



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 13th September, 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. LONDON HILTON, 22 PARK LANE, LONDON, W1K 1BE | (Pages 7 - 64) |
| 2. HATHAWAY HOUSE, 7D WOODFIELD ROAD, LONDON, W9 2BA | (Pages 65 - 118) |
| 3. DORA HOUSE, 60 ST JOHN'S WOOD ROAD, LONDON, NW8 7HN | (Pages 119 - 156) |
| 4. 64-66 WIGMORE STREET, LONDON | (Pages 157 - 166) |
| 5. 64-66 WIGMORE STREET, LONDON | (Pages 167 - 188) |
| 6. SITE 1: 75 - 77 BROOK STREET, MAYFAIR, LONDON, W1K 4AD SITE 2: 1 GREEN STREET, LONDON, W1K 6RG | (Pages 189 - 222) |
| 7. 31-32 AND 33 BEDFORD STREET, LONDON, WC2E 9ED | (Pages 223 - 250) |

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| 8. | 33 WESTBOURNE TERRACE, LONDON, W2 3UR | (Pages 251 - 280) |
| 9. | NORTH CARRIAGE DRIVE, LONDON, W2 2LP | (Pages 281 - 294) |
| 10. | 11 KNIGHTSBRIDGE, LONDON, SW1X 7LY | (Pages 295 - 304) |
| 11. | VOGUE HOUSE, 1-2 HANOVER SQUARE, LONDON, W1S 1JX | (Pages 305 - 314) |
| 12. | 7-11 QUEENSWAY, LONDON, W2 4QJ | (Pages 315 - 332) |

Charlie Parker
Chief Executive
5 September 2016

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/01042/FULL West End	London Hilton 22 Park Lane London W1K 1BE	Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.	
<p>Recommendation</p> <p>For the Committee's consideration:</p> <p>1. Does the Committee accept the applicant's request that the affordable housing payment is phased (a third on commencement, a third after 18 months and a third on first occupation of any part of the development) rather than the normal policy requirement of full payment on commencement?</p> <p>2. Subject to 1. above, grant conditional permission, subject to a legal agreement to secure the following:</p> <p>i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);</p> <p>ii) Unallocated residential parking;</p> <p>iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);</p> <p>iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);</p> <p>v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);</p> <p>vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;</p> <p>vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement</p>				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 13th September 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>the development, at full cost to the applicant;</p> <p>viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);</p> <p>ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;</p> <p>x) Monitoring costs of £500 for each of the above clauses.</p> <p>3. 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 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</p> <p>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.</p> <p>4. That the Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.</p> <p>5. That the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) be authorised to take all necessary procedural steps in conjunction with the making of the stopping up order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>			
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Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/02091/FULL Westbourne	Hathaway House 7D Woodfield Road London W9 2BA	Demolition of existing buildings and redevelopment to provide buildings of G+4 and G+13 storeys, providing a mixed use development comprising flexible office use (Class B1) and Healthcare (Class D1), and 74 residential units (including 19 affordable units), with associated basement car parking, cycle parking and hard and soft landscaping.	

Recommendation

1. Does the Committee agree that given the location of the site, the low townscape value of the immediate area and limited impact of the tower on the designated heritage assets (conservation areas and listed buildings) in the wider area, a high building is acceptable in this location.
2. Subject to 1. above and subject to the views of the Mayor of London, grant conditional permission subject to a S106 legal agreement (heads of terms to be finalised in officer report to Committee including details of affordable housing provision).

Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 15/09769/FULL	Dora House 60 St John's Wood Road London NW8 7HN	Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and twelve upper floors containing car parking, plant, sheltered accommodation (Class C3) and private residential accommodation and ancillary communal areas; Building 2 comprising three basement levels,	

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 13th September 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Regent's Park		ground and nine upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.	
<p>Recommendation</p> <p>For Committee's consideration:</p> <ol style="list-style-type: none"> 1. Does the Committee consider that the revised scheme has addressed their concerns. 2. Subject to 1. above, grant conditional permission, subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) <ol style="list-style-type: none"> i) Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents substantially below market levels. <ol style="list-style-type: none"> ii) option for previous/existing residents to return to building 1 as a first option iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy. b) Not to occupy building 2 until practical completion of building 1 c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving. d) <ol style="list-style-type: none"> i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis. ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan. e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development). f) The costs of monitoring the S106 agreement 3. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's 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. 				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN NO(s) : 16/07559/MOD1 06</p> <p>Marylebone High Street</p>	64-66 Wigmore Street London	Modification to S106 dated 05.09.2013 to allow the affordable housing units to be transferred from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place (formally known as 25 Plympton Place) NW8 8AD	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Does the Committee consider that the proposed relocation of the approved affordable housing from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place is acceptable? 2. Subject to 1, above, authorise the proposed Deed of Variation to the S106 dated 05 September 2013 to secure the following: 				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 13th September 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>i. 340m2 (four flats) of affordable housing at 12-13 Plympton Place (as Social Rented Housing); and ii. £228,000 towards the City Council's affordable housing fund in addition to the heads of terms already secured with payment on completion of the Deed of Variation.</p>			
Item No	References	Site Address	Proposal	Applicant
5.	<p>RN NO(s) : 16/03247/FULL</p> <p>Marylebone High Street</p>	<p>64-66 Wigmore Street London</p>	<p>Use as a hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of louvres on the Easley Mews elevation, installation of a quench pipe.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a deed of variation to the original S106 dated 5th September 2013 to ensure that all the previous planning benefits are secured.</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 would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
6.	<p>RN NO(s) : Site 1: 16/04188/FULL</p> <p>Site 2: 15/07795/FULL 15/07796/LBC</p> <p>West End</p>	<p>75 - 77 Brook Street, London W1K 4AD</p> <p>1 Green Street/29 North Audley Street, London W1K 6RG</p>	<p>Site 1. Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).</p> <p>Site 2. Use of the first to fourth floors to residential (Class C3) providing four self-contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission (for Sites 1 and 2) subject to the completion of a S106 agreement to secure:</p> <p>1. Grant conditional permission (for Sites 1 and 2) subject to the completion of a S106 agreement to secure:</p> <p>a) The completion of one of the residential units at Site 2 (prior to occupation of the office accommodation at Site 1)</p> <p>b) The completion of the office accommodation within 6 months of the occupation of the remainder of the</p>				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 13th September 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>residential at Site 2);</p> <p>c) Carbon off-set payment to the value of £14,670 towards the Council's carbon offset fund (index linked and payable on commencement of development);</p> <p>d) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:</p> <p>a) The Director of Planning shall consider whether the permissions 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</p> <p>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.</p> <p>3. Grant conditional listed building consent for the proposal at Site 2.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>
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Item No	References	Site Address	Proposal	Applicant
7.	<p>RN NO(s) :</p> <p>16/04327/FULL</p> <p>16/04328/LBC</p> <p>St James's</p>	<p>31-32 And 33</p> <p>Bedford Street</p> <p>London</p> <p>WC2E 9ED</p>	<p>Use of basement, part ground and upper floors as an hotel (Use Class C1) including ancillary cafe use and reception at ground floor level. Alterations at roof level including the erection of a single storey extension, creation of roof terraces, installation of plant equipment within an enclosure and installation of photovoltaic panels. Refurbishment and alterations of the buildings generally including re-introduction of three windows to Inigo Place facade, alterations to windows and doors and associated works.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission.</p> <p>2. Grant conditional listed building consent.</p> <p>3. Agree the reasons for granted listed building consent as set out in Informative 1 of the draft decision letter.</p>				

Item No	References	Site Address	Proposal	Applicant
8.	<p>RN NO(s) :</p> <p>16/03029/FULL</p> <p>16/03030/LBC</p> <p>Hyde Park</p>	<p>33</p> <p>Westbourne</p> <p>Terrace</p> <p>London</p> <p>W2 3UR</p>	<p>Internal works to the building including the installation of a new lift associated with the reconfiguration of the existing residential accommodation to provide six residential dwellings. External works to include the replacement of windows, new windows, secondary glazing, works at roof level, provision of cycle and car parking spaces and associated refuse areas.</p>	
<p>Recommendation</p> <p>Refuse permission and listed building consent- loss of HMO use and harm to listed building from glass balustrade, ground and lower ground floor window, dormer windows, internal staircase alterations and new lift.</p>				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 13th September 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 16/02814/FULL Knightsbridge And Belgravia	North Carriage Drive London W2 2LP	Creation of a segregated cycle route running through North Carriage Drive in Hyde Park as part of the East - West Cycle Superhighway and associated works.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
10.	RN NO(s) : 16/04932/FULL Knightsbridge And Belgravia	11 Knightsbridge London SW1X 7LY	Erection of glazed canopies and screens and public art installation to the front elevation.	
	Recommendation Refuse permission - design/townscape impact.			
Item No	References	Site Address	Proposal	Applicant
11.	RN NO(s) : 15/10420/FULL West End	Vogue House 1-2 Hanover Square London W1S 1JX	Use of part ground and basement to office accommodation (Class B1) and relocation and expansion of the retail (Class A1) from St George Street to the corner of Hanover Square and St George Street and external alterations to facade.	
	Recommendation Refuse permission - loss of Class A2 retail floor space.			
Item No	References	Site Address	Proposal	Applicant
12.	RN NO(s) : 16/01450/FULL Lancaster Gate	7-11 Queensway London W2 4QJ	Use of basement and ground floors as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	London Hilton, 22 Park Lane, London, W1K 1BE,		
Proposal	Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.		
Agent	DP9 Ltd		
On behalf of	Hotel (PL Property) Ltd		
Registered Number	16/01042/FULL	Date amended/ completed	18 February 2016
Date Application Received	5 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

For the Committee's consideration:

1. Does the Committee accept the applicant's request that the affordable housing payment is phased (a third on commencement, a third after 18 months and a third on first occupation of any part of the development) rather than the normal policy requirement of full payment on commencement?
2. Subject to 1. above, grant conditional permission, subject to a legal agreement to secure the following:

- i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);
- ii) Unallocated residential parking;
- iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
- iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);
- v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
- vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
- vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement the development, at full cost to the applicant;
- viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
- ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
- x) Monitoring costs of £500 for each of the above clauses.

3. If the S106 legal agreement has not been completed within six weeks of the date of this resolution, then:

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

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

4. That the Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.

5. That the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) be authorised to take all necessary procedural steps in conjunction with the making of the stopping up order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The London Hilton Hotel is a prominent building located at the south end of Park Lane. The main frontage and hotel entrance is on Park Lane facing Hyde Park, but there are three other frontages to Pitt's Head Mews, Hertford Street and Stanhope Row and these streets are more residential in character. Hyde Park lies immediately beyond Park Lane to the west. The building comprises a high central tower which sits on a three storey podium. It was granted planning permission by the London County Council in 1960 with construction completed in 1963.

As well as hotel bedrooms the hotel contains a number of entertainment facilities including ballrooms, restaurants, bars, conference/function rooms and a nightclub, with a separate casino in the podium and a public restaurant at the top of the tower.

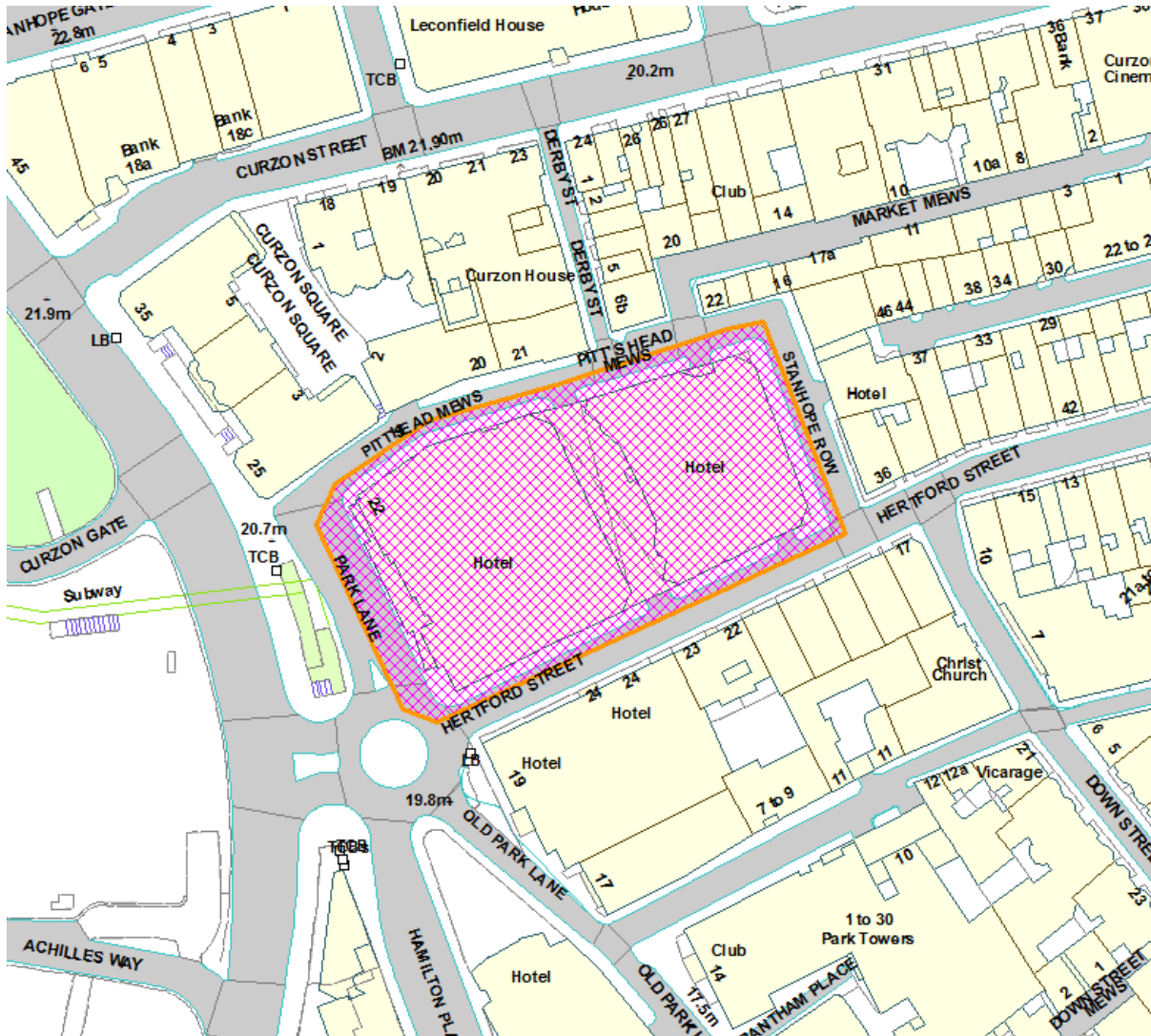
Permission is sought for a major refurbishment of the building, with most of it being rebuilt, and brought up to modern standards expected for a top quality hotel. As part of this scheme it is proposed to convert the upper part of the tower to residential use, though there is still an overall increase in the amount of floorspace in hotel use: in part this is due to the loss of the public car park and expansion of hotel accommodation at basement level. The overall number of hotel bedrooms and bedspaces would be reduced, but this is as a result of amalgamating smaller bedrooms into fewer larger rooms that meet industry standards.

The key issues are considered to be:

- use of part of the existing tower as residential;
- the offer of a full payment towards the Council's affordable housing fund in lieu of on-site or off-site affordable housing provision, to be paid in three instalments;
- the design of the tower, podium and new building at the rear (on Stanhope Row);
- impact on the amenity of neighbouring residential properties;
- highways and transportation implications.

For the reasons set out in the main report, the proposals are considered to be acceptable, subject to a number of safeguards secured by condition or legal agreement. With regard to the affordable housing payment, the normal expectation is for this to be paid in full before commencement of the development and therefore the applicant's request that this is phased is put to the Committee for its consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of podium



Rear of the site – Stanhope Row



5. CONSULTATIONS

GREATER LONDON AUTHORITY

[For information only] Any response to be reported verbally

TRANSPORT FOR LONDON (TfL)

[Park Lane forms part of the Transport for London Road Network, TLRN]

- Satisfied that the estimates for additional trip generation are sufficiently robust, with additional trips from the enlarged hotel ballroom but with a low travel demand arising from the 28 residential units and the 29 serviced apartments, and satisfied that there will not be a detrimental impact on public transport infrastructure;
- Request more information about the proposed public realm improvements;
- Raise concerns about the practicalities of some of the tree planting proposals, including potential adverse impact on the structure of the adjacent underpass;
- Seek clarification about the future maintenance of the proposed planting and repaving – any extra maintenance liability should not fall on TfL, and the applicant will need to enter a Section 278 agreement with TfL for works to the TLRN;
- Raise objection to the proposed changes to the taxi rank in front of the hotel [subsequently amended to retain the existing location and layout];
- Consider the amount of parking proposed for both the residential units and the hotel to be excessive but given the overall reduction of parking on the site this is considered to be acceptable to TfL (though they would like provision made for Blue Badge holders);
- Note the cycle parking provision but would like to see an additional four short stay cycle spaces provided within the public realm;
- Comment on potential impact of construction vehicles on the wider road network;
- Expect to see a hotel travel plan secured, enforce, monitored and reviewed as part of the S106 agreement;

HISTORIC ENGLAND

Advise that the application should be determined in accordance with national and local planning guidance and do not wish to comment any further.

HISTORIC ENGLAND (ARCHAEOLOGY)

Consider that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and advise that no further archaeological requirements or conditions are necessary.

HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

ENVIRONMENTAL AGENCY

Have no comments to make.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Initial comment that there had been no discussions between the applicant and the Designing Out Crime Officer at that time and emphasised the need to consider and implement minimum standards of security; recommend a pre-commencement condition requiring a full and detailed application for the Secured by Design award scheme to be submitted.

ENVIRONMENTAL HEALTH

No objection – recommend conditions dealing with further contamination survey work and noise from plant and internal activity.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Raise some concerns about detailed transportation aspects of the proposals but nothing sufficient to justify a refusal.

CLEANSING

Initially raised objection – insufficient information shown on the submitted plans, and queries and queries about certain aspects of the proposed waste management; objection subsequently withdrawn following the submission of a revised Waste Management Strategy.

