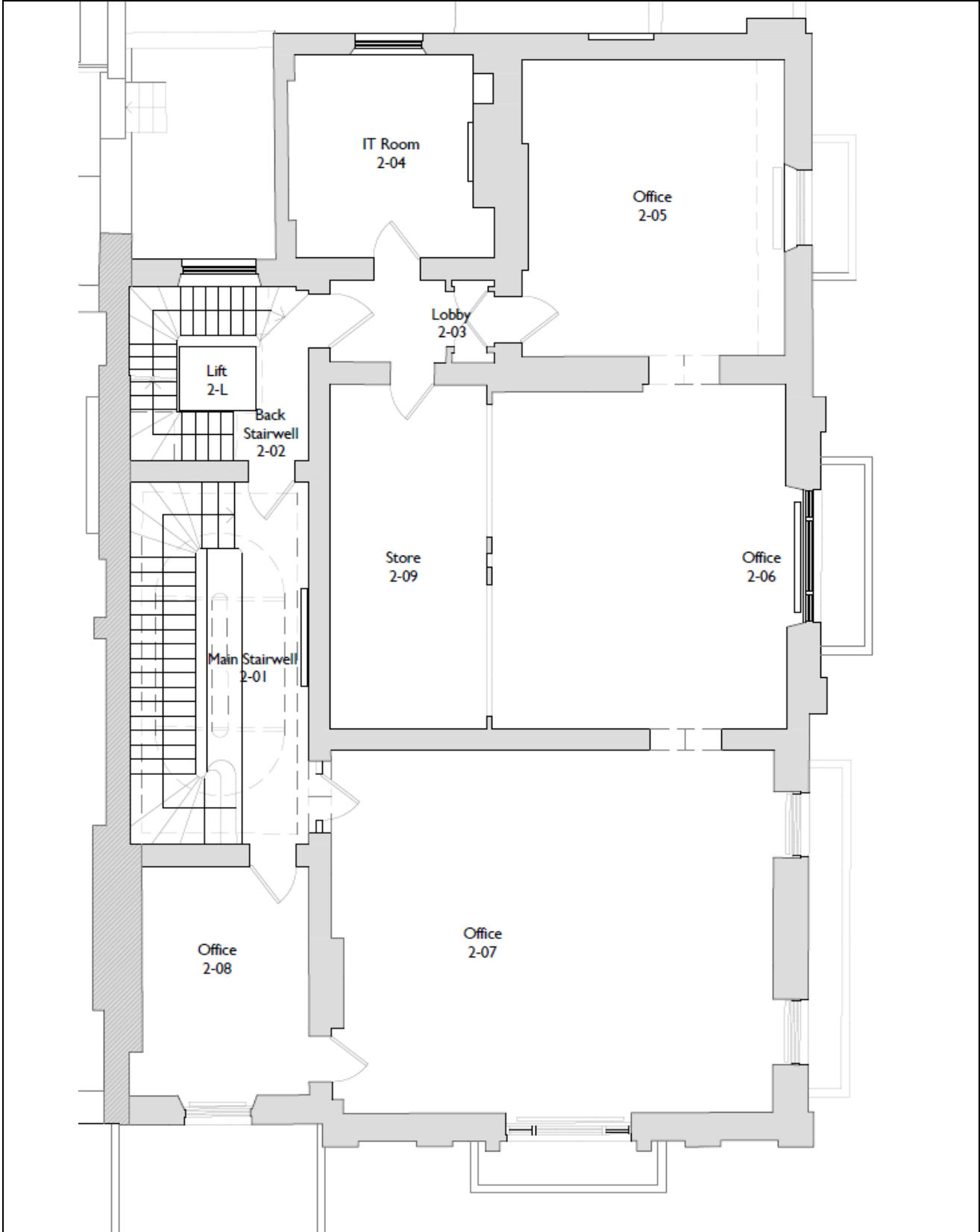
Proposed ground floor



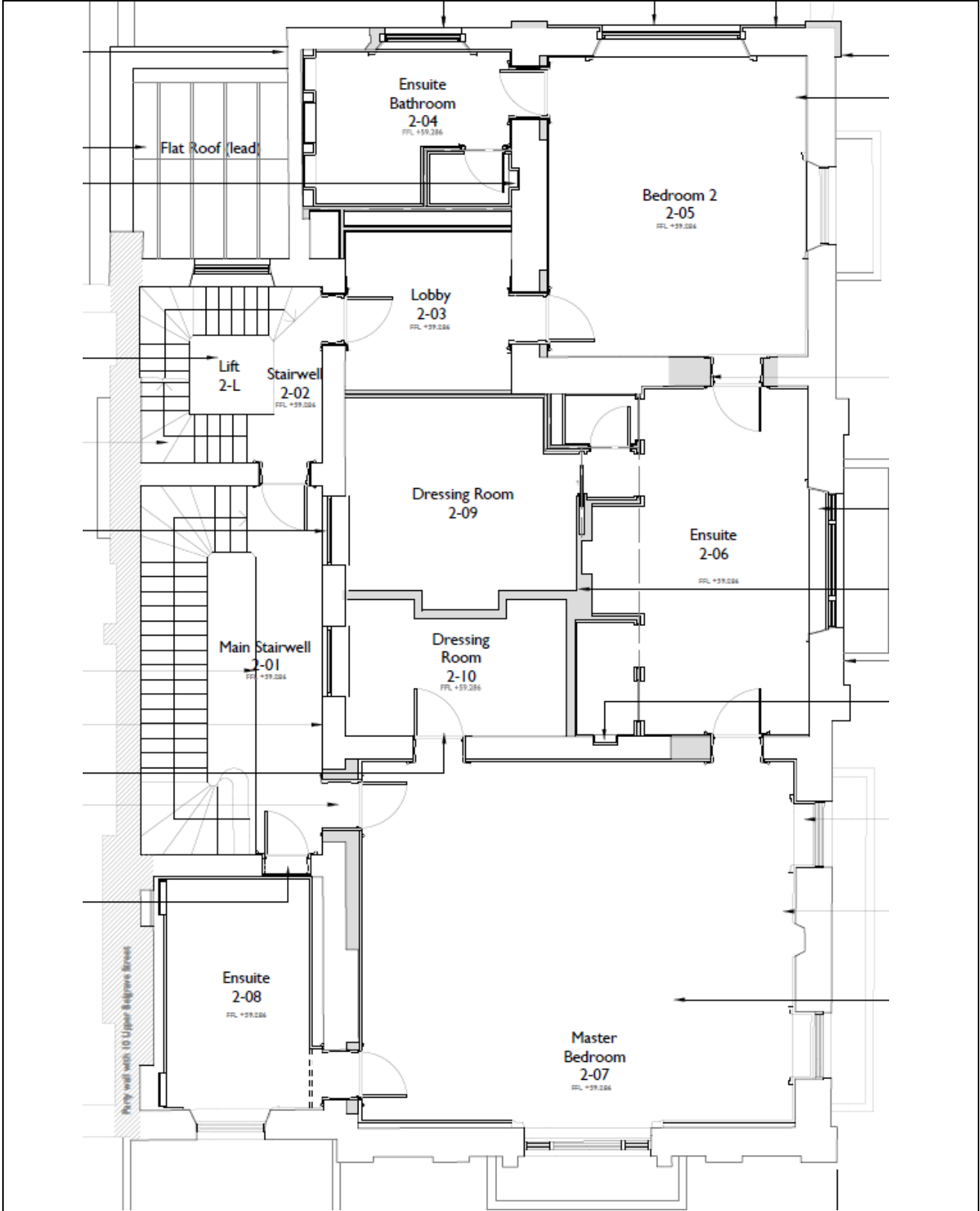
Existing first floor plan



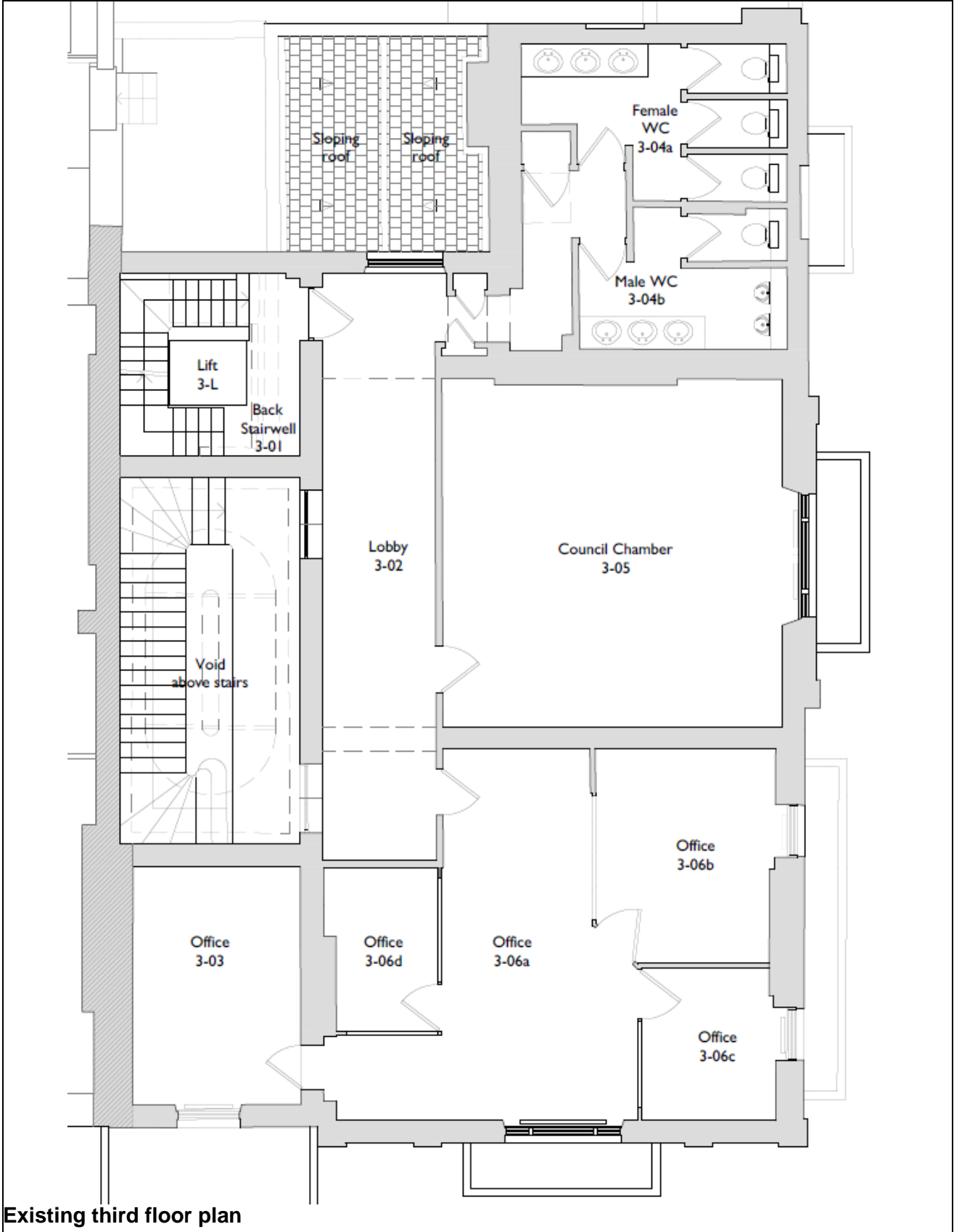
Proposed first floor plan



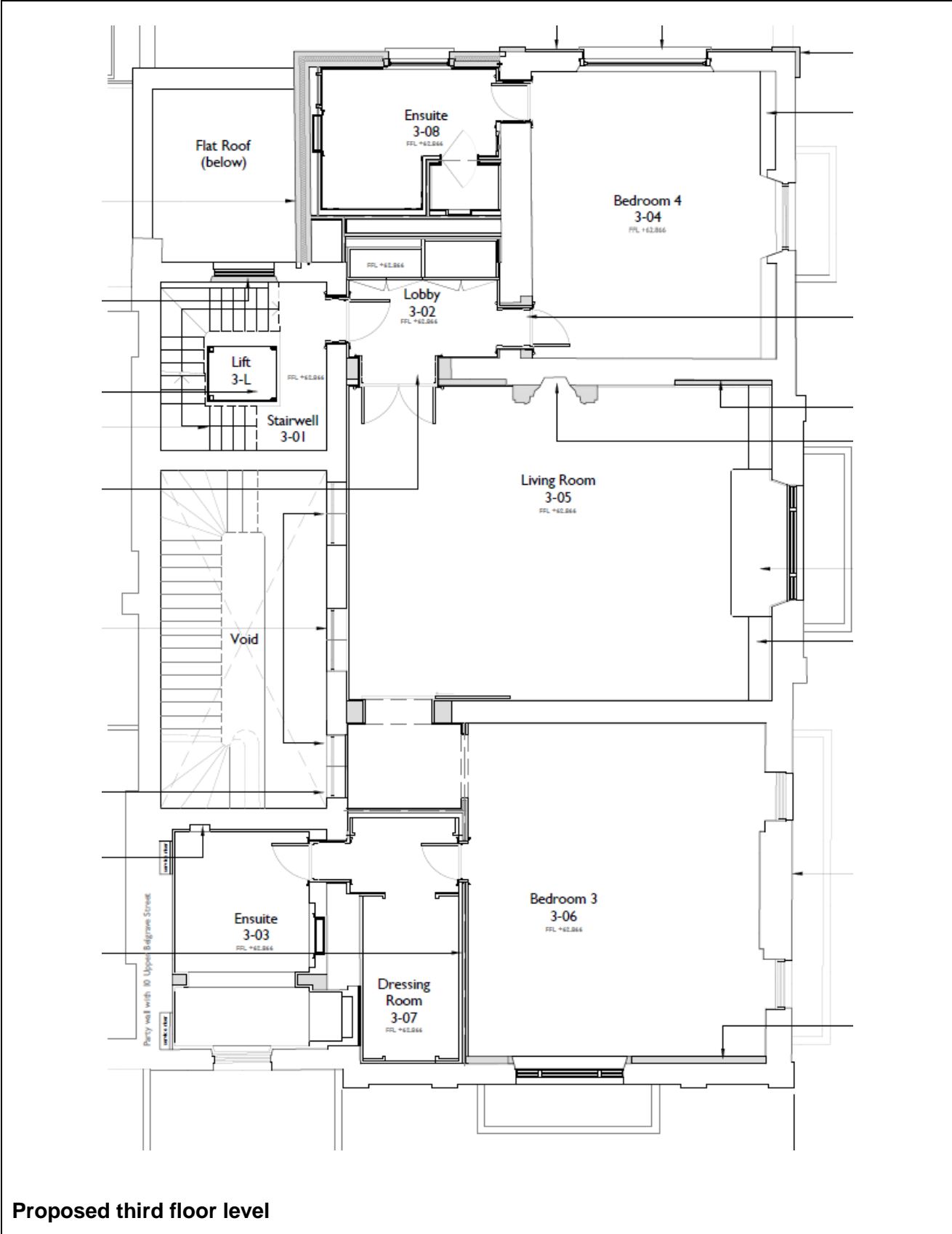
Existing second floor plan



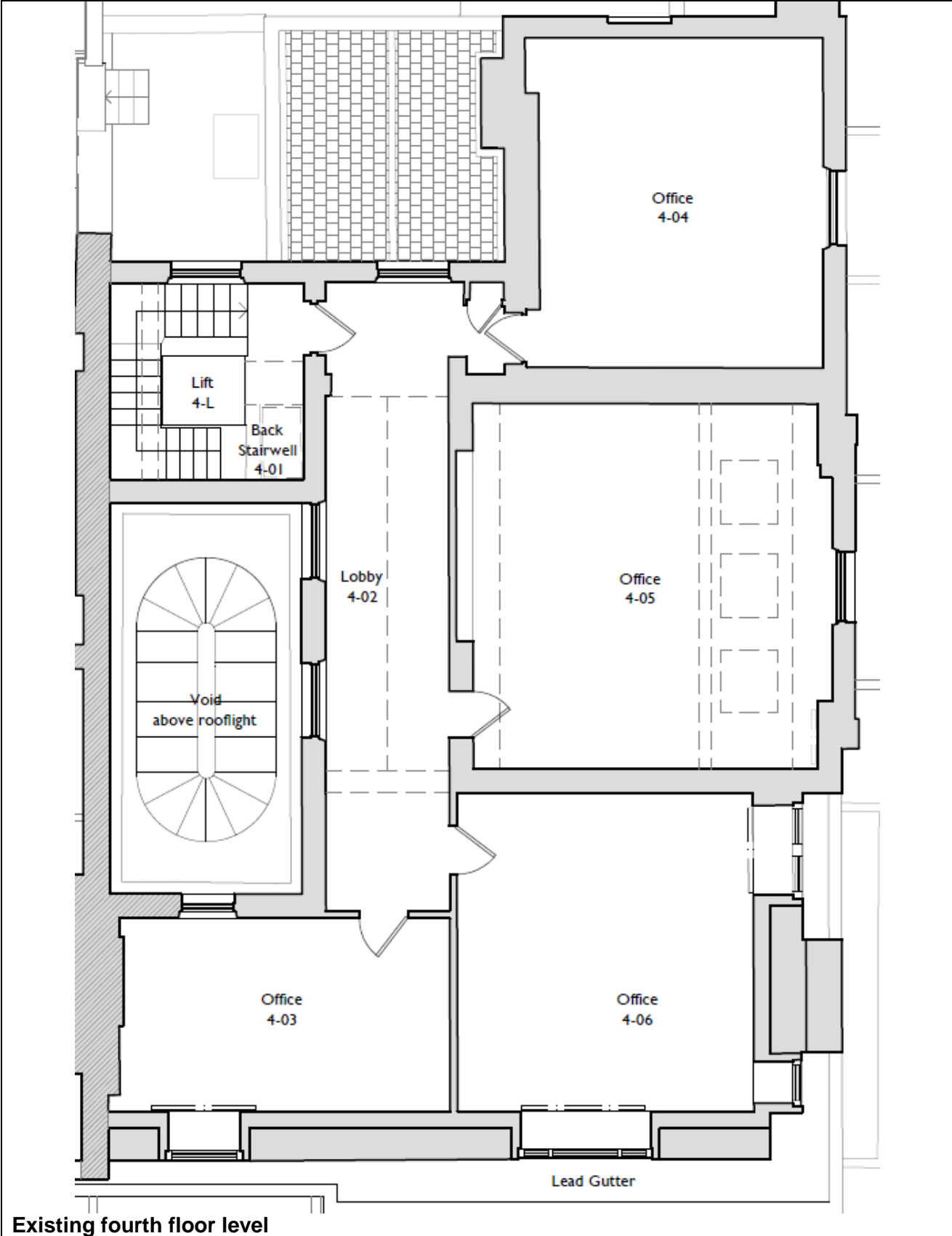
Proposed second floor plan



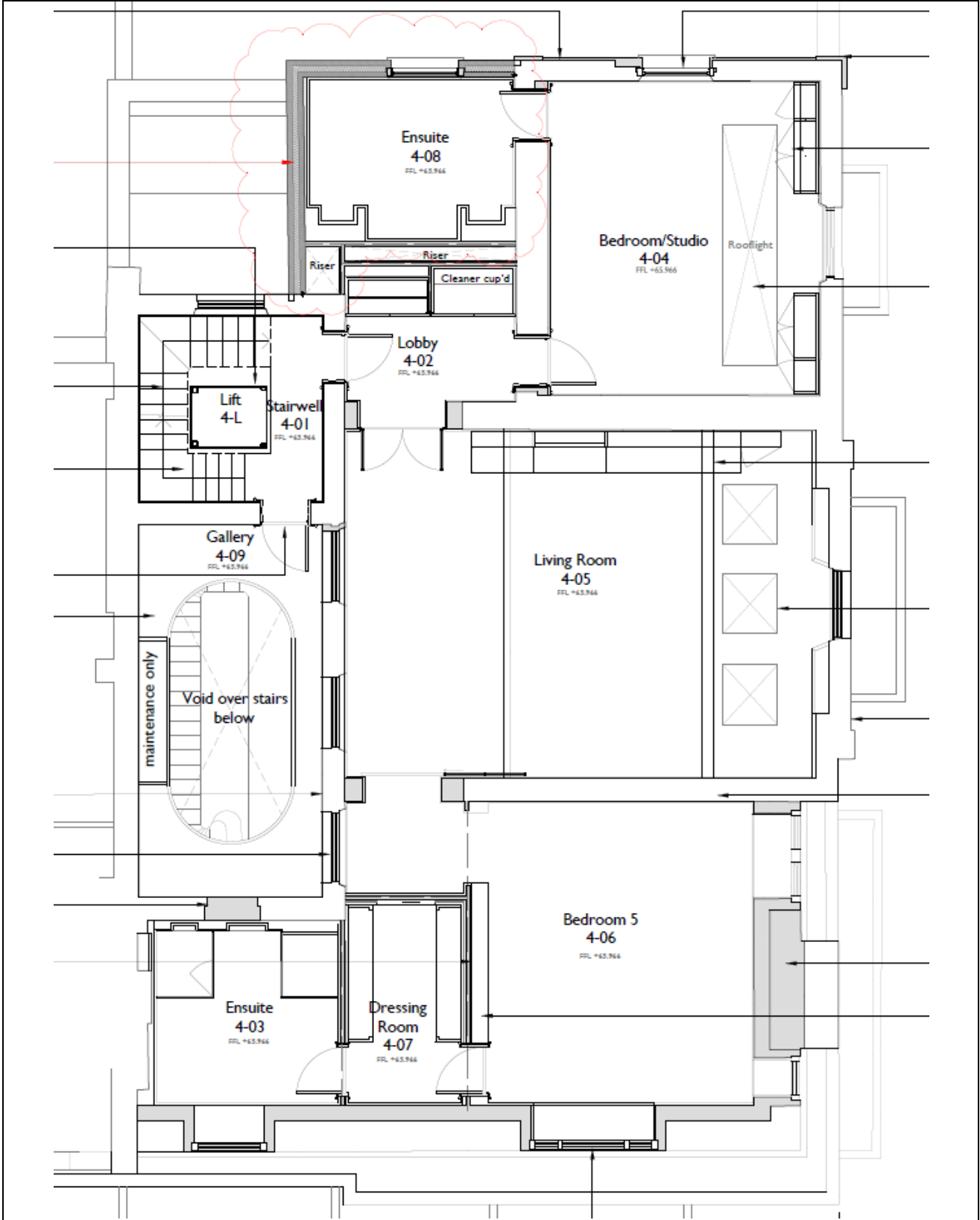
Existing third floor plan



Proposed third floor level



Existing fourth floor level

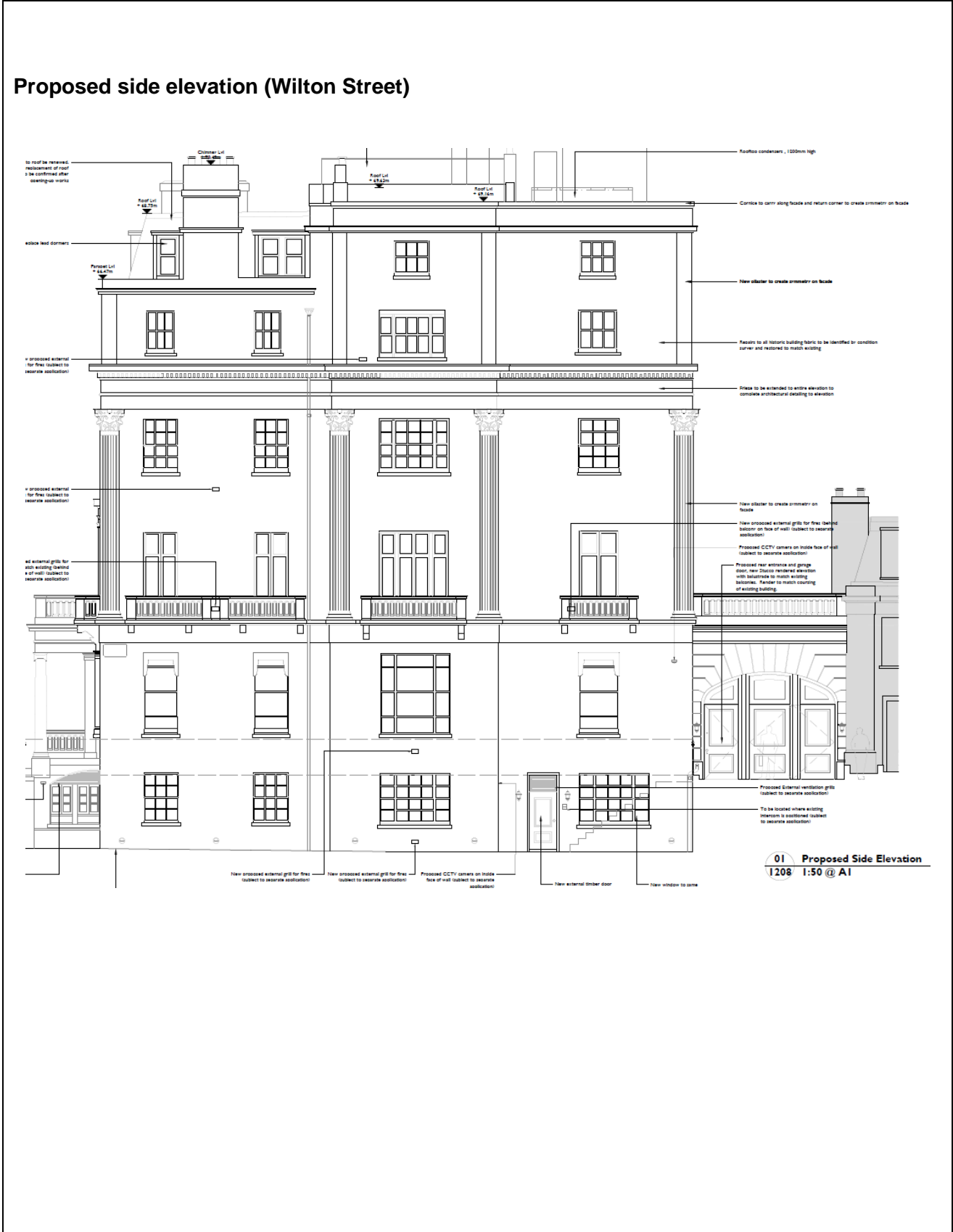