BUILDING CONTROL

Any response to be reported verbally

ARBORICULTURAL SECTION

Raise a number of queries, in particular about the adequacy of the proposed tree and other planting in the public realm and the hotel garden.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:532; Total No. of replies: 5;

No. in support: 1, commenting that the scheme will give the building a new lease of life, and improve the public realm and permeability throughout the site.

No. of objections: 4 representations, raising objections on some or all of the following grounds:

- Loss of light;
- Adverse impact on residents parking;
- noise and disturbance from building works, including noise, air quality and vibration from the basement excavation, and increased traffic (from construction vehicles), with reference to other development in the vicinity.
- Initial objection on behalf of the company that manages the telecommunications infrastructure on the existing roof of the Hilton, to the loss of that equipment; objection subsequently withdrawn.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The London Hilton Hotel is a prominent building located at the south end of Park Lane. The site is bound by Pitts Head Mews to the north, Stanhope Row to the east, Hertford Street to the South and Park Lane to the west. Hyde Park lies immediately beyond Park Lane to the west, with Hyde Park Corner roundabout further to the south, and Mayfair to the north and east. The main frontage and hotel entrance is on Park Lane facing Hyde Park, with a vehicular drop-off/pick-up for hotel guests from a service road off Park Lane at the front of the hotel, but there is also another service road for hotel use only which runs through the hotel internally at ground floor level linking Pitt's Head Mews to Hertford Street. This covered service road also gives access to the hotel and public car park which occupies two levels in the basement and provides 134 parking spaces. The service road also provides access to a few surface level 'incidental' parking spaces and to an area known as 'the garage' which is used by the hotel for purposes including storage and by visiting maintenance/service vehicles. However, the hotel's main servicing bay is a separate internal facility adjacent to the garage which can accommodate large vehicles and has its own vehicular accesses on Pitt's Head Mews and Hertford Street.

The building was granted planning permission by the London County Council in 1960 with construction completed in 1963. The tower is 101 metres in height, has 31 storeys and 453 rooms including 56 suites. The tower is Y-shaped in plan form and rises out of a three storey podium covering the base of the site. The current basement extends four storeys below ground level, with the reinforced concrete framed building above. Externally, the building is primarily faced with reconstituted Portland stone slabs contrasted with spandrel panels of dark bottle green glass.

The tower accommodates mainly the hotel suites and bedrooms, though at the top of it (the 28th floor) is a public restaurant, Galvin at Windows Restaurant and Bar (opening hours vary for lunch, dinner and the bar but in all cover a period of 11.00 – 02.00 hours, and the bar until 22.30 hours on Sundays). The podium provides most of the entertainment facilities including a number of ballrooms/conference/function rooms and publically accessible restaurants and bars: the CC Bar (17.00 – midnight Mondays to Saturdays), the Podium Restaurant and Bar (07.00 – 22.30 hours) and Trader Vic's (17.00 – 01.00 hours Sundays to Thursdays, until 03.00 hours Fridays and Saturdays). There is also a nightclub (Drama, open Thursday- Sunday 22.30 - 03.00 hours) directly accessed from Hertford Street, and a relatively new replacement casino occupying parts of the first and second floors of the podium that has its own access adjacent to the hotel's main entrance facing Park Lane.

Surrounding the site are a number of different uses such as serviced apartments, offices, embassies, restaurants and hotels along with the Park Lane Mews Hotel situated adjacent to the site to the east: this received planning permission in January 2016 for demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) at 2-6 Stanhope Row and three-storey building to Market Mews to provide a 29 bedroom hotel (Class C1) with ancillary casino; demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over

basement, ground to third plus mansard roof to provide 13 x flats (Class C3), provision for cycle parking, refuse storage and rooftop plant, together with other associated works.

The site is situated in the Mayfair Conservation Area, and there are a number of listed buildings in the immediate locality, including 36 and 46 Hertford Street (Grade II). There are residential properties on Hertford Street, Stanhope Row and Pitt's Head Mews, including some close to the service road entrance to the garage area part of the application site. There are, however, no residential properties either side of the hotel on Park Lane, and on the opposite side of Hertford Street the closest property is another hotel, the Metropolitan.

6.2 Recent Relevant History

There have been a number of applications relating to the property, mainly concerning advertisements, mechanical plant and minor alterations and extensions. The following planning decisions are the most pertinent to the current proposal in clarifying aspects of the existing site:

October 1992 – permission granted for change of use of part of first floor from hotel use to a casino and installation of ancillary ventilation plant on podium roof.

December 1998 – permission granted for use of part basement and ground floor as ancillary hotel accommodation along with a two storey extension to the Hertford Street elevation for ancillary office accommodation along with external alterations.

February 2000 – a Certificate of Lawfulness was issued confirming the existing use of the car park on two basement levels, and the entrance and exit at ground floor level, as a public car park.

April 2002 – permission granted for the installation of roof mounted telecommunications apparatus including 29 microwave dish antennae.

March 2006 – permission granted for the use of part ground, first and second floors as a casino (sui generis) [replaced the previous casino that vacated in 1998], but not implemented.

July 2009 – permission granted for the installation of 16 small antennae, 5 microwave dishes with 1 equipment cabinet located at roof level of the Hilton Hotel.

December 2013 – permission granted for the use of part first and part second floor levels as a casino and ancillary bar/restaurant (sui generis) with a ground floor entrance on Park Lane and separate staff area at ground floor level incorporating kitchen extract duct with louvre panel screening at second floor level on the Pitt's Head Mews elevation.

September 2014 – permission granted for alterations to Park Lane entrance to provide a glazed external lobby; erection of a single storey extension on flat roof at second floor level on Hertford Street frontage to provide additional hotel (Class C1) or casino (sui generis) floorspace in connection with the existing hotel/casino; creation of an enclosed smoking terrace at second floor level with green wall; relocation of plant from second floor

flat roof to the adjacent main roof of the podium together with additional plant; other associated alterations.

The above application was varied in May 2015 in order to create additional gaming accommodation in the previously approved plant room at second floor level and alterations to the terrace and glass roof.

7. THE PROPOSAL

The development proposals seek to upgrade the existing building into a luxury hotel with the intention of improving its form at both podium and tower level. The use of the building would predominantly remain as hotel (Class C1) use, but with the introduction of 28 residential (C3) units from level 23 to 30 of the tower with additional ancillary residential facilities at basement level 2. There will be a separate residential entrance from Pitt's Head Mews. A replacement public restaurant (Class A3) would be provided at a lower level than currently (level 21 rather than 28), separating the residential above from the hotel below. It is proposed to excavate under the existing basement levels to allow for a larger subterranean ballroom, function rooms, spa and meeting rooms. In addition a larger replacement dedicated servicing area will be created in approximately the same location as the existing.

The form of the tower is intended to remain in its current Y shape, with the between façade wings extending out slightly further to give the tower a slightly fuller (curved) appearance. The rear podium adjacent to Stanhope Row would be split to the north east of the tower to create a serviced apartment building (the Mews Building), which is part of the hotel and linked to the main building with an underground passageway. The revised podium will be rationalised to become symmetrical around the tower with curved corners and will be four stories in height with a semi-public landscaped garden between the mews building and the hotel.

The applicant also has aspirations for improving the public realm around the site, in particular by enhancing the arrival point at the main hotel entrance. However, most of these works are outside of the application boundary and will be subject to separate highway approval procedures (s278 for highways works).

The proposed development would see an increase of 17,404 sqm of space from an existing quantum of 55,109 sqm to 72,513 sqm, which is largely derived from the increase in the size of the basement, with an above ground increase of 6,500 sqm (GEA) of space.

The floorspace changes are summarised as follows:

Use	Existing (GIA sqm)	Proposed (GIA sqm)	Existing (GEA sqm)	Proposed (GEA sqm)	Totals
Residential (C3)	-	10,339	-	10,862	Residential
Residential Plant	-	1,202	-	1,223	+12,085 sqm
Hotel (C1)	39,107	45,834	40,615	47,229	Hotel
Serviced Apartments (C1)	-	3,494	-	3,708	+10,322 sqm
Restaurant (A3)	681	1,070	725	1,135	Restaurant +410 sqm
Casino (Sui Generis)	801	1,026	823	1,034	Casino +211 sqm
Commercial Plant	5,706	5,867	5,926	5,972	+46 sqm
Public Car Park	6,732	-	6,746	-	-6,746 sqm
Ancillary floorspace (parking, refuse storage etc)	274	2,388	274	2,405	+2,131 sqm
Total	53,301	71,220	55,109	73,568	+18,459 sqm

8. DETAILED CONSIDERATIONS

8.1 Land Use

Hotel Use

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel. Policy S23 of Westminster's City Plan (amended July 2016) also protects existing hotels where they do not have significant adverse effects on residential amenity. Furthermore, the policy goes on to say that proposals to improve the quality and range of hotels will be encouraged, which is the case with the current application.

The application site is a long established hotel and is located within the Core CAZ and so its expansion in this location is acceptable in principle. The proposed hotel use will comprise between 350 and 448 bedrooms and the following amenities:

- Ancillary restaurant / bar / retail – Level 1 (ground floor)
- Hotel leisure facilities – Basement level 2

- Grand ballroom – Basement level 6
- Junior ballroom – Basement level 5
- Meeting rooms – Basement levels 1 and 5 and Level 2

The proposed development has been driven by the aspiration to upgrade the hotel to a luxury 5 star hotel which provides an internationally attractive offer for visitors to stay at. This is informed by Hilton's brand standards and their essential requirement for larger hotel room sizes, together with an increased proportion of suites, in accordance with evolving market trends. Whilst Council policy seeks to protect hotel use, it does not specifically protect the number of rooms. The proposed scheme increases the size of the hotel to 45,834 sqm (GIA) with the proposed final room number estimated to be between 350 – 448 rooms.

A comparison between the existing and proposed hotel is summarised below:

	Existing	Proposed
Hotel GIA sqm	36,764	45,834
Hotel Room GIA sqm	13,800	15,148
Hotel Rooms	453	350 – 448
Hotel Bed Spaces	906	704 – 896
Serviced Apartments	-	29
Serviced Apartment Bed Spaces	-	90
Combined Hotel / Serviced Apartment Bed Spaces	906	794 – 986

The table above illustrates that the proposed scheme increases the overall hotel floor area and significantly the hotel room floor area but with up to a 22% reduction in bed spaces for the lower end of the proposed range. The applicant considers that this reduction is not significant and results from the aspiration to upgrade the overall quality of the hotel, including the provision of larger bedrooms, and in particular not replacing 92 of the existing rooms which are only 20 sqm, and which fall well under the necessary hotel standards.

This is not dissimilar to the approved 2013 scheme at Park Lane Mews Hotel where 17 of 72 bedrooms were lost (24%) including a loss in hotel room area of 453 sqm (Ref. 12/10538/FULL). This was justified and approved on the basis that the existing bedrooms were small and that it was proposed to improve and increase the size of the hotel bedrooms: although there was a (24%) reduction in the number of rooms, the quality of the hotel accommodation would be improved in line with Policy S23, which states that proposals to improve the quality and range of hotels will be encouraged.

During the construction and prior to fit out the Hilton will review the market conditions before finalising the hotel room layouts. The applicant has offered to accept an appropriate condition attached to the planning permission to allow for final layouts to be submitted and approved at a later date.

It should also be noted that a further 90 bed spaces are proposed within the 29 serviced apartments. These will be located within the Mews Building, to the east of the tower, along Stanhope Row. It is proposed to provide a range of apartments (6 x Studio, 9 x 1-bedroom, 12 x 2-bedroom, and 2 x 3-bedroom), which are operated and serviced as part of the hotel. Guests will use the main hotel reception to check into the serviced apartments. From street level views (above ground) the building will read as entirely separate to the tower and podium. However, below ground there will be a connecting hotel corridor link, allowing guests within the serviced apartments to access the hotel facilities.

In accordance with City Plan and UDP policies the proposals protect and enhance the hotel and serviced apartment offer, which the applicant believes will return the Hilton to a standard that competes at the international level. More floorspace is dedicated to hotel accommodation, but the applicant advises that the number of rooms needs to be flexible to achieve this. In addition to upgrading the hotel to an international luxury standard, the applicant argues that the proposed new grand ballroom and associated conferencing facilities will be a major benefit for London as a whole. The existing ballroom can host up to 1,250 guests: this compares with 2,000 people for a reception or banquet at Grosvenor House's ballroom, which is apparently the largest facility of this calibre in Central London. The new grand ballroom will be larger at 1,911 sqm with the ability to host up to 2,135 guests for a reception or banquet or 1,175 delegates for a conference, which will also make an important economic contribution.

In addition to the ballroom, the conferencing complex will also include pre-function space, a number of meeting rooms and servicing areas, offering new space of a greater scale to host large events and corporate functions. Together, these new facilities will not only be larger than any equivalent central London venue, they will also be more flexible, built to modern standards allowing a greater range of events. The total area of the ballroom, pre-function space and meeting rooms will be approximately 2,800 sqm, which is an increase from the existing area of 1,350 sqm.

The proposed space is being promoted as offering something no other central London venue offers, adding not only to the number of large venues in London, but also the range. The applicant argues that the size and flexibility of the new venue means that events held here will include some that could not have been held in London previously, bringing new trade and visitors to London who might otherwise have gone elsewhere in Europe.

The proposed hotel and serviced apartment offer is therefore considered to accord with UDP Policy TACE1 and City Plan Policy S23

Residential and Mix Use Policies

UDP Policies CENT3 and, until recently, Westminster's City Plan Strategic Policy S1 aimed to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision provided this is appropriate and practical. However, in the amended City Plan (July 2016) the requirement to match the commercial increase (for non-B1 uses) with an equivalent

amount of residential floorspace is no longer required. The revised policy S1 does state that the council “will encourage development which promotes Westminster’s World City functions, manages its heritage and environment and supports its living, working and visiting populations. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted”.

The proposal does involve the loss of approximately half of the tower’s hotel floorspace being converted to residential use. Whilst this might normally be resisted, it is considered to be acceptable in this case on the basis that there is still an overall increase in hotel accommodation. Including the restaurant, casino and commercial plant, there is an increase in commercial floorspace of 10,989 sqm GEA. However, it is noted that the loss of the public car park (6,746 sqm) means that overall the proposed total residential floorspace (12,085 sqm GEA) is considerably greater than the uplift in total commercial floorspace (4,243 sqm GEA).

In this case the provision of residential accommodation is an integral part of the applicant’s proposals for the site. Policy S14 of the City Plan states that residential use is still a priority across Westminster (except where specifically stated), that the number of residential units on development sites will be optimised and that the council will work to achieve and exceed its borough housing target set out in the London Plan. It is also understood that the provision of the residential accommodation will help facilitate the improvements to the hotel.

28 residential units are proposed. These will be in the following mix: 4 x 1-bedroom, 7 x 2-bedroom, 15 x 3-bedroom, 1 x 4-bedroom and 1 x 6-bedroom apartments. Policy S15 of the City Plan requires residential developments to provide an appropriate mix of units in terms of size and type; policy H5 of the UDP requires that 33% should be family sized and 5% of this family housing to have five or more habitable rooms, a requirement that is exceeded in this case (61%) but which is considered to be acceptable.

As would be expected in a development of this nature, the proposed residential units will have exceptional amenity and unit size which is as follows: 1-bedroom = 101 sqm, 2-bedrooms = 175-211 sqm, 3-bedrooms = 251-321 sqm, the 4-bedroom unit is 387 sqm and the 6-bedroom unit is 643 sqm. Although some of these are large, it is accepted that the unique standard of accommodation arises from the prime location. The arrangement of the floorplates in the tower also poses some physical constraints on the number and layout of the proposed units.

Affordable housing

The provision of the residential accommodation does trigger a requirement for affordable housing. In this case the amount required would be 3,021 sqm, equivalent to 37.7 units based on a nominal size of 80 sqm. Policy 16 of the City Plan (July 2016) concerns affordable housing and states the following:

“The affordable housing will be provided on-site. Where the council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity of the development will only be acceptable where the council considers that the affordable housing provision is greater and of a higher quality than would be possible on- or off-site in the vicinity, and where it would not add to

an existing localised concentration of social housing, as set out in City Management policy.”

The applicant has set out an assessment of why it considers that it is not possible to provide affordable residential accommodation on the site, or off-site. On-site constraints are listed as follows:

1. Physical constraints of the Development:

When considering on-site affordable housing as part of a mixed tenure development a key requirement is for the affordable and the private to be separately accessed, which the applicant argues is a requirement from WCC’s Registered Provider’s, primarily for management reasons but also to minimise service costs. Effective integration of onsite affordable housing relies upon the housing provided being protected as affordable for residents into the future. The optimal way of ensuring this on a scheme would be to design separate cores for each tenure of housing so that the managing RP can control the service provision and resultant charges for residents, in isolation from the market housing which, as described below, would otherwise be prohibitively expensive.

Whilst in theory a second residential core could be designed with the scheme to serve affordable housing, this could only be included at the expense of hotel accommodation, given an affordable housing core would clearly need to travel ‘through’ the hotel floors below. This is a hotel led scheme with an element of residential at the top of the tower. The hotel element of the scheme represents what is wholly necessary to deliver a high quality 5-star hotel. The loss of any hotel accommodation would undermine aspirations to deliver one of London’s leading hotels.

2. Prohibitive service charge

The proposals for London Hilton, Park Lane are for a high quality, luxury scheme providing residential accommodation aimed at the prime central London market. There is a direct relationship between the level of service and achievable values; the applicant argues that one must be at a commensurate level with the other. Therefore in order for a scheme of this quality to achieve the targeted market values it must be supported by the highest levels of service and management.

In addition, any Registered Provider would be leaseholder within a freehold estate and will pay a proportion of the costs of maintaining the freehold, which includes maintenance of the refurbished building. Given the high quality nature of the Development any external treatment will require a high level of servicing and cost.

Charges must comply with the Residents Charter and Landlord and Tenants Act and must be apportioned equitably between residents according to the costs incurred. If residents of private units were to be charged a higher contribution to make up for any shortfall against expenditure attributable to the affordable housing it would be considered unreasonable and could result in a challenge by private leaseholders to a Leasehold Valuation Tribunal.

3. Marketability

Notwithstanding the issues in relation to service charge and physical constraints, the negative impact of any on-site affordable units on the private market value would also need to be considered. This is a difficult concept to quantify in that on-site affordable housing is rarely delivered as part of a residential Mayfair development however in the applicant's consultants' experience and following discussions with the applicant's residential advisors, it is alleged that any on-site affordable units would have a significant detrimental impact on the marketability of the private units, reflected both in achievable values and overall sales period, which would render the scheme unviable.

In terms of off-site provision, the applicant's consultant argues that the applicant does not own any other land or buildings in the Borough which offer the opportunity to provide affordable housing on this site. It is stated that the applicant has explored the potential of entering into an agreement with a registered provider to provide funding that could deliver identified affordable housing units, provided this is directly linked to the principal development site (e.g. through the S106 agreement). The nature of the potential options however means that it is not possible to identify specific units (quantum or location) in advance so that they may be linked to the principal development through the S106 agreement.

The applicant has also explored options to acquire land or property that may present options to deliver affordable housing. In doing so they have spoken to several land agents, who have advised that land opportunities in Westminster are limited in the current market, with many landowners delaying bringing sites to market until certainties of the post-Brexit vote have eased and land values have improved. As such, the applicant has been unable to purchase a site within the borough to meet their affordable obligation. Delivering off-site affordable in Westminster is challenging due to the shortage of available sites.

Assessment of Applicant's Argument

The applicant's arguments are noted and are considered to have some merit, especially in this location. It is therefore considered that a payment in lieu to the Affordable Housing Fund administered by the Council, instead of on-site or off-site provision, is the only practical and feasible method of delivering affordable housing in this case. This approach would allow the Council to pool the financial contribution and use it to fund a better affordable housing outcome elsewhere. This approach accords with national, regional and local policy guidance.

Based on the total residential floorspace of 12,085 sqm GEA, the full policy compliant figure in this case is £20,444,000. Having initially stated that the scheme was not viable enough to afford any payment, the development's viability was due to be assessed by consultant's acting on behalf of the Council. Following issues arising from the provision of confidential information, such that discussions in respect of the viability have not been concluded, the applicant, on a without prejudice basis, is willing to offer the full policy compliant payment in lieu of the affordable housing obligations for the application.

However, the applicant argues that given the uncertainty created by Brexit, and the impact this has had on financial and debt markets, it proposes that the payment in lieu is phased as follows: one third on commencement, one third after 18 months and one third on first

occupation. The normal policy requirement is that the full contribution is paid on commencement of the development: the Committee is therefore asked to consider whether this request is acceptable.

Entertainment Uses

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to 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, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

In this case the proposals include a casino and Class A3 restaurant, as well as ancillary bar, all of which are over 500 sqm. However, these are replacements for large entertainment uses that already exist. As shown in the land use table above, there are increases in the size of both the public restaurant and the casino, but these increases are considered to be acceptable in the context of the existing uses and the proposed scheme as a whole. The public restaurant is considered to be an important element of the proposals, enabling the general public to access the tower and benefit from the views of London. Although relocated to a lower level (from 28 to 21) this is still considered to be an important public facility that helps offset the loss of the upper part of the tower from a semi-public use to a wholly private one. Access will be gained in a similar way to the current restaurant, by lift from the main hotel lobby.

The replacement casino is also considered to be an important contributor to the mix of uses that enhance this part of the core CAZ's vitality, function and character in accordance with policy S1 of the City Plan (July 2016). The casino will be largely relocated to part of the basement, with its own access on Hereford Street. A small part is at mezzanine level, including a smoking terrace. This is small in size and directly above the entrance to the car park, but details of the terrace are requested by condition to ensure there is limited overlooking for the properties opposite.

There is a reduction in the current scheme in the size of the ancillary restaurants/bars and the nightclub (at ground and basement level) from 1,622 sqm to 686 sqm GIA (the proposed ancillary restaurant/bar at ground level). However, being ancillary it is not considered to be appropriate to restrict the area of these from expanding in the future. The existing hotel facilities are not subject to any planning constraints in terms of capacity or opening time (though there will still be licensing restrictions). The casino did not have a condition restricting hours, but capacity is limited to 250. The applicant is willing to accept

the following opening hours (to non-resident hotel guests) and capacity restrictions for the restaurants / bars within the hotel.

Ground floor restaurant: Opening hours: 06.30 to 02.00, Capacity: 170 persons.

Lobby lounge / bar: Opening hours: 10.00 to 02.00, Capacity: 85 persons.

Level 21 restaurant / bar: Opening hours: 11.00 to 04.00, Capacity: 260 persons.

It is considered however that the hours for the lobby lounge/bar and A3 restaurant at level 21 can be extended in the morning, until 08.00 hours. The proposed closing hour for the Level 21 restaurant / bar extend beyond the latest closing of 2am for the existing restaurant on the top floor, Galvin at Windows. However, the applicant argues that the hotel currently has a nightclub at basement level accessed off Hertford Street, called Drama, which is open until 3am Thursday to Sunday, which is not proposed to be retained within the application proposals for the hotel. The Level 21 bar will be very different from a nightclub therefore the potential for disturbance caused by customers entering and leaving the existing nightclub via Hertford Street will be removed as a result of the scheme. These arguments are noted and are considered to be acceptable.

The proposals include a small amount (approximately 90 sqm) of retail on part of the ground floor: this is considered to be ancillary to the hotel and is considered to be acceptable. It is also proposed to provide some recreational facilities (spa, pool, etc) at basement level for both hotel guests and residents in the tower. As these are clearly ancillary it is not considered necessary to restrict them in any way.

8.2 Townscape and Design

Urban design and conservation issues

The hotel was built as a 31 storey tower and podium in the early 1960's, opening in 1963. It was designed by Lewis Solomon, Kaye and Partners. At that time it was the tallest building in London. It is a famous London landmark but not one of special architectural and historic interest. Historic England declined to list it in 2013 and they issued a Certificate of Immunity from listing. Because of its height, the tower has a major impact on a number of important local views, not least those from Hyde Park.

The building lies within the Mayfair Conservation Area, and is adjacent to the Royal Parks Conservation Area and a number of listed buildings including those in Hertford Street, Pitts Head Mews and Derby Street.

The tower

It is proposed to remodel the existing tower by extending the floor plates between the three projecting wings. The extensions range between 2 and 3.2 metres (at the junction of the wings) from the existing facade line. The tower becomes slightly fatter, but the extensions would not affect the silhouette of the tower because the ends of the wings, which define its outline against the sky, are not affected. The height of the tower remains unchanged, although it will have a flat roof, rather than the stepped profile it has currently. Therefore, in terms of its massing, the proposed tower has a very similar impact on views from the surrounding area as the existing tower does.

The concrete and green aluminium cladding of the tower is replaced with a modern, lighter facade with full height glazing within aluminium framing. The walls and floor slabs are in precast concrete panels. The balconies at the end of each wing will be recreated where they currently exist or added where they don't. The new cladding is carefully designed and will give the tower a fresh, modern appearance, an improvement on the existing cladding, which is not of particular architectural interest.

The applicant has advised that replacement telecommunications equipment will not be reinstalled on the roof, which is welcomed.

The podium

The existing podium covers the whole of the site at the base of the tower. It presents unattractive street frontages on its north, south and east sides. It is a negative feature of this part of the Mayfair Conservation Area and its replacement with a new, better building, is acceptable in principle.

The whole of the podium is to be demolished. It is to be replaced with a smaller podium at the base of the tower and a stand-alone building at the east end of the site, separated from the new podium, by a semi-public garden, accessed from the hotel only. It is disappointing that the garden is not a fully public accessible space (i.e. with direct access from the street), but it will be a visually attractive green space, visible from the adjacent streets and is considered that this is a significant improvement and benefit in townscape terms.

The new podium at the base of the tower has a curving ground floor frontage, with the hotel entrance on the Park Lane side, and a Ballroom entrance on Hertford Street. The residential entrance is on Pitts Head Mews. This gives it three attractive, active street frontages. The fourth side faces on to the garden. Above the ground floor the three storey podium is rectangular in plan, with rounded corners. The podium is an impressive cantilevered structure at the base of the tower, independent of the tower, comprising four steel work trusses on the line of the hotel corridors, with outer steel work trusses supporting the podium façade. This minimises the number of columns at ground floor level, allowing the creation of large internal spaces.

The podium facade is clad in solid aluminium panels, with large areas of glazing, related to the design of the steel framework which supports it. The corners comprise curved sections of glass and aluminium. The aluminium panels will be textured rather than flat, giving the facade greater richness.

There have been no discussions about public art but it is considered that there is scope for its provision, either as part of the design of the podium or within the garden. This matter has been addressed by condition.

The new building on Stanhope Row

The new building at the east end of the site is of a smaller scale, to relate to its conservation area context. It is four storeys high, with a recessed roof story. The proportions of the facade and its fenestration are related to the period houses adjacent. However, the facades are clad in aluminium tiles giving it a striking modern appearance. This means that it relates to the materials used in the tower and podium, and also to its more historic neighbours, by reason of its scale, proportions and

fenestration pattern. This is a bold design which might not be appropriate in other locations in the Mayfair Conservation Area but here it is an imaginative response to the characteristics of the site and its context. (It should be noted that planning permission has been granted for a modern hotel on the opposite side of Pitts Head Mews to the east). The roof storey is extensively glazed, but well set back to reduce its visual impact in street views.

Basement levels

The existing building has four basement levels at its western end (Park Lane) and three at the eastern end (Pitts Head Mews). The proposed building will have much deeper basements, the equivalent of approximately seven at the west and eight at the eastern. There are fewer levels in reality because some, like the ballroom, have very tall floor to floor levels. However, this extent of excavation should not create any issues with the structural stability of adjacent listed buildings and is considered acceptable in terms of the City Council's recently adopted basement policy.

Structural works

The works to the tower and podium require a complicated structural engineering operation. The top three floors of the tower will be demolished and rebuilt. The remainder of the tower will be retained and supported temporarily. The tower's core, the podium and basements will then be demolished and a new steel work core built from basement level up, on new foundations below the existing basement raft foundations. The lower part of the tower will then be demolished and a temporary support structure installed whilst the extensions to the tower are built above. Then the new podium is built underneath the retained and extended tower.

Conclusion on urban design and conservation matters

It is considered that this is a high quality scheme which will improve the appearance of the hotel and contribute positively to the character and appearance of the Mayfair Conservation Area. It will not harm the settings of the Royal Parks or adjacent listed buildings, or harm important local views. The scheme complies with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9, DES 10, DES 12 and DES 15. It is noted that there has been one letter in support of the design.

8.3 Amenity

Mechanical Plant and Noise Levels

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level, within the tower and within the roof of the new building on Stanhope Row. Environmental Health consider the proposals to be acceptable. All plant will be conditioned to minimise noise levels and vibration. Conditions will also ensure that the design of the entertainment uses is such that they will not cause a noise nuisance and that the new residential accommodation is adequately insulated.

Sunlight and Daylight

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

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

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

The application site occupies a complete freestanding block but has properties opposite along Pitt's Head Mews, Stanhope Row and Hertford Street. This includes some residential properties, as well as other hotels, serviced apartments and a mosque. A detailed daylight and sunlight assessment has been submitted which shows that some properties will lose daylight and sunlight: this is principally due to the increased height of the new serviced apartment block at the rear of the site (Stanhope Row). Other properties will benefit from the creation of the garden space in the centre of the site. It should be noted that none of the occupiers of these properties have objected to the proposals. (There has only been one objection from local residents on grounds of loss of light, and they live at 42 Shepherd Street: this is separated from the application site by 2-6 Stanhope Row and 16-17a Market Mews. It is not considered that they will be materially affected by the changes to the tower.)

As Council policy is primarily concerned with protecting residential accommodation, the greatest changes to this use are summarised as follows:

Property	Type of Residential (Room) Use	Max. Loss of VSC (%)	Max. Loss of Daylight Distribution (%)	Max. Loss of APSH (%)	Max. Loss Winter Sunlight (%)
17-20 Pitt's Head Mews	Unknown	-22.49	-35.05	-35	-66.67
20 Market Mews	Bedroom	(-8.27)	-27.64	N/A	N/A
22 Stanhope Row	Bedroom	-23.9	(-15.62)	N/A	N/A
36 Hertford Street (several flats)	Living room, kitchen and bedrooms	-22.98 to -31.52	-21.83 to 43.52	-26.09 to -50.00	-33.33 to -50.00
20 Hertford Street	Unknown – serviced apartments	-21.38 to -33.03	-24.01 to -30.09	N/A	N/A

The worst affected habitable room in known residential use is a living room on the ground floor of 36 Hertford Street: this loses 31.51% VSC, 50% of its annual sunlight and 50% of its winter sunlight. However, the room is dual aspect (facing Stanhope Row and Hertford Street). The annual sunlight is reduced from 20 hours to 10 hours, which is still considered to be good for an urban location such as this. The 50% reduction in winter sunlight appears high because the existing level is already small (4 hours, reduced to 2). Whilst these losses, and the losses to the other properties, are unfortunate, it is considered that they are not so bad as to justify a refusal, especially when assessed against the overall improvements that the scheme proposes (especially to the podium).

8.4 Transportation/Parking

The site is close to Hyde Park Corner, which is on the Piccadilly Line and which is the closest transport interchange. There are also a number of bus routes available on Park Lane and Piccadilly to the south. The site is designated as having a PTAL rating of 6B which is excellent.

The Highways Planning Manager has assessed the proposals and commented as follows:

Supported transportation issues

Electric Car Charging Points

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. The applicant states that at least 20% of spaces will have access to an EV point, which is welcomed.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings, 1 space per 20 hotel bedrooms and 1 space per 8 staff for D2 class uses. All uses have a minimum of 2 spaces required. For the residential units, the proposal would therefore require 52 (4 x 1 bedroom and 24 x 2+bedroom) cycle parking spaces. The submitted drawings indicate a total of 54 cycle parking spaces for the residential. These are located within the basement car parking areas and would be accessible by the various lifts.

A maximum of 477 hotel rooms would generate a need for 24 cycle parking spaces. The applicant has provided a total of 46. While this is 22 more than the minimum London Plan requirement for just the hotel use, this includes provision for the ancillary hotel uses including the separate casino use and is acceptable.

Servicing

S42 of the City Plan and TRANS 20 of the UDP require off-street servicing. The proposal provides for a large servicing bay access from Pitt's Head Mews, in a similar fashion to the existing loading bay. This is consistent with policy requirements and is welcomed. All servicing should be conditioned to occur from within the development and not from the highway.

Development Over the Highway

Various sections of the building are indicated to over sail the highway. Structures over the highway must maintain a minimum of 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles. The submitted drawings appear to indicate the building does comply with these requirements, however the detail is limited. It is suggested this element of the scheme is conditioned. Any other license or permission (other than planning permission) required will need to be applied for separately. For solid structures, a license will only be issued where the structure provides a minimum of 2.6 metre clearance and is set back 1 metre from the existing kerb line.

Development Under the Highway

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. As the works affect a structure supporting the highway, technical approval will also be required.

Vehicle Access Points

The vehicle access points to the basement car park and servicing bay are acceptable. The trip generation figures presented by the applicant do not support the need for other vehicle drop-offs on-street, which were provisionally shown as part of the proposals. Limiting vehicle crossovers would reduce the conflict points with pedestrians (consistent with S41 and TRANS3) and improve the highway environment/public realm for all highway users and allowed for increased active frontages. As with all works to the highway, these will require separate highways consent under s278 applications.

Travel Plan

Although Transport for London has requested that there is a travel plan, the Highways Planning Manager considers that this is not required.

Transportation issues generating some concern

Highway Works

The applicant has indicated a number of changes to the highway and public realm around the site. Particular reference has been made to improving the area in front of the hotel, to provide a suitably impressive arrival point. Third party funded public realm improvements are welcomed, however they must accommodate all highway users and not a single development proposal (especially where an off-street facility current exists, as is the case here with the covered service road). Maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement while managing the numerous competing demands on highway space and footway width would be part of the detailed design of highway works.

The loss of on-street car parking spaces would not be supported. Any detailed designed highway scheme will need to retain or increase the number of existing on-street spaces. Removal of unnecessary vehicle crossovers could allow for increased allocation of kerb space to support various activities both within the subject site and surrounds, including pedestrian movement.

On the basis of the all the above, the initially proposed changes to the surrounding highway as indicated on submitted drawings were not agreed and not considered to deliver any significant improvements to pedestrians or other highway users. There was also an issue concerning proposed changes to the taxi rank in front of the hotel, to which TfL raised concerns. The indicative layout has been amended, the taxi rank retained as existing and car parking spaces rearranged so that no spaces are lost. Whilst the applicant's aspirations are noted, they are not directly linked to the acceptability of the overall planning proposals, and the applicant will need to continue to work with the Council as Highway Authority to progress the detailed design of highway matters. These will need separate highways approval and will be subject to separate consultation.

Traffic Managements Orders

The proposed changes to on-street restrictions will be subject to the formal Traffic Management Order process. Removing two-way working for vehicles (or introducing entry restrictions or one-way working), even for short sections of highway, will need to be carefully considered as part of the detailed design. It is noted that the site can operate within the current highway layout.

It is worth noting that the final decision on on-street parking is for the Council as Traffic Authority. As it a separate legal process, their outcome cannot be guaranteed, as all representations will need to be carefully considered. This is emphasised by the separate statutory process under the Road Traffic Regulation Act 1984. The commencement of the use could not occur until all the Traffic Orders had been confirmed. Any costs associated with the proposed changes will need to be covered by the applicant. The process can only be undertaken by the Council, as Highway and Traffic Authority.

Reduction of Existing Public Car Park

The proposal is to remove the 130 public car parking spaces from the site (the parking will be replaced with a lower amount of hotel and residential car parking). The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 62% (38 available residential bays). However TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 52% (144 available spaces).