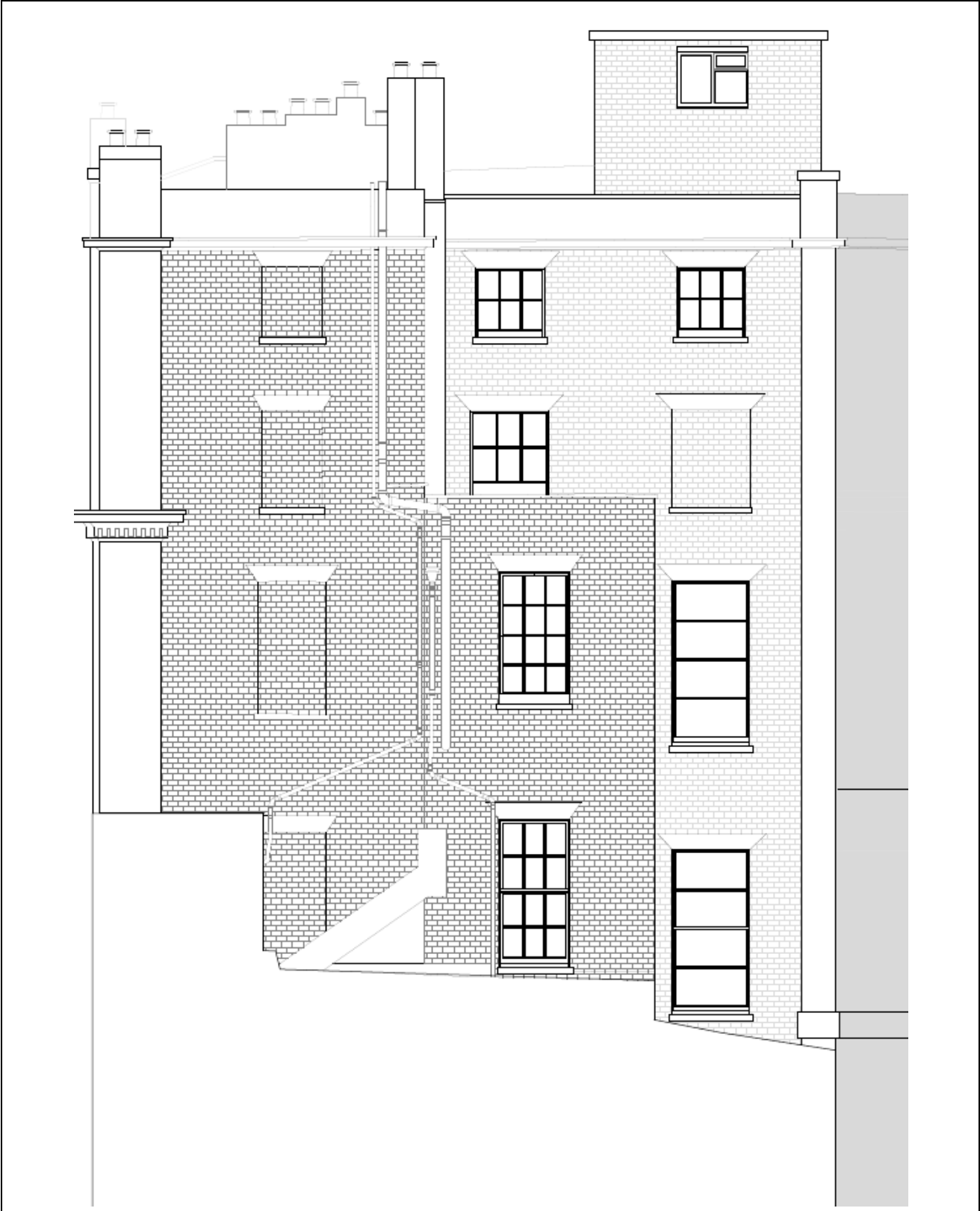
Proposed fourth floor plan

Existing side elevation (Wilton Street)



Proposed side elevation (Wilton Street)





Existing rear elevation



Proposed rear elevation

DRAFT DECISION LETTER

Address: 11 Upper Belgrave Street, London, SW1X 8BD,

Proposal: Internal and external alterations including creation of a garage on the Wilton Street elevation with associated crossover, a rear extension at fourth floor level in connection with the use of the property as a single family dwelling; in addition of excavation works at lower ground floor, rebuilding of ground floor rear infill addition, rear extension at first floor and third floor levels, creation of terraces at first and roof levels, and installation of condensers at roof level as approved under 15/06723/FULL.