During the daytime, the parking occupancy of ResPark bays within a 200 metre radius of the site is 82% (18 available residential bays). TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

The Highways Planning Manager considers that the applicant has broadly addressed the criteria of TRANS25, regarding the loss of existing off-street public car parking. The existing public car park has a capacity of 130 vehicles: the peak parked occupancy was 110 vehicles/85% (Saturday evening). Weekday demand is lower with 65 vehicles/50% parked as a maximum (Thursday evening). The applicant suggests the average usage is around 52 vehicles/44%. Despite the peak usage figures of the existing public car parking, the re-provision of 28 car parking spaces for the hotel and three laybys for vehicle drop-off, the applicant suggests that there is no the demand for public car parking on-site.

It is accepted that surrounding car parks currently have capacity for any existing users to park off-street within a public car park, though additional vehicle trips might be generated on the highway network between the site and these alternative car parking spaces, as people are dropped-off and the vehicle is then parked.

On balance, while some concern is raised to the loss of this public car parking facility, the Highways Planning Manager considers that the removal of the existing public car parking facility will not have a significantly adverse impact on existing on-street parking pressures. On this basis, there is no objection to the loss of the existing car park, when considered against TRANS25. There is no objection to the loss of this parking from Transport for London.

Car Parking – Residential

42 car parking is proposed for the 28 residential units (57 if the serviced apartments are included, which the Highways Planning Manager has done in assessing the parking provision). This is 0.73 car parking spaces per unit (and something that TfL considers to be excessive. Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the West End Ward is 29% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

57 residential units (including the serviced apartments) would be expected to generate 17 cars. Therefore the provision of 42 car parking spaces on an unallocated basis will ensure that no vehicle needs to park on-street and therefore existing on-street stress levels will not be adversely affected by the proposed development. Provided the unallocated car parking is secured via legal agreement, the car parking provision is consistent with TRANS23. TfL's request for securing Blue Badge parking is noted but not something considered appropriate as part of the planning application.

Car Park Layout

The residential and hotel car parking is indicated to be within the same area, albeit in different sections. The residential car parking is indicated to be a traditional car park layout, with each space individually accessible. The 28 hotel car parking spaces are provided in a single group with only a third of all spaces being independently accessible. This means if a vehicle is parked at the end of a row, at least 2 other vehicles will need to be moved to gain access. While this is not considered ideal, it will all be managed within the basement and should not affect operations on the highway.

Concern is raised to the mixed nature of the car parking, particularly if there are multiple movements associated with the hotel parking and the impact on residents when accessing their vehicles. Further information is required as to how this is to be managed to ensure resident car parking spaces will not be used by cars associated with the hotel, how user safety will be maintained etc.

The applicant has advised the following with regard to car parking management: the proposed basement car park will only be accessible by site residents and hotel staff for valet parking, therefore only drivers familiar with the site layout and site access will utilise the car park. Both resident and hotel parking will be signed, and the way spaces are demarcated on the ground, by colour and/or by number, can ensure that all users are clear about where it is permissible to park. It is envisaged that all residents will be provided with plans detailing where parking is permissible as part of their lease documentation.

For site residents 42 spaces will be provided, in line with the maximum number of spaces permissible. The hotel will make use of 28 parking spaces and these spaces are provided in a block of 3 x 10, with 2 spaces used on a temporary basis to ensure that all guest vehicles can be accessed, as and when required.

It is the intention that the parking on site will be managed by the Hotel Operator and they will be responsible for managing the car park infrastructure and enforcing the proper use of the car park. While hotel parking is to be provided in a separate part of the basement from the resident cars, no physical barrier is proposed to separate these areas. However, all residents and staff using the basement car park will be familiar with the site layout and how parking is allocated, and the hotel operator will be very well placed to contact residents should parking take place in a location that is not appropriate. The proximity of the residential units to the hotel, and level of management that will be adopted by the hotel to ensure that its guests receive high quality treatment in all aspects of their guest experience, will mean that site residents will not be permitted to use, or block, access to hotel spaces at any time. It is envisaged that the correct use of parking spaces within the basement will be self-enforcing, as it is not in the hotel's interest to allow residents to use any of their allocated car parking spaces.

The car park will be operation 24-hours a day, and will be monitored by hotel security staff, hotel valet staff (as they move vehicles to and from the parking area) and CCTV. All hotel management and front desk staff will be familiar with the location and operation of their car park, and hotel staff will be able to contact site residents directly should parking take place in a manner that impacts on the hotel's operation. The degree of activity in the car park, and the level of security and control that will be required by the hotel operator in order to ensure that guest vehicles are accessible when required, and are adequately looked after,

will mean that it will not be practical or possible for any resident to misuse on-site hotel parking spaces on a regular basis.

Like residents, the hotel must ensure that only spaces allocated to them will be used by the hotel valet. Residents will retain free access to the hotel front desk, 24-hours a day, should hotel vehicles be observed to park in resident spaces, and as hotel valets will also operate on a 24-hour basis there will always be an opportunity to address any on-site parking issue, quickly.

The proposed vehicular access will include shutters to ensure that the general public cannot freely access the basement parking area, removing the ability for on-site parking spaces to be abused. Shutters will be located within the demise of the development and will be positioned well into the site to allow a vehicle to drive off the highway before the shutters open. As only authorised personal will be accessing the car park, it is envisaged that the car park's shutter control will be activated remotely by residents and hotel staff as they approach the system. This will mean shutters open automatically as a vehicle approaches and there is no requirement to wait on the ramp or within the basement car park. On-site security will be present, and will be able to open the gates manually, if required.

In the interests of security, the car park will include CCTV controls. 'Secure by Design' principles, such as good lighting and appropriate parking space arrangement will be adopted for the car park.

Overall, the applicant advises, it is not envisaged that there will be any management or operational problem arising from the way spaces are allocated or laid out in the basement car park. However, should an issue arise, then both the hotel and site residents will have the ability, 24-hours a day, to resolve the problem.

Trip Generation

The applicant indicates that only the ancillary hotel facilities (ballroom and function rooms) and serviced apartments will generate an increase in trip generation associated with the development. The applicant highlights that the site has a high level of public transport accessibility.

For the ballroom use, the applicant has discounted the trips associated with the ballroom, as some people will already be on-site and some trips surveyed relate to the uses on site. While this is considered acceptable in principal, the rate of allocating 75% trips to the function room seems low without evidence to support the number.

Broadly, a key difference in trips proposed by the applicant from the existing ballroom facility to the proposed ballroom facility is an extra 120 people departing between 0000 and 0100. The submitted information indicates that no activity associated with the existing ballroom in this time period (i.e. the main increase is derived from a later finish time). Allowing for an occupancy of 1.5 of a vehicle, this would equate to approximately 80 vehicles. It is accepted for all uses except the ballroom, the trip generation levels will be low and not have a significantly adverse impact on the wider highway network.

It is noted that TfL agree that additional trips will be generated by the increased hotel ballroom but do not raise objection to this.

Coaches

TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. The Highways Planning Manager has concerns that without sufficient coach parking, coaches may stop in the carriageway and obstruct through traffic. It is noted that there is existing on-street single yellow line provision and coach bays in the vicinity of the development. Coach parties could either be associated with the hotel accommodation or more likely events within the ancillary facilities/ballroom.

The applicant has indicated that any coach arrival will stop on Park Lane, where there are existing bus stops and coach stops currently. Guests would then walk to the hotel entrance. While this is generally acceptable in principal, there is no guarantee that these existing spaces will be available. Coaches stopping elsewhere could have a negative impact on other traffic in the area.

Although briefly referred to in the draft Operational Management Plan, no formal process has been provided for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel or ancillary facilities. Concern is raised that coach arrivals and departures will have a short term localised congestion and unnecessary obstructions to pedestrians. It is therefore recommended that an updated OMP should be secured by condition, clarifying how coach arrivals and departures will be managed so as to limit their impact on the highway.

Highway Boundary – Dedication of Highway and Stopping Up

Within Westminster, maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement. The proposal sets back the building line on the Pitt's Head Mews and the applicant has indicated a willingness to dedicate this area as highway. The rationalisation of the building line and increased width of the pavement is welcomed consistent with S41 and TRANS3. The area must be dedicated as highway prior to occupation, should permission be granted. It is noted that a small section of highway would need to be stopped up to accommodate the development on Pitt's Head Mews. Given the minor nature of this, no objection is raised to this incursion.

For the two existing chamfered corners on Stanhope Row which are to be incorporated into the new building at this location, these areas are clearly part of the highway. The applicant maintains that these areas are not part of the highway, but both areas have been open and passable for at least the last 20 years. The applicant indicates that refuse bins are regularly left on the highway but this does not support the assertion that the area is not part of the highway: rather, the Highways Planning Manager suggests that this is due to poor management by the current operator. The applicant also indicates that the area has been signed as private. There is no historical evidence that this signage has been in place until recently.

The Highways Planning Manager is of the view that the applicant has not demonstrated any highway benefit in this area being stopped up. He does not consider that the loss of these corners maintain or improve the existing pedestrian environment and are therefore contrary to S41 and TRANS3. While the applicant makes reference to wider public realm proposals being of benefit, the Highways Planning Manager considers that proposals

result in an uncomfortable and artificial line between the current highway and that which will be private. In the long term, he believes that it is likely to result a disjointed appearance as well as on going uncertainty of maintenance responsibility. However, he concludes that whilst not ideal, the proposals are not refusable on these grounds.

Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place for the works, which will be subject to separate consultation and assessment. This process is secured as part of the legal agreement.

Overall therefore, whilst the proposals raise a number of queries in highways terms, they are considered acceptable on the whole, subject to further consideration, either as part of any planning approval or under separate highways approvals.

8.5 Economic Considerations

The economic benefits associated with the creation of an upgraded high-class hotel, with new improved conference and ballroom facilities, are welcomed. The applicant advises that the existing hotel employs 538 people in both full and part time positions. This is a full time equivalent of 450 jobs. Hilton predict there would be 633 FTE jobs within the redeveloped hotel. Assuming a similar multiplier as the existing hotel, this would equate to a headcount of 757 jobs within the hotel. This equates to a net increase of 183 FTE positions and an approximate net increase of 219 total headcount.

8.6 Access

The proposed development has been designed to incorporate a good level of inclusive design. This includes:

- Accessible routes to all entrances with local pedestrian routes and public transport;
- A shared space area to the front of the hotel on Park Lane with level surfaces for comfortable use by residents and local people;
- Inclusion of vehicle, mobility scooter and coach parking and drop off for all entrances;
- Step-free access to all parts of the buildings;
- Accessible residential and recreational facilities in the basements - spa, ballroom, bars and restaurants;
- Accessible state of the art hotel bedrooms and serviced apartments with interconnecting suites meeting both ADM 1 and London Plan ratios for accessible bedrooms (5% from fit out and a further 5% adaptable);
- 90% of dwellings will be designed to meet building regulation M4(2) – accessible and adaptable dwellings;
- 10% of the dwellings will be designed to be easily adaptable to meet the needs of a wheelchair user, as required by local authority and London-wide policy 3.8, Housing Choice and to meet building regulation M4(3) – wheelchair user dwelling; and
- Access to six lifts for hotel guests, one of which doubles as fire-fighting.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

This matter has been assessed by Historic England who advise that there are no archaeological requirements.

Waste

Following initial concerns raised by the Projects Officer (Waste), a revised Waste Management Strategy has been submitted, along with amended drawings. On this basis his initial objection has been withdrawn, subject to standard conditions.

Crime and security

The applicant has met with the Crime and Prevention Design Officer. The crime and security measures are at an early stage of development and will be subject to a condition.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The development proposes to achieve BREEAM 'excellent' for the hotel, services apartments and casino elements of the scheme. The energy strategy for the development has been produced to follow the 'be lean, be clean, be green' principles of the energy hierarchy as follows:

Be Lean: A wide range of passive and energy efficiency measures are incorporated in the design, including very good levels of thermal insulation, building air tightness, daylight infiltration reducing reliance on artificial lighting, efficient artificial lighting, as well as high efficiency building services such as a water source heat pump recovering heat from the chiller. These exceed Part L:2013 requirements and reduce the overall CO2 emissions of the development.

Be Clean: Due to the constant heat demand from swimming pool, hotel rooms and residential domestic hot water load two Combined Heat and Power (CHP) units have been specified. There are currently no existing or planned heat networks in the vicinity of the development, but the design will allow for future connection by incorporating sleeved connections points, space for Plate Heat Exchangers along with safeguarded routes for inter-connecting pipework.

Be Green: A detailed assessment of renewable energy opportunities and viability has been undertaken, which has determined that ground source heat pumps are a viable technology for integration into the scheme and are to be incorporated.

Chiller cooling capacity is limited by the roof space available for heat rejection equipment (e.g. cooling towers). Ground source heat pumps have primarily been incorporated to meet the resulting additional cooling demand requirements without the necessity for roof space. Ground source heat pumps will be less efficient than the systems currently specified and will not achieve an annual reduction of CO₂ emissions in comparison to these; as such ground source heat pumps are included under the 'Be Lean' section for calculation purposes.

The applicant advises that measures that reduce the predicted CO₂ emissions from the proposed development have been considered and thoroughly assessed by the project team. All possible viable measures have been integrated into the proposed design and specification resulting in a 16.9% improvement beyond the Part L 2013 target emission rate. Given the scale of the development it is unfortunate that a greater reduction has not been achieved. However, the applicant is reviewing this and is prepared to accept a condition requiring the submission of a revised Energy Statement for approval prior to commencement providing details of a scheme that provides a policy compliant 35% reduction in regulated CO₂ emissions in comparison to Building Regulations 2013. In the event that this target is not achieved, the condition will require alternative measures (such as a contribution towards the Council's carbon offset fund) to make up the shortfall in carbon reduction.

Biodiversity, Landscaping and Trees

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity and other green infrastructure. The applicant has aspirations to improve the public realm, including trees and planting bays, as well as the garden at the centre of the site and on the roof of the rebuilt podium.

The Arboricultural officer has raised a number of detailed queries about the proposals, questioning the technical feasibility of some of the proposals and conflicts with highways requirements. Key issues include:

- The proposed service ducts occupy the entire footpath surrounding the new buildings to a depth of 2m. The implications are that replacement street tree planting in the public footpath of Stanhope Row is not possible and the new planting is created within the roadway on small footpath build-outs. Invariably this kind of planting solution means conflict between trees and vehicles, especially when using ornamental species like pear that will not produce a clear stem high enough to clear traffic until the end of their lives. This matter will need to be addressed by condition.
- The section of the sustainability statement on climate change adaption mentions that 'water efficient irrigation to be specified' but there is no mention of whether any irrigation will be provided or if irrigation will have any sustainability features.
- There are questions about the suitability of some of the proposed trees as, for example, Rowan and Alder are not very tolerant of dry urban street conditions.
- Competition for footpath space will mean that some soft planting beds that have been proposed are unlikely to be practical.

- The new tree planting in Stanhope Row is outside of the public footpath in small build-outs into the roadway, and the tree planting on the roundabout is an island surrounded by the road. The rooting space for these trees will be limited with the root-hostile environment below the road and in Stanhope Row the service ducts beneath the paving add to the root constraints.
- The rear garden landscape is a perched landscape above basement structures and the eight trees that are shown are planted in large planters. Trees in planters have much shorter life expectancies, smaller stature and require more irrigation to maintain health than trees planted in normal landscapes. The security section of the Design and Access Statement states that the planting in this garden will be small stature to allow surveillance. Consequently, the perched landscape will not support large shrubs or trees and the necessity for surveillance will mean that the trees and tall shrubs will be maintained at a smaller size therefore it is disingenuous to imply that planting here has a large environmental impact or contributes to the London Mayor's tree planting targets.
- The value of the biodiversity introduced is not discussed in the ecological report and sustainability is limited because the hotel planting is within a completely dependent environment. Aesthetically it will have benefits for hotel guests and visitors but for Westminster as a whole the benefits are imperceptible. The details of the podium roof garden in terms of species planted, quantities, planting infrastructure (soil volume, irrigation, maintenance etc.) is not mentioned.

The Arboricultural Officer considers that the new planting in the public realm and the creation of the rear garden and podium roof garden do create small net benefits, but the shrub beds proposed for much of the highway planting are likely to conflict with space requirements for pedestrians and likely to be impractical. Some examples of the species proposed will be short-lived in central London footpaths they may struggle to survive.

There are no objections to the loss and replacement of highway trees but the landscape design of the public realm is considered to be impractical and there will need to be some more design work to accommodate trees in Stanhope Row and the roundabout at the head of Hamilton Place by creating rooting space below roadways. The sustainability of the landscaping within the site could also be improved.

The need to remove the three trees in Stanhope Row to facilitate the proposal is considered to be acceptable and will need to be subject to the s106 agreement for their replacement. The remaining tree removal, new planting and soft landscaping are not necessary to facilitate the development and will need to be subject to a s278 agreement for approval by the Council as Highway Authority, to include all the other highways modification proposed but not agreed.

Structural issues relating to basement excavation

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 (NPPF) 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.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

The 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.

Given the complexity of the proposed construction, the applicant has provided a helpful summary of the proposed demolition and construction methodology. The proposed additional basements in this commercial scheme are considered to be acceptable in land use terms and will be subject to the usual Building Control regulations.

Construction impact

Objections have been received that the proposed works would result in a lengthy construction process and create general noise and disturbance. The proposal will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are ameliorated as much as reasonably possible.

8.8 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London. The Mayor has been consulted for information purposes after the applicant presented the scheme to him/the Greater London Authority but no response has been received.

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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting

planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

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

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- i) £20,444,000 towards the City Council's affordable housing fund in lieu of on-site provision (index lined and, subject to the Committee's consideration of the applicant's request, payable in three phases);
- ii) Unallocated residential parking;
- iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
- iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hereford Street and associated work (to be implemented prior to the occupation of any part of the development);
- v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
- vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
- vii) Stopping up of the highway on the Stanhope Row frontage as required to implement the development, at full cost to the applicant;
- viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
- ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
- x) Monitoring costs of £500 for each of the above clauses.

The planning obligation is considered to meet the tests outlined above and would be secured by a S106 legal agreement. The Crossrail charge of £325,450 (plus indexation) will be offset by the Mayoral Community Infrastructure Level (CIL) charge of £895,950. The applicant's consultants advise that the scheme will also generate a Westminster CIL of £9,620,758. These figures will need to be verified in due course.

8.11 Conclusion

The proposals' aim to improve the quality and standard of this well-known purpose-built hotel are welcome in principle. The introduction of residential accommodation into the tower is considered to be acceptable, subject to the other improvements to the site, as is the full commuted payment towards the Council's affordable housing fund. There are a number of issues to be resolved with regard to the applicant's aspirations for works to the public highway, and although these need to be subject to separate highways approval, it is considered that they can be resolved in due course.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society of Mayfair & St. James's, dated 4 April 2016
3. Responses from Historic England dated 15 March 2016
4. Letter from the Designing Out Crime Office, Metropolitan Police, dated 10 March 2016
5. Letter from occupiers of 42 Shepherd St, London, dated 29 March 2016
6. Letter from occupier of 46 Shepherd Street, dated 27 March 2016
7. Letter from occupier of Christ Church Mayfair, Down Street, dated 30 March 2016
8. Letter from Transport for London, dated 4 April 2016
9. Responses from the occupier of Rutland House, 5 Allen Road, dated 4 May and 10 June 2016
10. Letter from occupier of 23 Bellclose Road, London, dated 23 March 2016
11. Email from the Environment Agency, dated 21 March 2016
12. Memorandum from the Highways Planning Manager dated 12 August 2016
13. Memoranda from the Projects Officer (Waste) dated 8 March 2016 and 30 August 2016
14. Memorandum from the Tree Section dated 15 August 2016
15. Memorandum from Environmental services dated 22 March 2016

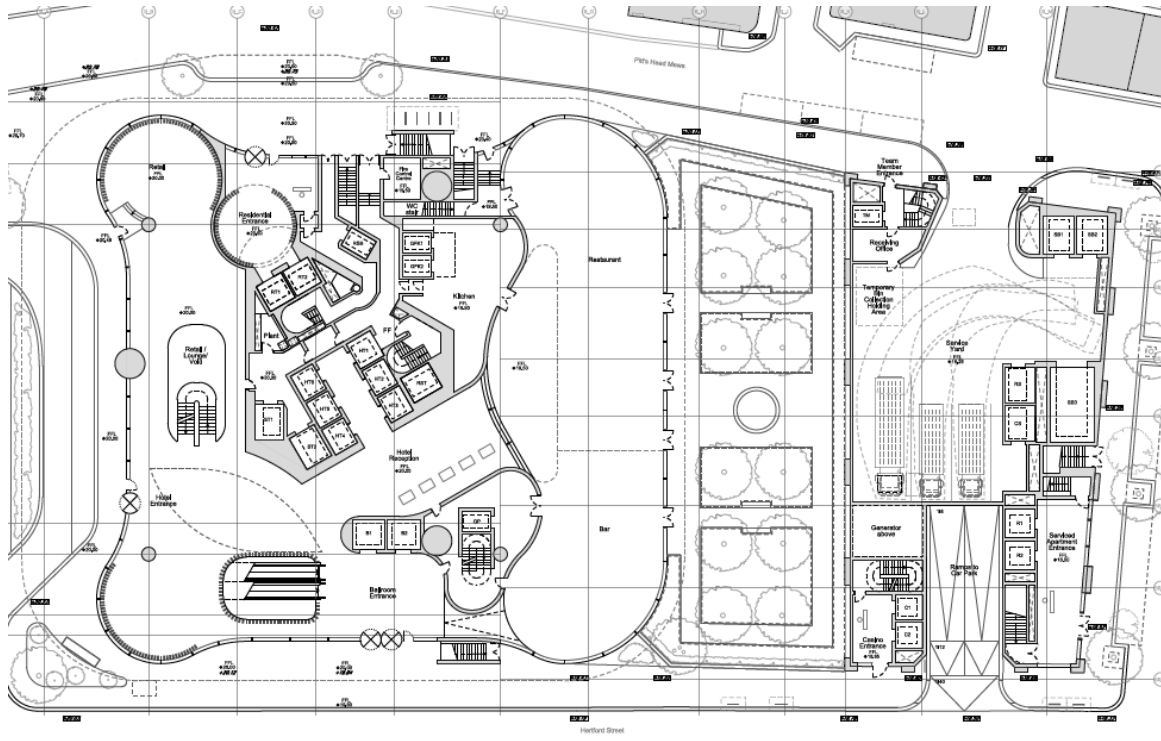
Selected relevant drawings below

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

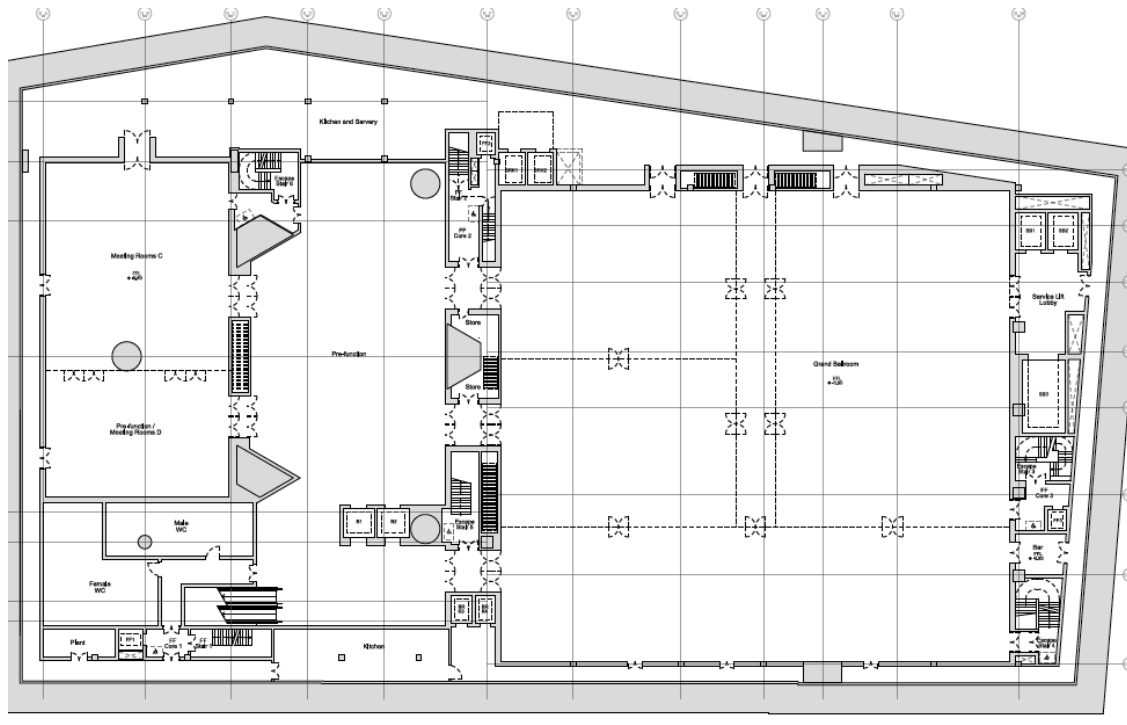
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