Reference: 16/02481/FULL

Plan Nos: 000 rev. A; 100 rev. A; 101 rev. A; 102 rev. A; 103 rev. A; 104 rev. A; 105 rev. A; 106 rev. A; 120; 121; 122 rev. A; 1200; 1201 rev. A; 1202; 1203; 1204; 1205; 1206; 1207; 1208; 1209; 1210; 2011; 2012; 2015; 2016 rev. A; 2017; 2021; 2022; 2023; 2027; 2028; 2030; 2031; 2032; 2033; 2050; 2051; 2052; 2055; 2056; 2057; 1130; 1131; 1132; 1133; 1134; 1135; 1136; 1170; 1171; 1172; 2034; 2035; 2036; 2037; 2038; 2039; 2040; 2041; 2045; 2046; 2048; 2049; 721; 722; 723; 724; 711; 712; 713; 714; 715; 716; SK072; Environmental noise survey and dry cooler/water cooled condenser noise assessment dated 16 July 2015. FOR INFORMATION ONLY: Transport statement dated 29 February 2016; Daylight and sunlight report dated July 2015; Design and access statement dated March 2016; Feasibility stage report dated July 2015; Heritage appraisal and impact statement dated March 2016; Belgravia garage study dated March 2016. ,

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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

Because of its size, location and relationship to the original building the fourth floor rear extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Belgravia Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and paras 10.108 to 10.128 of the Unitary Development Plan, adopted January 2007. (X16AC)

Informative(s):

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

practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.

Address: 11 Upper Belgrave Street, London, SW1X 8BD,

Proposal: Internal and external alterations including the creation of a garage with associated alterations, a rear extension at fourth floor level in connection with the use of the property as a single family dwelling; in addition of excavation works at lower ground floor, rebuilding of ground floor rear infill addition, rear extension at first floor and third floor levels, creation of terraces at first and roof levels, and installation of condensers at roof level as approved under 15/06724/LBC.

Plan Nos: 000 rev. A; 100 rev. A; 101 rev. A; 102 rev. A; 103 rev. A; 104 rev. A; 105 rev. A; 106 rev. A; 120; 121; 122 rev. A; 1200; 1201 rev. A; 1202; 1203; 1204; 1205; 1206; 1207; 1208; 1209; 1210; 2011; 2012; 2015; 2016 rev. A; 2017; 2021; 2022; 2023; 2027; 2028; 2030; 2031; 2032; 2033; 2050; 2051; 2052; 2055; 2056; 2057; 1130; 1131; 1132; 1133; 1134; 1135; 1136; 1170; 1171; 1172; 2034; 2035; 2036; 2037; 2038; 2039; 2040; 2041; 2045; 2046; 2048; 2049; 721; 722; 723; 724; 711; 712; 713; 714; 715; 716; SK072.

FOR INFORMATION ONLY: Design and access statement dated March 2016; Heritage appraisal and impact statement dated March 2016; Belgravia garage study dated March 2016.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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

Reason:

Because of its size, location and relationship to the original building the fourth floor rear extension would harm the special interest, character and appearance of this grade II* listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Belgravia Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and paras 10.108 to 10.128 of the Unitary Development Plan, adopted January 2007. and the advice set out in paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EA)

Reason:

Because of the alterations to the historic plan form and spatial character of the building's interior, the removal of the walls between the proposed kitchen and family dining room at ground floor level would harm the character and special interest of this grade II* listed building. This would be against the advice 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 the advice set out in paragraphs 6.18-6.20 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

Because of the alterations to the historic plan form and spatial character of the building's interior, the removal of the walls between the proposed garden room and lobby at first floor, would harm the character and special interest of this grade II* listed building. This would be against the advice 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 the advice set out in paragraphs 6.18-6.20 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

Because of its over-elaborate design and poorly designed proportions, the proposed applied plaster wall panelling and ceiling to the Master Bedroom (Room 2-07) would harm the character and special interest of this grade II* listed building. This would be against the advice 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 the advice set out in paragraphs 6.18-6.20 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Thrutchley House, 1 Bickenhall Street, London, W1U 6BN,		
Proposal	Variation of condition 9 on planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the 'Use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area': Namely, to reduce the amount of obscure glazing in the rear elevation.		
Agent	Iceni projects Ltd		
On behalf of	FW properties		
Registered Number	16/01740/FULL	Date amended/ completed	26 February 2016
Date Application Received	26 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant condition permission

2. SUMMARY

On 26 June 2014 permission was granted for alterations including a roof extension in connection with the conversion of the building from offices (Class B1) into 3 x residential flats. The residential comprising 2 x 2 bed units at ground and first floors and a 3 x bedroom maisonette at 2nd and new 3rd floor levels. The scheme included the provision of new larger windows at rear 1st to 3rd floor levels comprising six vertical panes.

Given the proximity of adjacent existing residential at Bickenhall Mansions to the west and 113 Baker Street to the east, in order to prevent overlooking the applicant proposed to install obscure glazing in the four outer window panes, leaving the two central window panes with clear glazing. The permission granted on 26 June 2014 was subject to a condition (No 9) which required samples of the obscure glazing to be approved and permanently retained.

Building works have now been completed and the flats are ready for occupation. The applicant has

installed four pane vertical rear windows. Currently all the glazing is clear.

The application seeks to vary condition 9 on permission dated 26 June 2014 to enable the central window panes to remain as clear glazing and require only the outer two window panes to be fitted with obscure glazing.

The single issue for consideration is the impact that this change would have in amenity terms and specifically if it would result in a material increase in overlooking and a loss of privacy to existing residents.

In response to consultations two objections have been received, both from residents at Bickenhall Mansions an adjacent residential building to the west. One of the objections refers to increased overlooking to a bedroom, the other refers to restricted access to a reconstructed garage which was part of the original permission and is not however directly relevant to the current application.

The orientation of the rear of the application premises and Bickenhall Mansions does result in a degree of mutual overlooking between the respective buildings. However given the oblique angle between the buildings the overlooking is only apparent close to the face of the windows. When situated further within the rear rooms at the application premises there is no direct overlooking to Bickenhall Mansions. Allowing the full central window panes to be fitted with clear glass would marginally increase mutual overlooking but this would only occur in a very small area of the rear rooms. It is considered that the proposed change would not result in a material worsening in the overlooking that would be experienced and there would be no significant loss of privacy. Furthermore the extent of overlooking that would result is not uncommon for a central London location.

It is therefore recommended that permission is granted to vary the condition as proposed. The applicant is advised that the outer window panes should be fitted with obscure glazing and not the clear glazing as is currently installed.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Rear Application Window



5. CONSULTATIONS

Marylebone Association:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 284

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections received raising the following issues.