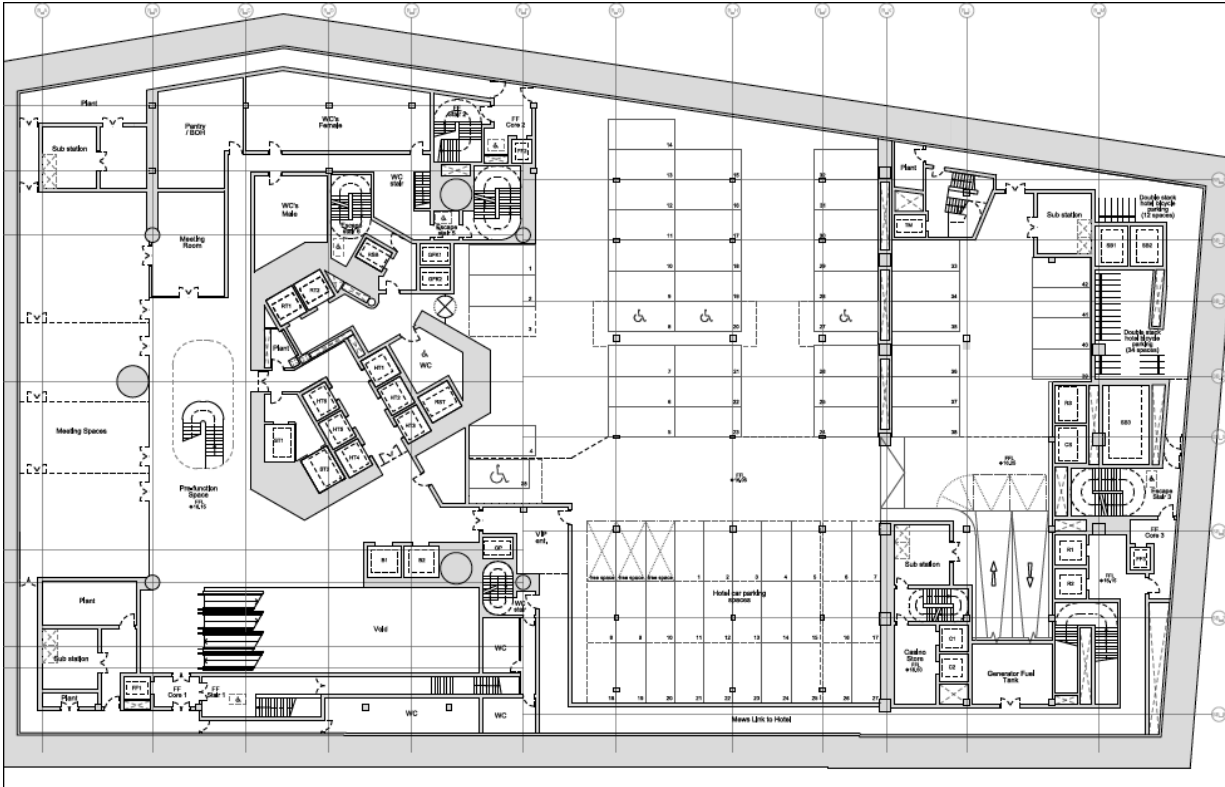
Proposed ground floor



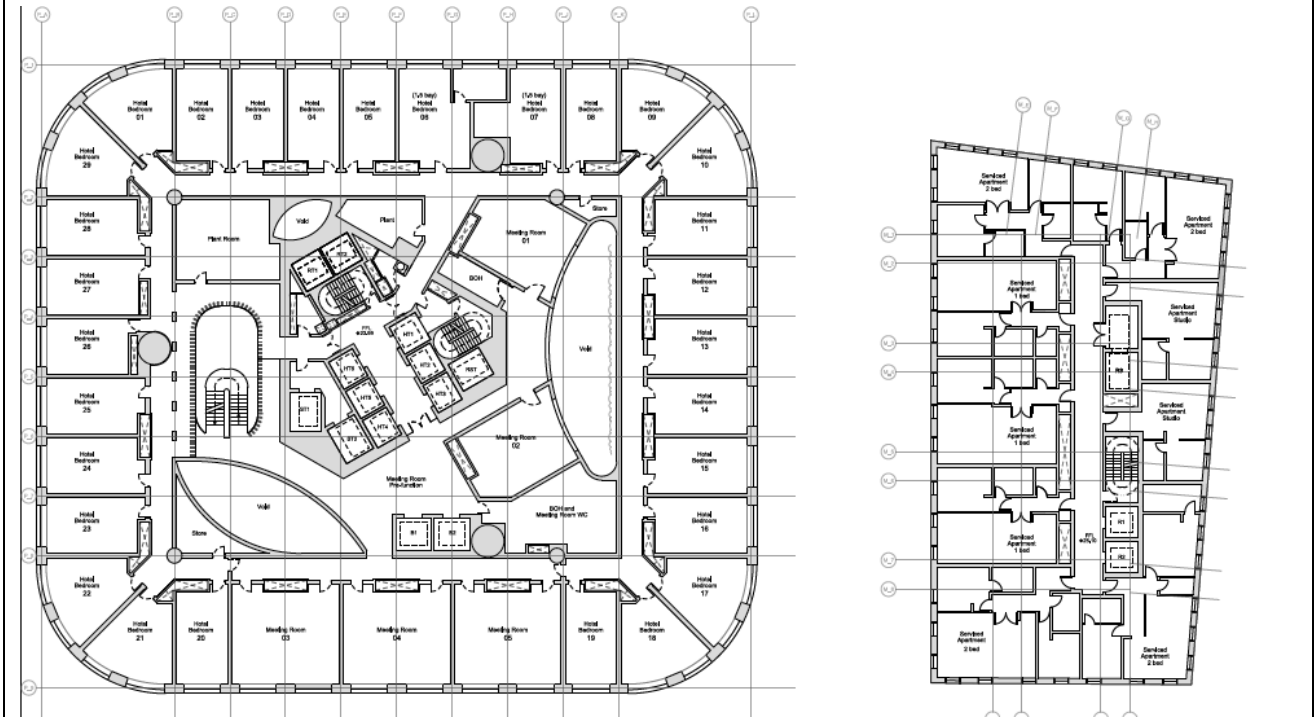
Proposed basement level B06



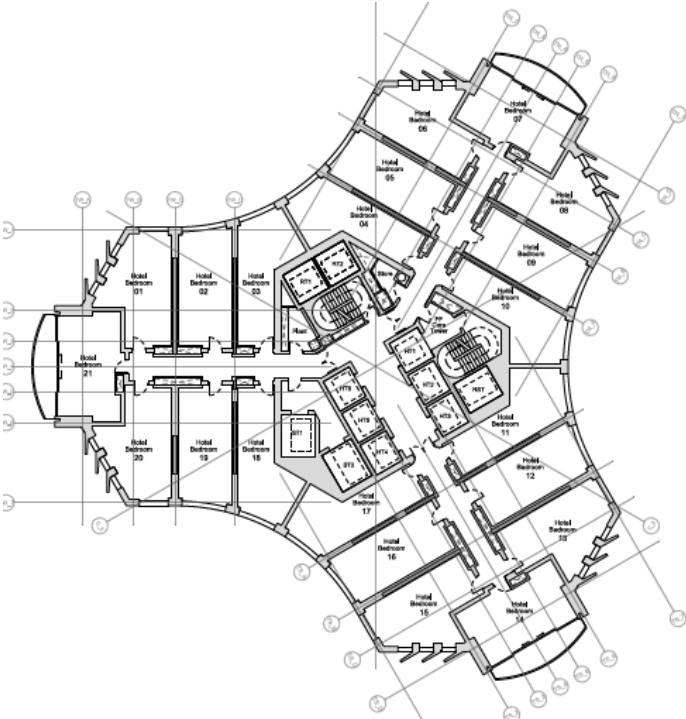
Proposed basement level B01



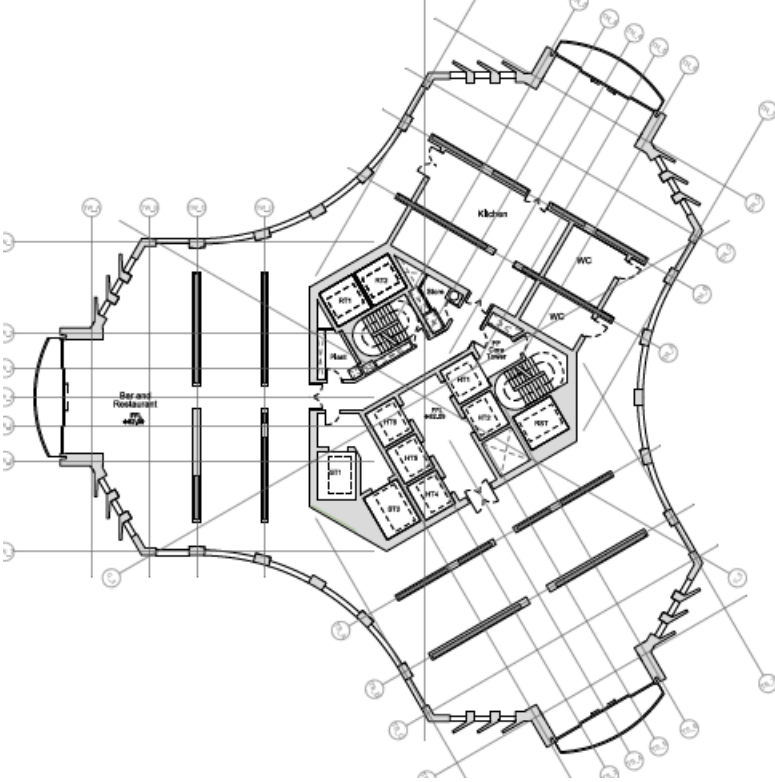
Proposed podium level 02



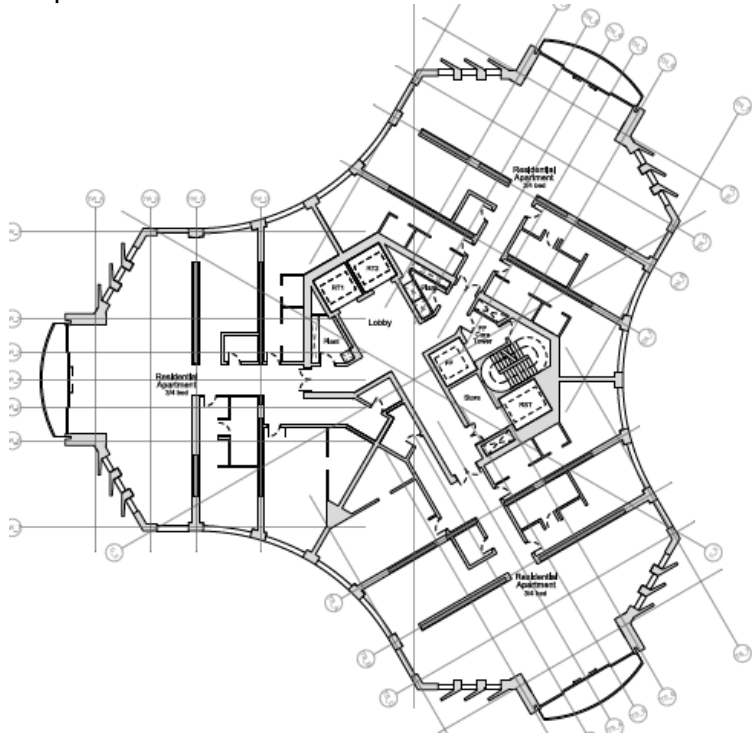
Proposed tower levels 08-20



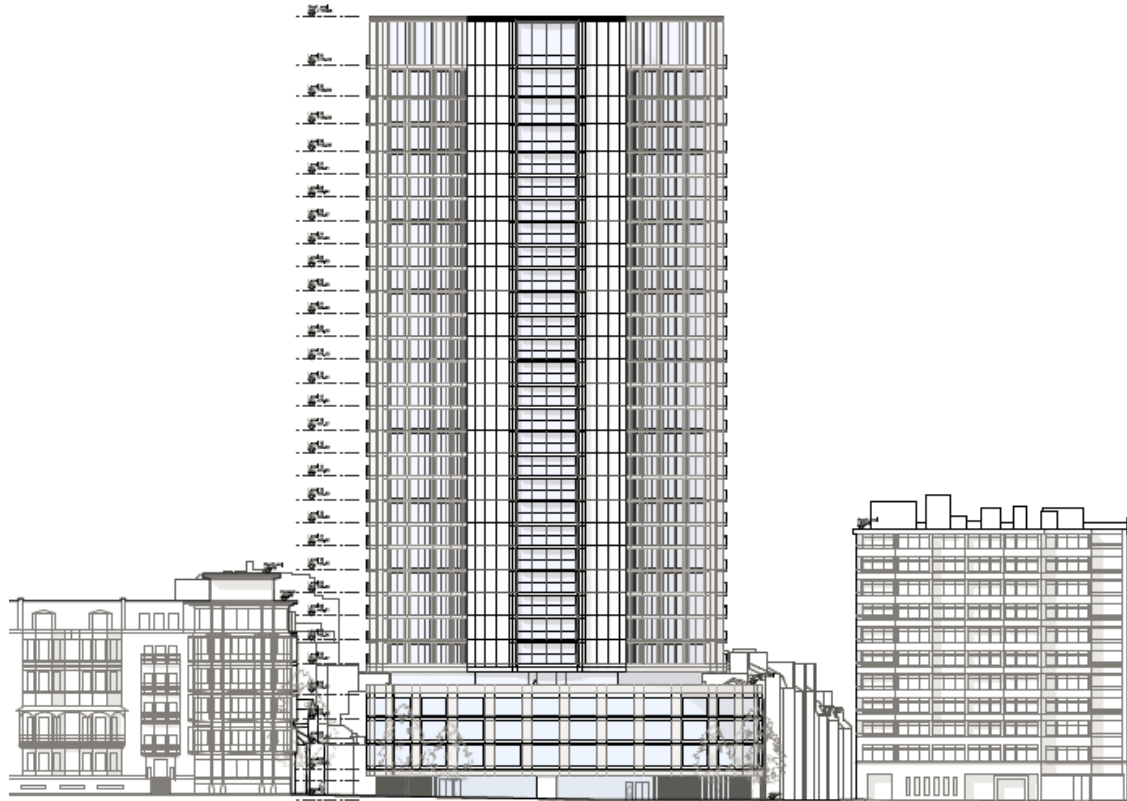
Proposed tower level 21 [A3 restaurant]



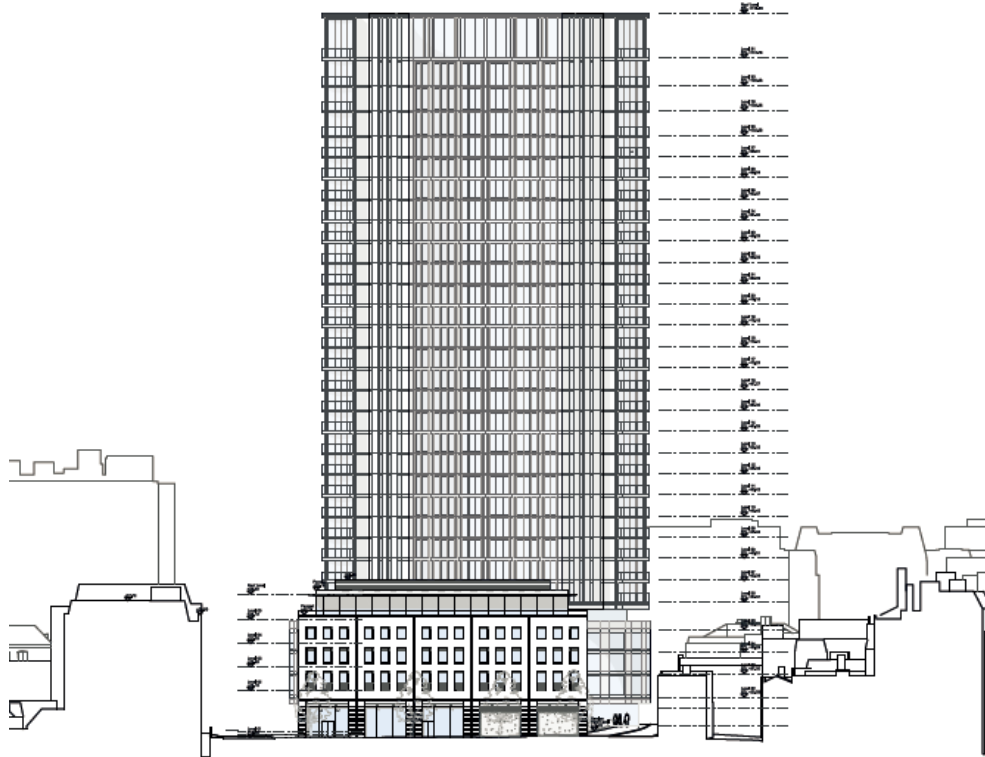
Proposed tower levels 25-28



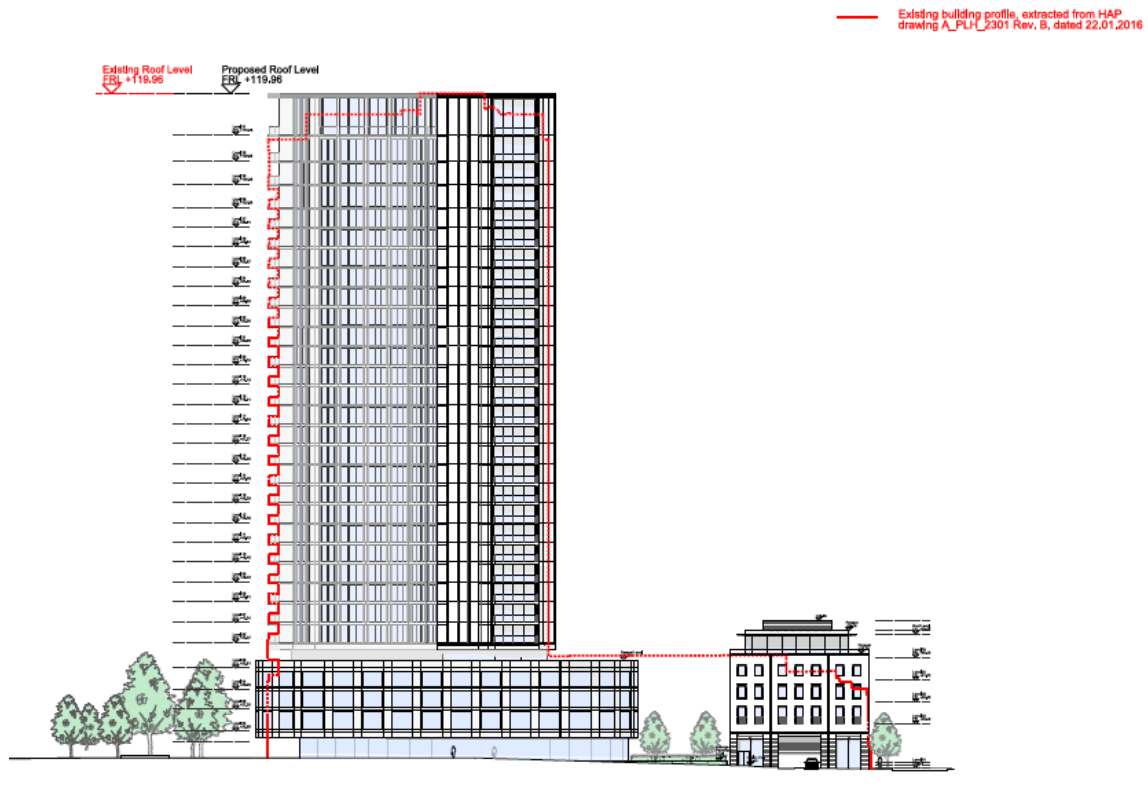
Proposed elevation to Park Lane



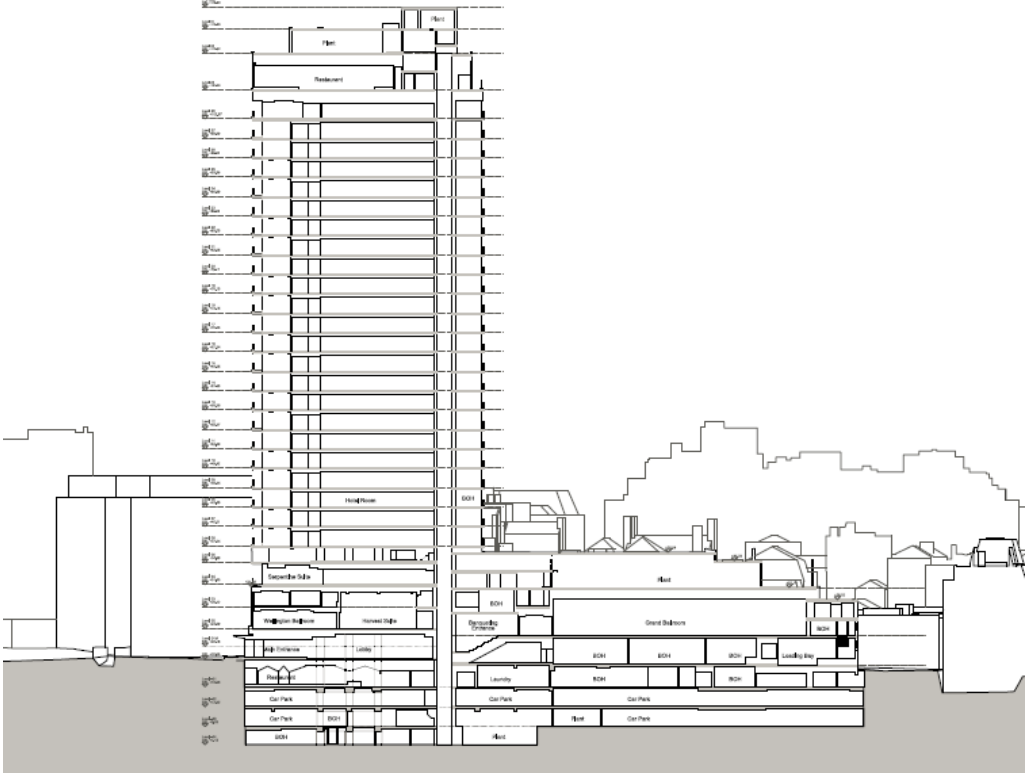
Proposed elevation to Stanhope Row



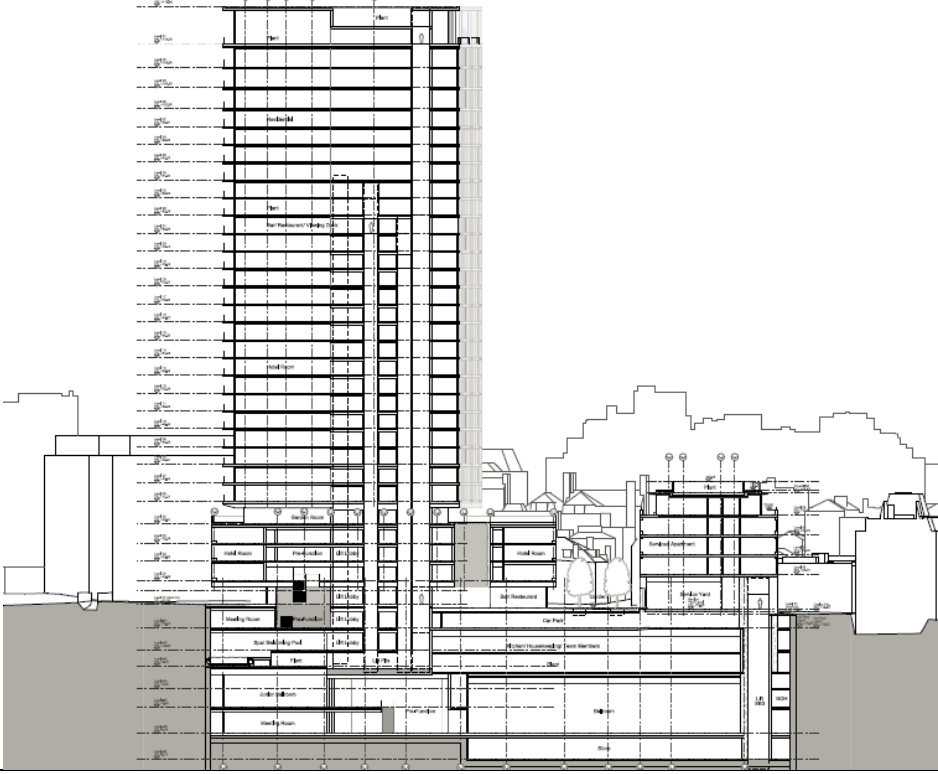
Proposed elevation to Hertford Street [with existing building profile]



Existing section AA



Proposed section AA



DRAFT DECISION LETTER

Address: London Hilton, 22 Park Lane, London, W1K 1BE,

Proposal: Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.

Reference: 16/01042/FULL

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

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

Typical façade details at all levels:

- a. Tower;
- b. Podium;
- c. New building (at east end);
- d. Public art.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 You must apply to us for approval of details (including examples of indicative layouts) of the following parts of the development - the range in the number of hotel bedrooms and bedspaces proposed for the podium and tower. You must not commence the hotel use until we have approved what you have sent us, and the hotel accommodation must be provided in accordance with the approved details and range of hotel bedrooms and bedspaces.

Reason:

To ensure that the development is carried out in accordance with policies S23 of Westminster's City Plan (July 2016) and TACE 2 of our Unitary Development Plan that we adopted in January 2007

- 8 The Class A3 restaurant at level 21 of the tower must be fitted out and made ready for occupation before commencement of either the residential units or the hotel use in the remainder of the development. Thereafter it shall only be used as a Class A3 restaurant that is open to the general public.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (July 2016).

- 9 Non-hotel guests shall not be permitted within the following parts of the development (or any similar facilities providing food and beverages that are created within the hotel in the future) at the following times:

the ground floor restaurant: before 06.30 hours or after 02.00 hours; and

the Lobby lounge / bar: Opening hours: before 08.00 hours or after 02.00 hours.

No customers (including hotel guests) shall not be permitted within the Class A3 restaurant at level 21 before 08.00 hours or after 04.00 hours.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must not allow more than the following numbers of customers (including hotel and non-hotel guests) into the specified parts of the property at any one time:

Ground floor restaurant: maximum capacity - 170 persons;

Lobby lounge / bar: maximum capacity - 85 persons;

Level 21 restaurant / bar: maximum capacity - 260 persons.

Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 The 3-, 4- and 6-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 at least three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 12 You must not allow more than 250 customers (including hotel guests) into the casino at any one time. (C05HA)

Reason:

In accordance with the capacity restrictions for the existing casino, to make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 You must apply to us for approval of an updated operational management plan to show how:

1. you will prevent customers who are leaving the building (in particular from the Class A3 restaurant, the casino and the hotel bars, restaurants, conferencing facilities and any functions in the ballrooms) from causing late-night nuisance for people in the area, including people who live in nearby buildings;

2. details of how coach arrivals and departures (including functions in the ballrooms) will be managed so as to limit their impact on the highway.

You must not start any of the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that any part of the property is in use.

Reason:

To make sure that the uses will not cause nuisance for people in the area (as set out in S24, S29

and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007), and 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 14 The courtyard garden at ground floor level shall not be used for any dining or drinking activities (including any activities linked to conferences or functions within the ballrooms) before 07.00 hours or after 00.00 hours (midnight).

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 15 You must provide the waste stores shown on drawings 2203 Rev E (B07 Basement Level), 2208 Rev E (B02 Basement Level) and 2210 Rev F (Ground Floor) before any of the uses commence. You must clearly mark them and make them available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected, and no waste should be stored or left on the public highway at any other time. You must not use the waste stores for any other purpose. All waste generated on site must be managed and collected in accordance with the Waste Management Strategy (Tricon) dated August 2016.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

Phase 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.

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)

17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing 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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of

Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 23 (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 (July 2016) 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.

- 24 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 17 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 25 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 21 and 22 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 26 Before any of the approved uses commence, you must submit for approval a car parking strategy (including detailed drawings) providing the following details:

- a) Location of no less than 42 unallocated residential (Class C3) car parking spaces, and no more than 28 other car parking for the non-residential uses, within the basement;
- b) Disabled access car parking spaces (for the residential and other uses within the development);
- c) Electrical vehicle charging points (minimum of 20% active and 20% passive);
- d) Access arrangements to the car parking area;
- e) a strategy for managing the car parking for the different uses within the development.

You must provide each of the 42 residential car parking spaces shown on the approved drawings, which shall only be used by the parking of vehicles of people living in the residential part of this development, on an unallocated basis without restriction for all of the residential occupiers of the building and these shall be maintained for such use for the lifetime of the development in

accordance with the car parking strategy approved pursuant to this condition.

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)

- 27 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 28 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 29 Before any of the approved uses commence, you must submit for approval a Servicing Management Plan (SMP). The plan should identify and provide specific details of the processes, internal storage locations, scheduling of deliveries and staffing. The uses in the development must be operated in accordance with the approved SMP for the life of development.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 30 All servicing must take place between 07.00 and 23.00 hours on Monday to Saturday and 09.00 and 22.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 31 You must provide each cycle parking space shown on the approved drawings prior to occupation - a minimum of 52 cycle parking spaces for the C3 residential units and 46 cycle parking spaces for the other uses within the development. 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.