Amenity

Overlooking, loss of privacy

Other

Access to parking spaces to the rear of the block is restricted, construction of a garage would add to congestion.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Letter from owner/ occupier of Penthouse 5 Bickenhall Mansions Bickenhall Street , dated 20 March 2016
3. Letter from owner/ occupier of 163 Bickenhall Mansions, Bickenhall Street, dated 28 March 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 MIKE WALTON ON 020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

7. KEY DRAWINGS



Item No.
7

DRAFT DECISION LETTER

Address: Thrutchley House, 1 Bickenhall Street, London, W1U 6BN

Proposal: Variation of condition 9 of planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the "use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area". Namely, to vary the approved drawing numbers to reduce the amount of obscured glazing required.

Plan Nos: 5084(PA6)-02_100/A; 5084(PA6)-02_101A; 5084(PA6)-02_102;
5084(PA6)-02_103; 5084(PA6)-02_104; 5084(PA6)-02_105; 5084(PA6)-02_110;
5084(PA6)-02_111; 5084(PA6)-02_120;

5048 (PA6)_02-106; 5048 (PA6)_02-107; 5048 (PA6)_02-122; 5048 (PA6)_02-123;

5084(PA6)-32_203
5084(PA6)-32_205
5084(PA6)-32_206
5084(PA6)-32_207
5084(PA6)-32_208
5084(PA6)-32_209
As approved 26 June 2014 RN 14/05948/FULL

5084 (PA6)-09-121 (current application)

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

Development Plan that we adopted in January 2007. (R11AC)

- 3 You must 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)

- 4 You must provide details including drawings of cycle storage with spaces for a minimum of 3 bicycles for residents of the flats. You must not start work until we have approved what you have sent us. You must then carry out the work according to the drawings, and thereafter the cycle spaces must be retained and the spaces 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 samples of the facing materials you will use for the new garage building, 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in 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 The areas of obscured glazing (shaded in light grey) shown in approved drawing 5084(PA6)_09_121 which are to be installed in the new windows in the south facing rear elevation of the building must not be clear glass, and you must fix these parts permanently shut. You must apply to us for approval of a sample of the obscured glass (at least 300mm square). You must not start work 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)

- 10 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 residential 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)

- 11 The garage hereby approved shall be completed in its entirety prior to the occupation of the flats hereby approved and the garage shall be used solely for the parking of vehicles of people living in the three flats hereby approved at 1 Bickenhall Street.

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. (R22CC)

- 12 You must not use the garage for trade or business purposes or as living accommodation.

Reason:

Any other use of the garage would harm the environment of residents and the area generally. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22DC)

- 13 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sedum planted garage roof to include construction method, layout, species and maintenance regime.

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

Reason:

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

- 14 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- sedum planted garage roof

You must not remove any of these features, unless we have given you our permission in writing

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)

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 Your attention is drawn to condition 9 on this permission which requires that the outer window panes of windows at rear 1st to 3rd floors to be fitted with obscure glazing and not the clear glazing that has been installed. We may take legal action to ensure that obscure glazing is installed.

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	17 Berkeley Street, London, W1		
Proposal	Approval of details pursuant to Condition 10 of planning permission dated 19 May 2015 (RN: 14/07972), namely the submission of a post-commissioning noise survey to demonstrate the plant noise levels will be compliant with		
Agent	Mr Jonathan Phillips		
On behalf of	Park Chinois Ltd		
Registered Number	15/10418/ADFULL	Date amended/ completed	26 January 2016
Date Application Received	9 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Approval details.

2. SUMMARY

No. 17 Berkeley Street comprises basement ground and six upper floors. The basement and ground floors are a lawful restaurant with residential flats above. Permission was granted on 19 May 2105 for new plant for the restaurant comprising the following:

- kitchen extract equipment with associated screening at roof level;
- new refrigeration pipework and flue within lightwells; and
- extension of an approved duct from the northern lightwell across the roof.

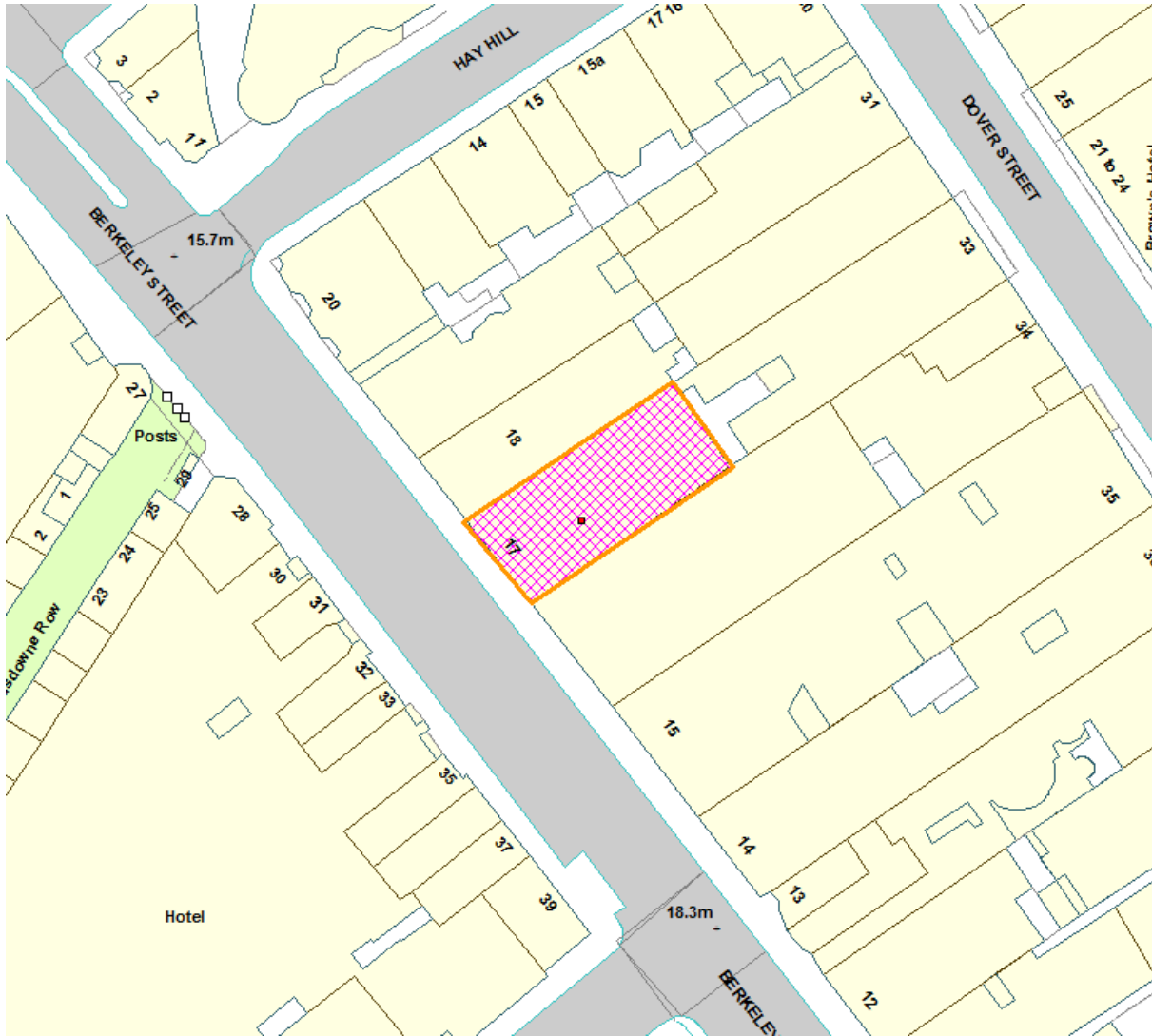
The permission was subject to a condition (No 10) which required a supplementary acoustic report to be approved to demonstrate that the operation of the plant would comply with the City Council's noise conditions. The acoustic report has now been submitted and an application made to discharge the condition.

The key issue in this case is:

* The impact of the noise from plant upon the amenity of neighbouring sensitive occupiers.

Five objections have been received from neighbouring residents that the operation of plant results in noise nuisance. Due to these concerns in addition to assessing the supplementary acoustic report Environmental Health have visited the property to carry noise measurements. They advise that the plant is not audible within the residential flats and the plant operates at acceptable noise levels in accordance with the requirements of the noise condition on the original permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Objections received on some or all of the following grounds:

Noise from the plant will detrimentally impact residential amenity for nearby occupiers.

The operation of the machinery should be 'locked' by WCC to prevent the applicant operating outside of the approved hours.

Noise measurements have been taken in the wrong locations.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 17 Berkeley Street is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone as defined by the City Plan. The property currently has lawful use as a restaurant (Class A3) at basement and ground floors which is connected internally to the existing restaurant at ground, basement and sub-basement of 33 Dover Street to the rear of the application premises. The first to sixth floors of the property are in use as residential flats. The property has northern and southern lightwells.

6.2 Recent Relevant History

01/08268/CLOPUD – A Certificate of Lawfulness was granted on the 23 April 2002 for the 'use of basement and ground floors of Berkeley Street as a restaurant (Class A3). Installation of ductwork within internal lightwells and new shopfronts (Site includes 33 Dover Street.)'

14/07972/FULL - Permission was granted on the 19th May 2015 for the erection of new plant and kitchen extract equipment with associated screening at roof level, new refrigeration pipework within lightwells, new flue within southern lightwell and extension of an approved duct from the northern lightwell across the roof.

15/07466/ADFULL – On 4 November 2015 details of an acoustic report pursuant to Condition 10 of planning permission dated 19 May 2015 (RN: 14/07972), was refused. The application was refused as the acoustic report did not cover all operational plant, and did not therefore demonstrate compliance with the noise condition.

7. THE PROPOSAL

The latest application again seeks to discharge Condition 10 on permission dated 19 May 2015. The condition stipulated the following:

‘You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition 3 of this permission.’

A supplementary acoustic report has been submitted for approval.

DETAILED CONSIDERATIONS

7.1 Land Use

Not applicable.

7.2 Townscape and Design

Not applicable.

7.3 Residential Amenity

The nearest residential properties to the approved plant are on the upper floors of the building itself with the first to sixth floors being in use as twelve residential flats. Objections have been received from the occupants of five of the flats.

Residents are concerned that the plant is not operating in accordance with noise condition, which they attest is audible within the flats. Furthermore that noise levels have not been taken from within lightwell D of the site. Instead the applicant extrapolates the background noise levels recorded in lightwell C and suggests these must be similar to those in lightwell D. These concerns formed the basis for the City Council refusing the previous application to discharge the condition in November 2015.

The acoustic report submitted with the application measured the lowest background noise level over a 24 hour period as being 44dB. Further to the objections received from residential occupiers Environmental Health have undertaken a site visit and installed their own noise monitoring equipment. This was in place between 20:00 on Saturday 16th April 2016 to 08:00 on Sunday 17th April 2016. The measurements recorded by Environmental Health show that the background noise measurements included in the applicants acoustic report are accurate and consistent with the actual noise levels in the lightwell. The noise measurements carried out by Environmental Health include readings within lightwell D.

Environmental Health advise that with the acoustic mitigation measures in place as detailed and conditioned on the original planning permission the plant operation is compliant with the standard City Council requirements.

7.4 Transportation/Parking

Not applicable.

7.5 Economic Considerations

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

7.6 Access

Not applicable.

7.7 Other UDP/Westminster Policy Considerations

An objector has requested that the settings on the plant items are 'locked' so that they can not be altered without the knowledge of the City Council. This is not considered feasible or necessary; conditions were applied to the original consent restricting the hours of operation of the plant and the power output of the plant items over the day to ensure the noise levels are compliant with the City Council requirements. If the applicant operates the plant in a manner which does not accord with the relevant conditions then they will be liable to planning enforcement action.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

8. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 18th May 2016
3. Letters from the occupier of Flat 9, 17 Berkeley Street, London dated 5 December 2015 and 27 December 2015
4. Letter from occupier of Flat 2, 17 Berkeley Street, London dated 27 December 2015
5. Letter from occupier of Flat 5, 17 Berkeley Street, London dated 23 December 2015
6. Letter from occupier of Flat 3, 17 Berkeley St, London, dated 28 December 2015
7. Letter from occupier of 17 Berkeley Street, London, dated 28 December 2015

Selected relevant drawings

Item No.
8

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW GILES ON 020 7641 5942 OR BY EMAIL AT mgiles@westminster.gov.uk

DRAFT DECISION LETTER

Address: 17 Berkeley Street, London, W1J 8EA,

Proposal: Approval of details pursuant to Condition 10 of planning permission dated 19 May 2015 (RN: 14/07972), namely the submission of a post-commissioning noise survey to demonstrate the plant noise levels will be compliant with the standard City Council criteria.

Reference: 15/10418/ADFULL

Plan Nos: Acoustic Report dated 05/11/15, Addendum Acoustic Report undated.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

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.