- 32 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 33 Any part of the development's structure over the footway (highway) must maintain a minimum 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge. Any structure within 1 metre of the kerb or over carriageway must maintain a minimum vertical clearance of 5.3 metres.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 34 Prior to the commencement of any construction on site, you must apply to us for approval of detailed drawings showing the relationship of the new service trench and any part of the development that extends beneath the footway/carriageway. You must not start any construction work on those parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

To ensure that services and essential street furniture can be provided, as set out in TRANS 19 of the Unitary Development Plan adopted in January 2007.

- 35 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees, shrubs and other plants to be used on the podium roof garden (including specific measures to encourage biodiversity), the hotel Garden and the public highway. You must not start any construction work until we have approved what you have sent us. You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing).

For both the podium roof garden and the hotel garden you must provide details of the landscape infrastructure (for example soil volume, irrigation systems, water storage and maintenance), with

due regard for the sustainable resources that will be necessary for the plants to thrive during normal and extreme weather.

Where highways planting has restricted rooting space (e.g. Stanhope Row and the traffic island in Hamilton Place) you will need to design rooting space to provide a suitable and sufficient rooting environment that includes the ground beneath the public highway.

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 36 You must apply to us for approval of detailed drawings showing a 'buffer zone' of minimum width of 4m around the perimeter of the garden on the roof of the podium. This garden shall only be used by individual hotel guests and shall not be used for group dining or drinking activities (including any activities linked to conferences or functions within the ballrooms).

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 37 You must apply to us for approval of detailed drawings showing the casino's terrace at mezzanine level (above the entrance to the car park), including details of screening to prevent overlooking of the properties opposite.

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 38 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Access Statement (David Bonnett Associates) that forms part of the Design and Access Statement dated February 2016 before you use any part of the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 39 You must submit a revised sustainability/energy statement to the Council for written approval that demonstrates a 35% reduction in regulated CO2 emissions in comparison to Building Regulations 2013. In the event that this target is not achieved, you must provide alternative measures to make up the shortfall in carbon reduction. The revised sustainability/energy report must be submitted before construction works begin; the approved measures must then be implemented before you start to use any part of the development. You must not remove any of these features without written approval of the City Council as local planning authority. (C44AA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S40 of Westminster's City Plan (July 2016), and policy 5.2 of the Further Alterations to the London Plan, March 2015. (R44BC)

- 40 Prior to the commencement of any construction works, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing Out Crime Office, setting out how the principles and practices of Parts Two & Three of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (July 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 41 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from the Class A3 restaurant at level 21 and the hotel bar restaurant at ground level, including details of how they will be built and how it will look (specifically the external extraction discharge points). You must not commence either of these uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to

be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the following:
- i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);
 - ii) Unallocated residential parking;
 - iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
 - iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);
 - v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
 - vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
 - vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement the development, at full cost to the applicant;
 - viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
 - ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
 - x) Monitoring costs of £500 for each of the above clauses.
- 3 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.

- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 For the avoidance of doubt, this permission does not confer approval for any works to the public highway - such works as are shown as part of this submission are for indicative purposes only and you are reminded of the need to obtain separate consent from the Highways Authority (including Transport for London where appropriate) under the relevant part sof the Highways Acts.
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 7 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 8 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)
- 9 You are reminded of the need to obtain technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress consent for works to the highway.
- 10 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor

Item No.
1

markings, or both. (I88AA)

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.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	Hathaway House, 7D Woodfield Road, London, W9 2BA,		
Proposal	Demolition of existing buildings and redevelopment to provide buildings of G+4 and G+13 storeys, providing a mixed use development comprising flexible office use (Class B1) and Healthcare (Class D1), and 74 residential units (including 19 affordable units), with associated basement car parking, cycle parking and hard and soft landscaping.		
Agent	Mr Laurence Brooker		
On behalf of	Hathaway House		
Registered Number	16/02091/FULL	Date amended/ completed	August 2016
Date Application Received	8 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

<p>1. Does the Committee agree that given the location of the site, low townscape value of the immediate area and limited impact of the tower on the designated heritage assets (conservation areas and listed buildings) in the wider area, a high building is acceptable in this location.</p> <p>2. Subject to 1. above and subject to the views of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:-</p> <ol style="list-style-type: none"> 1. Provision of affordable housing on-site in the form of 9x1 bedroom and 10x2 bedroom intermediate shared ownership units, with 100% nomination rights to the City Council. 2. Lifetime (25 years) car club membership for the occupiers of the residential units. 3. Car park strategy for the residential carpark spaces provided on an unallocated basis and for the NHS car park spaces. 4. Highways works associated with the development including vehicular crossovers and paving 5. Pedestrian and vehicular access along from Woodfield Road along Elmfield Way to the development site 6. Public access to the 2m depth canal side space via a walkways agreement or other suitable mechanism. 7. A financial contribution of £205,632 as a carbon offset payment (index linked and payable on commencement of development).
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8. A financial contribution of £TBC towards improvements to existing play space provision in the vicinity of the site or towards the provision of new play space provision (index linked and payable on commencement of development).
9. A financial contribution of £TBC towards public realm improvement works in the vicinity of the site which may include works to the waterway and towpath (index linked and payable on commencement of development).
10. A financial contribution of £TBC towards Employment and Training (index linked and payable on commencement of development).
11. A financial contribution of £100,000 towards a cycle docking station within the vicinity of the site. (index linked and payable on commencement of development).
12. Provision of Public Art to the value of no less than £TBC. (index linked and payable on commencement of development).
13. Compliance with Code of Construction Practice
14. Cost on Monitoring the S106 legal agreement

3.If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:

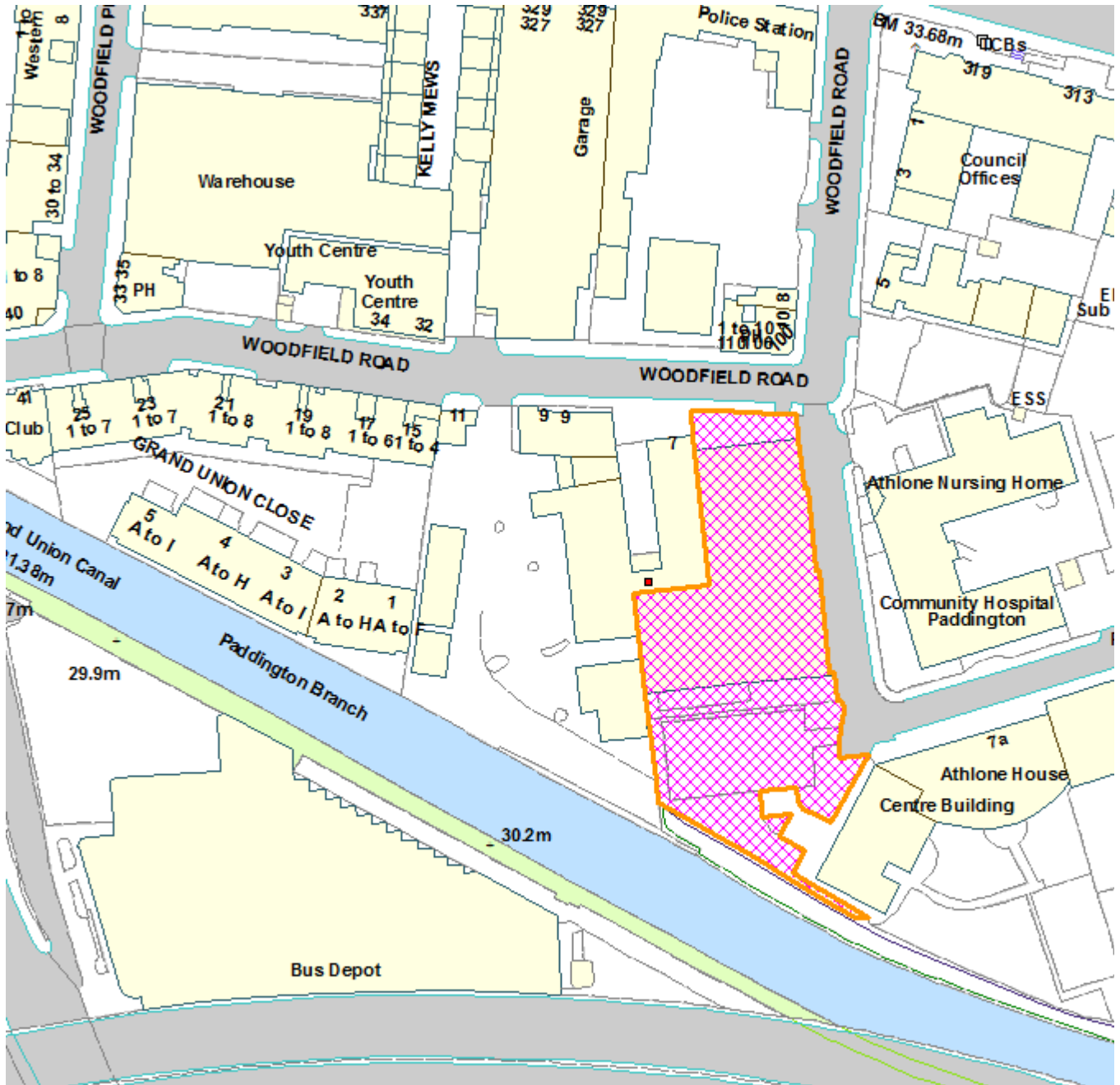
a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however,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

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

2. SUMMARY

Permission is sought following revisions, for the redevelopment of the site to provide a new development of between 5 and 14 storeys for mixed use purposes including the provision of 19 units of affordable housing units on site. The proposal has brought about significant representation of objection from Ward Councillors, local residents associations and over 100 residents on a number of grounds including the principle of a 14 storey building, impact of the development on residential amenity and the local environment, insufficient affordable housing and open space and failure to address the needs of the local community, among many other grounds. Notwithstanding the objections raised, the proposal is generally considered to be acceptable in planning policy terms, subject to conditions and is considered to generate significant regenerative benefits. The single most key issue relates to the principle of a high building in this location. As such Committee are asked to consider that given the location and impact of the high building, that it is acceptable in this location. Subject to this, the application is recommended for approval subject to a S106 legal agreement to secure planning obligations and subject to appropriate conditions.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front



Rear



CONSULTATIONS

GREATER LONDON AUTHORITY (GLA)

The scheme is broadly supported in strategic planning terms, but the application does yet not comply with the London Plan. The principle of the proposed residential, flexible office, social and community floor space and potential GP hub are supported. The proposed housing windfall site is strongly supported, but additional affordable housing should be proposed, the housing mix confirmed as meeting housing need and a contribution for child play space sought. In urban design terms further information should be sought as to the interface with Elmfield Way to create a more active frontage. Plans should be provided to show details of inclusive access. The carbon dioxide savings, energy and flood risk assessment do not fully accord with the London Plan. More details are required with respect to overheating, cooling demand, district heating, renewable energy and sustainable drainage. Whilst the proposal is broadly acceptable in strategic transport terms further matters require addressing with regard to pedestrian connections, access, transport, car and cycle parking, buses and travel planning.

The following financial contributions are sought; £100,000 towards the installation of a new cycle docking station within the vicinity of the site; Funding for cycle hire membership for 1-3 years (£90 per unit per year); £10,000 towards bus stop improvements. The following conditions are sought; Delivery and Service Plan (DSP); Construction Logistics Plan (CLP); Electrical vehicle charging; blue badge parking; car club membership for at least 3 years; Travel Plan.

TRANSPORT FOR LONDON (TFL)

Level of car parking is below London Plan maximum standards, however Developer should consider car free or car capped development. Car club membership is supported. Electrical Vehicle Charging points and blue badge parking is required. Residents should be exempt from on street parking permits and a car park management plan should be secured. 152 cycle parking spaces are required along with cycle changing facilities. CLP, DSP and Travel Plan are expected. Developer should consider whether the canal can be used for deliveries during post construction. Further comments will be provided to the GLA which may contain a suite of S106 mitigation measures.

HISTORIC ENGLAND

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

HISTORIC ENGLAND – ARCHAEOLOGY

No Archaeology requirement, unlikely to have any significant effect on heritage assets or archaeological interest.

ENVIRONMENT AGENCY,

No comment. There are no constrains which fall within our remit for this application and did not need to be consulted.

THAMES WATER

General comments and advice given, along with request for imposition of Grampian conditions to require a drainage strategy and details of piling.

CANALS AND RIVERS TRUST

General comments and advice given, along with request for informative regarding code of practice for works affecting the Canal and Rives trust and the imposition of conditions to require; survey of potential contamination; survey of adjacent waterway wall, details of hard and soft landscaping to waterside boundary; details of CCTV and lighting; risk assessment and method statement of all works adjacent to the water.

The Trust owns and manages the Grand Union Canal and towpath on the south side. Unusually in this case Trust also own the strip of canalside that lies between the application site and the canal and consider that this relationship could be improved by works to this land. Limited landscaping to land abutting the canal, would like to see the cycle store relocated so that the space can interact with the canalside and more improvement and landscaping of canalside land.

Pleased that the taller element is located away from the canal, keen to ensure no overshadowing of canal. Potential for moorings. The development will bring more people to the towpath (which is one of TFL quietways) which will put additional pressure of the Trusts finances, as such a financial contribution is sought to improve the water way and towpath.

NATURAL ENGLAND

No comment.

METROPOLITAN POLICE – CRIME PREVENTION ADVISOR

No objection. The scheme would benefit from the enhanced standards of the Secured By Design scheme and the developer should make contact to apply for the award.

CENTRAL AND NORTH WEST LONDON FOUNDATION TRUST NHS (CNWL)

Support the planning application, could make a significant contribution to CNWL estate reconfiguration plans. CNWL is one of the largest trusts in the UK, caring for people with physical and mental needs across 150 sites with around 6,500 staff. It owns and provides both in-patience and community based mental health service from the health centre immediately adjacent to the application site. The ground level car park within the planning application boundary is currently owned by CNWL and sale of the site will provide valuable funding. The proposal reprovides the car and cycle parking and also provides the opportunity community use space within the new development. CNWL have acute timescales in terms of when floor space is needed for occupation and the required amount of floor space.

Would be concerned about the inclusion of a publically accessible area of open space adjacent to the site, given the sensitive and confidential nature of the health care provided and potential privacy and disturbance and intrusive behaviour. But support the small, discreet and sufficiently screened area of amenity space fronting the canal for use by local workers and residents.

There is currently no public right of access to the car park land (in CNWL ownership) and no public access to the canal bank (which is not in CNWL ownership).

The sale of the car park is provisional on the re-provision of the car parking spaces including 4 disabled spaces at surface level (re-provision in Elmfield Way or the basement car park is not acceptable) and the re-provision of a cycle parking shed. Elmfield Way is owned by NHS Property Services Limited.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally

INLAND WATERWAYS ASSOCIATION

Any response to be reported verbally

WESMINSTER PRIMARY CARE TRUST

Any response to be reported verbally.

NHS CENTRAL LONDON

Any response to be reported verbally

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Objection, given the strength of the Royal Borough's traditional townscape, the tall 15 storey tower would cause demonstrable harm to the setting of heritage assets as well as the local townscape. In particular, the tower would loom over the borough boundary and the Westway and the visual impact would be harmful in this context. View 8 is of particular concern.

LONDON BOROUGH OF BRENT

Holding response (no further response received)

COUNCILLORS DAVID BOOTHROYD

Whilst welcome the redevelopment in principle and for mixed use purposes (if the CNWL do not require the space it could be used for small businesses and start-ups), the tower relates poorly to the townscape. There has been a palpable shift in the public mood against taller buildings especially point blocks. Applicant seeks to justify the height by reference to other tall buildings which is not a justification. Northern part of the building is bulky in the streetscape context. Excessive density of residential and affordable housing is too low and disappointing that it is provided as intermediate.

Development will have a harmful impact on daylight to Athlone House

Green space and public access to the canal would have been welcomed.

COUNCILLOR HUG

Objection. Revisions represent a small step in the right direction, but do not go far enough to address local residents concerns or to make the development fit comfortably within the councils wider plans for the regeneration of this area. 14 storey tower would still dominate the local landscape, out of keeping with the low rise buildings and overshadowing them. Nature of proposed affordable housing as 100% intermediate rent is insufficient. The lack of public open space is disappointing. Request deadline for making comment be extended due to summer holidays.

COUNCILLORS ADAM HUG, DAVID OOTHROYD AND PAPYA QUERISHI AND KAREN BUCK MP

Objection. Too tall for the area, will dominate skyline. Does not deliver enough or the right mix of affordable housing. Could undermine residential an environmental amenity to surrounding properties. Loss of daylight to Athlone House. Does not provide new offices and relocation of CNWL floor space from elsewhere in London. New office space should be for small businesses and start-ups to provide new jobs and opportunities for local people.

Building on the car park area removes the only potential for accessible public and potentially green space on the north side of the canal. Impact on traffic to Woodfield Road which already experience high levels of traffic. Therefore should seek a car free scheme and canal should be considered for delivery of building material and removal of spoil.

At a strategic level the scheme has the potential to prejudice the slowly emerging Harrow Road Management Plan that would seek to place the site within a more cohesive and integrated planning framework for the area. There is a strong case to delay any development on this site so that any new buildings meet the wider objectives of residents and the council that will be identified over coming months.

NOTTINGHILL EAST NEIGHBOURHOOD FORUM (WESTBOURNE NEIGHBOURHOOD FORUM)

Objection, whilst mindful of the need to build more affordable housing units, the tower has no particular architectural distinction to justify its height and scheme does not exploit the potential of being at the edge of the canal. Would prefer to see more underground space being created in a development of this size.

NORTH PADDINGTON SOCIETY

Comment. Proposed usage I could be improved if it created public access to the canal, increased affordable housing provision and if it included a comprehensive review of the current road usage.

ST JOHNS WOOD SOCIETY

No comment

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

QUEENS PARK COMMUNITY COUNCIL

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Not in our area, please take neighbours views into consideration

WESTBOURNE FORUM

Objection. Development is overbearing and out of scale. 16 and 5 storey buildings are too tall and prominent and harmfully impact on views from the canal towpath. No buildings over 5 stories has been granted in Queens park, Maida hill and Westbourne in at least the last 6 years. Loss of scarce open land with no replacement and limited access to the canal.

Community would have liked the opportunity buy the car park land for use as a public open space. Lack of affordable housing. Will block light to surrounding properties. Emerging neighbourhood plan for Westbourne new development will expect developers to offset impact of large scale developments with public green space. Whilst welcome flexile office floor space this is not the type needed in the area, which is business hubs, small businesses. Large self-contained work space developments have little impact on the local economy as workers stay in their offices for lunch. Impact on demand for street parking and traffic and congestion. Concerned about pollution levels to roof gardens and terraces.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Support revised offer of 19 shared ownership units.

Surprised to see in the original proposal the 15 affordable housing units as intermediate housing, although it is unclear if these are for rent or shared ownership. Applicant was previously advised that 15 intermediate homes should be split between 8x2 bedroom units of social housing and 7x1 bedroom units for intermediate housing use. Whilst there is a high concentration of social housing in Harrow Road there remains a high requirement for social housing. The outcome of the financial viability report will need to be taken into account. In the event that social housing units are not possible then intermediate rent would be required at moderate rent levels.

With respect to the revised proposal for 19 intermediate shared ownership affordable housing units. Given the conclusions of the viability, the alternative affordable housing options, housing support the offer of 19 shared ownership homes over other affordable housing tenure combinations that would result in a reduced number of affordable homes. It is likely that the level of household income required to afford one of these units, will be towards the higher end of Westminster's household income range in excess of £50,000. Will require 100% nomination rights and referrals will be provided from a list of eligible intermediate households registered with the City Council for intermediate housing.

HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds but could be considered acceptable. The car parking provision for the residential units on an unallocated basis together with car club membership for the occupiers of the residential units is acceptable. The anticipated increase in traffic of 60 movements a day does not raise transport concerns. Cycle provision is acceptable subject to details. Servicing is proposed from street from Woodfield Road and Elmfield Way which is a private road and this is satisfactory given the low number of servicing vehicles and no material change from the existing use, which is also served from street. Recommend car club membership, Works to the highway and unallocated parking is secured through a level agreement and conditions to secure more details of cycle parking and other more minor matters.

CLEANSING

Any response to be reported verbally

ARBORICULTURAL MANAGER

Any response to be reported verbally

PUBLIC PROTECTION AND LICENSING ENVIRONMENTAL SCIENCES

No objection subject to a number of conditions and informatives.

BUILDING CONTROL

General comments made regarding means of escape capacity for the commercial floor space and fire separation, lobbies, staircase design.

CHILDRENS SERVICES

Support mixed tenure housing for strong local communities and pleased that provision has increased to 19 units. It is anticipated that these developments will generate a child yield affecting early years, primary and secondary provision. There are several primary schools

within half a mile and several secondary schools within two miles of the proposed development which will initially absorb any increase in pupil population. The cumulative effect of several schemes in the area on children services is considerable. The response to one scheme may reflect the response to another requiring on site play in one scheme and a financial contribution on another. No premises requirement is currently identified for affordable childcare, there will be added pressure on existing provision and any affordable housing will impact on expansion of the City's 2 year old early education programme for eligible families. Council is also expecting a need to expand early years provision to Little Venice Ward. A financial contribution could be offered in lieu of premise requirements. Due to pressures in the locality and lack of open space it is important that play facilities are included within developments wherever possible. Request that the developers consider allocating funding for existing youth clubs and towards provision of facilities for those with disabilities. Also to increase local opportunities to seek apprentices in construction or business admin, work experience and other employment opportunities.

GO GREEN PROGRAMME MANAGER

Any response to be reported verbally

SPORT AND LEISURE

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3392

Total No. of replies: 141

No. of objections: 132

No. in support: 5

Land use and wider issues

- Commercial speculative development
- Impact on educational and medical facilities
- Does not address community needs (open space, new business start -ups/enterprise hub.
- Lack of affordable housing
- Inappropriate tenure mix of housing
- Inadequate housing mix
- Flats are not affordable
- High density residential development is not appropriate close to the polluted A40.
- A convincing case for regenerative and other benefits has not been made.
- The development does not work for the area.
- Lack of children's play space
- Lack of open space

Design

- Concept of tower unacceptable
- Will block/destroy skyline across a wide area of Westminster
- Not suitable for canal side
- Tower too high
- 5 storey building too high

- Height is out of keeping with the area. The area is predominantly 2-3 storey low rise.
- Impact of height of tower not proportionate to the amount of flats it will provide (only 25 flats above 5th floor level)
- Overbearing and out of scale
- Not in keeping with the architecture of the street
- Poor quality design
- Buildings are of no architectural merit.
- Westminster is under siege from proposals for high buildings
- Detrimental to the setting of the Canal
- Does not comply with Mayors standards

Amenity

- Adverse impact on current and ongoing business operations and future development of LTDA site.
- Development will block daylight and sunlight to surrounding properties and gardens
- Loss of privacy to surrounding properties
- Impact of bulk and overshadowing of development on Woodfield Road and surrounding properties
- Noise pollution
- Impact on Athlone Home care home
- Light pollution
- Increase in street litter from more residents and workers
- Fifth floor green/brown roof will be an eyesore
- Will increase crime

Transport

- Increase in cars
- Increased traffic in Woodfield Road
- Impact on highway safety and traffic
- Cobbled street unsuitable for major development
- No capacity for on-street parking
- No capacity at bus stop or underground station
- Woodfield Road has a 7.5t weight limit.

Environmental

- Loss of trees and impact on ecology and wildlife
- Impact of tower on wind
- Loss of canalside open space
- Development does not provide any open space
- Community would like to have been given the opportunity to buy the NHS carpark land for a gated community garden.
- Will increase problems with Victorian sewer and drainage

Construction

- Impact (security, privacy, noise, vibration, disturbance and health and safety) on offices at No.7 Woodfield Road.
- Already major building works in the area with development of Harrow Road police station
- Continuous building developments in the area over the last 15 years.

Other

- More time is required to consider the proposals
- Insufficient public consultation
- Will set a precedent
- Scheme is contrary to UDP, London Plan and NPPF
- Impact on property values
- The local communities views have not been taken into consideration at all
- Development is contrary to local and London plan policies
- Impact on Westbourne Neighbourhood forum and Maida Hill Neighbourhood Forum from creating a neighbourhood plan.
- Lack of consideration of impact on the LTDA
- Inaccuracies within GLA stage 1 letter
- Redline boundary encroaches on to land in LTDA ownership

Support

- Mixed use development is the only way the area will be rejuvenated
- Need affluent residents and workers to enable businesses to thrive
- There is affordable housing proposed

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION**The Application Site**

The site is located on the south side of Woodfield Road bound also by Elmfield Way (a private road) to the east and to the rear, close to a corridor of transport infrastructure including the Paddington Branch of the Grand Union Canal (the towpath lies to the south of the canal only), elevated A40 Westway and the railway lines running into and from Paddington Station. The site encompasses, one and two storey buildings known as Hathaway House, which has been used for offices and more recently a variety of temporary uses, together with an area to its rear which is currently owned and used as an open car park by The Central and North West London NHS Trust (CNWL) in connection with their existing adjacent site, accessed via Elmfield Way. None of the buildings within the site are listed and the site lies outside of any conservation area.

The site lies within the designated North West Westminster Special Policy Area (NWWSPA) within our Unitary Development Plan (UDP) and within the North Westminster Economic Development Area (NWEDA) within Westminster's City Plan Strategic Policies (the City Plan). Westbourne Park London Underground Station and Westbourne Park Bus Garage are located west within walking distance and the site has a Public Transport Accessibility Level (PTAL) rating of 5. Harrow Road District Shopping Centre is also within the vicinity. The Grand Union Canal is part of the Blue Ribbon Network. The area is designated as an area of play space deficiency and priority area for additional play space.

Both the buildings and land uses in Woodfield Road are varied and mixed in character with both residential and commercial uses. To the north of the site is No.10 Woodfield Road a residential property and the Grade II Listed Harrow Road police station site which is currently

undergoing residential development and conversion. Further north east is 5 Woodfield Road. Further north-west is 327-329 Harrow Road, a mixed use development. Directly west and sharing a boundary with the site are the offices of City Fleet and The London Taxi Drivers Association (LTDA). Further east are the residential properties of Grand Union Close. To the south beyond the Grand Union Canal lies Westbourne Park Bus Garage and A40 raised Westway and railway lines to Paddington. The borough boundary with the Royal Borough of Kensington and Chelsea lies further south west along part of Great Western Road.

5.1 Recent Relevant History

None relevant

6. THE PROPOSAL

Planning permission is sought for the demolition of the existing buildings on site and redevelopment to provide buildings of ground and 4 storeys and ground and 13 storeys to provide a mixed use development comprising 2419m² of flexible office use (Class B1) and GP hub (Class D1) together with 74 residential units, including 19 affordable housing units, with associated basement car parking, cycle parking and hard and soft landscaping.

The proposal as set out above is an amendment to the originally submitted proposal which sought a taller building of ground and 15 storeys to provide 78 residential units including 15 affordable housing units together with an alternative unit mix.

Re-consultation on the current scheme was undertaken in August 2016.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The principle of the redevelopment of the site for mixed use purposes within the NWEDA is acceptable and accords with policy, COM1, H3 and NWW2 of the UDP and policy S12, S14 and S20 of the City Plan. The site has historically been in commercial use, but currently temporarily occupied for offices, car storage and car wash and clothes bank storage. The loss of these uses is therefore acceptable.

The proposal would introduce residential accommodation on the site where none currently exists which is welcomed under policy H3 of the UDP and S14 of the City plan and meets one of the aims of policy S12 to improve the quality and tenure mix of residential within the NWEDA. The quantum, mix and tenure of the residential units is as set out in the table below:-

Table 1

Tenure	Studio	1 bed	2 bed	3+ bed	Total no.of units	Floor space GEA
Private	8 (14.5%)	19 (34.5%)	14 (25.5%)	14 (25.5%)	55 (74%)	5686m ² (77%)
Affordable	0	9 (47.4%)	10 (52.6%)	0	19 (26%)	1741m ² (23%)
Total	8 (10.8%)	28 (37.8%)	24 (32.4%)	14 (18.9%)	74 (100%)	7427m ²

Mix

The proposed mix of unit sizes range from studios to 3+ bedrooms family sized units, with the 19 affordable housing units proposed as 1 and 2 bedroom units to meet demand and affordability to the satisfaction of the City Council's Housing Manager. The 55 private residential units include 14 family sized units which is 25.5 % of the total number of private units (19% of all units). This quantum of family sized units falls below our policy requirement of 33% under policy H5, although policy S15 seeks a range of unit sizes. The applicant considers the provision to be the optimum for the site given site constraints, the amount of family housing in the locality and given the early stages of planning policy revisions to reduce the requirement for 3+ bedroom units and consideration of larger 2 bedroom units as family sized units. For these reasons it is considered that the mix of unit sizes proposed is appropriate.

Affordable Housing

Given the uplift in residential floor space on site of 7427m², the provision of 35% affordable housing is required under policy H4 of the UDP and policy S16 of the City Plan. Affordable housing is proposed to be provided on site in the form of 19, one and two bedroom, shared ownership units within 1741m² of floor space. This equates to a 23% provision by floor space and 26% provision by unit numbers, which does not satisfy policy H4 of the UDP and S16 of the City Plan. As such the applicant has provided a viability report in support of their original proposed affordable housing provision (15 intermediate rent units) together with further correspondence on viability issues.

This report has been independently assessed by Gerald Eve on behalf of the City Council. The conclusions of this assessment are that the viability of the scheme is marginal if the 15 intermediate rent units are proposed. Alternatively the advisor confirms that the scheme can support a mixed intermediate rented and shared ownership tenure scheme of 15 units or 100% (15 units) shared ownership scheme with an additional payment in lieu of £1.6m or 18 shared ownership units. Following these findings the applicant has increased their affordable housing offer to 19 on-site units.

Whilst all 19 affordable housing units are proposed as shared ownership tenure, the City Council's Housing Manager is supportive of this in order to secure the maximum number of affordable housing units on the site. As the affordable housing provision has been justified by viability and has the support of the City Council's Housing Manager, it is considered to be acceptable.

Play space

Given the quantum of residential, ratio of unit sizes proposed and calculation of child yield the proposal generates a requirement for 80m² of children's play space, based on a child yield of 8. The applicant has indicated that there is not scope to provide this on site. Instead a financial contribution towards existing play spaces or to the provision of new play space as mitigation for the lack of on-site provision is proposed. This approach accords with the London Plan given the low child yield. The proposed contribution is yet to be agreed and will be reported verbally to committee. This approach is considered acceptable in what is an area designated as one of play space deficiency and within a priority area for additional play space in accordance with policy SOC6 of our UDP.

Quality of residential accommodation

The one and two bedroom affordable housing units range between 50-81m² and the private flats between 40m² for a studio to 139m² for a four bedroom unit. All units are of an acceptable size and layout and comply with National Technical Housing Standards. There are a variety of single and duplex units of single, dual and triple aspect. Although it is regrettable that 27 of the 74 flats are of single aspect, 77% of units are dual and or south aspect. Whilst units located at fifth floor and above would receive satisfactory daylight and sunlight, a number of rooms within private units located at 1st-4th floors would receive daylight levels below the British Research Establishment Guidelines. At first floor level, 8 rooms would not receive particularly good levels of daylight, reducing to 1 affected room at fourth floor level. This is mainly due to the location of balconies, other parts of the development itself and also neighbouring buildings.

Almost all (apart from four) units benefit from private balconies and terraces and a large communal roof terrace is also proposed. Whilst two locations on the fifth floor communal terrace and a private balcony on the top floor of the tower were found to have wind conditions unsuitable for long term sitting during winter, given the nature of the use which is unlikely to involve long term sitting out during winter, these findings are considered acceptable. Overall the proposal is considered to provide a satisfactory residential environment for future occupiers.

The quality of the residential environment for future occupiers has also been considered in respect of the potential for noise, vibration and pollution from nearby transport and (raised Westway and railway line) industrial uses (Westbourne Park Bus Garage and Concrete Batching Plant). The City Council's Environmental Health Team has confirmed no objection to the proposal on environmental noise or nuisance grounds subject to conditions to ensure adequate protection for future occupiers. An overheating assessment indicated that overheating of units is not an issue, subject to the installing internal shading in the form of high reflectance blinds.

Accessibility

All residential units are proposed to be built to lifetime homes standards under building regulations and 10% will be wheelchair accessible/ adaptable, lift and staircase access is proposed throughout the building. The commercial floor space is also accessible to all with level access and both stair and lift access, disabled access WC's and is fully DDA compliant. The accessibility of the development is therefore acceptable.

Office/GP Hub

The entire ground floor of the site and the first, second and third floors to the rear building (2419m²) is proposed as flexible office (Class B1) or GP Hub (Class D1) use. The provision of such floor space within the NWEDA is both appropriate and welcome for the potential economic and regenerative benefits that it is likely to bring. The applicant has indicated that it is envisaged that the floor space will be used as either of these uses. The site and this floor space has been identified by Central and North West London Foundation Trust NHS (CNWL) (who occupy adjacent sites to the east of the site) as potentially meeting their requirement for a wider estate management strategy to bring further functions to this site to compliment their existing estate (Refer to letter in background papers). Such uses are encouraged within the NWEDA by policy S18 and S20 of our City Plan.

This floor space is flexible in its design and layout to allow for adaption or subdivision. There is also an associated first floor terrace and external access at ground floor levels for the commercial occupants. Whilst both uses are acceptable in principle in land use terms, there is little detail provided about the operation of the GP Hub, however details would be required prior to any such use commencing to ensure that the amenities of existing and future residents is protected.

Potential Regenerative and Public Benefits

The applicant has submitted a regeneration statement which sets out what they consider to be the likely economic and regeneration benefits resulting from the development, for the neighbourhood impact area, Westminster as a whole and also London. These have been summarised in the table below:-

Table 2

Economic benefit Construction	Economic benefit Operational- approx. figures	Regeneration benefit	Contribution to regeneration policies and priorities	NHS
Construction expenditure approx. £36.5m	Contribution to productivity (GDA) within local economy £800,000 annually	Additional residents in locality-spending in shops, restaurants, services	Contribution of employment floor space	Agglomeration benefits of the provision of additional operations and employment to existing uses in locality
Construction productivity contribution approx. £13m	Business Rate revenue £240,000 annually	Additional workers in locality supporting additional spending	Contribution of private and affordable housing	User benefits of close proximity of range of related services.
Construction employment -147 jobs	Council tax revenue £80,00 annually	Supporting additional local jobs from local spending		New floor space in this location supports aims of trusts strategic priorities.
Construction phase direct and indirect employment locally and across Westminster approx. 132 jobs	New home bonus revenue £1.1 over 6 years	Added activity and vibrancy from additional residents and workers		
	Community Infrastructure Levy (cil) £2m	Potential to attract additional businesses		
	Local annual	Provision of		

	income £2.5m	additional and protection of existing NHS support services in area.		
	Household expenditure £2.9m	Contribution to infrastructure through expenditure of Cil		
	169 direct jobs on site & indirect jobs from retail/leisure	Contribution to investment in Council services (council tax etc.)		
	Over 150 New residents with half of working age			

It is clear that the proposal would bring about a number of positive economic, regeneration and social benefits to the local area which is one of the most deprived areas in England. The application site lies within the most deprived wards within Westminster and the top 12% of the most deprived areas in England (DCLG 2015). This analysis is based on income, employment, health, education, crime, barriers to housing services, living environment and income deprivation affecting children and older people. The benefits from the proposed development set out in the table above would go some way to tackling deprivation, promoting economic activity and improving the quality and tenure of housing on offer in accordance with policy S12 of the City Plan which supports development that tackles deprivation, promotes economic activity and improves the quality and tenure of housing.

7.2 Townscape and Design

Existing Condition

The existing building is unlisted and the site lies outside a conservation area, close to a corridor of transport infrastructure. Within Woodfield Road and the area immediately to the north, the character of the area is mixed, with a high percentage of post-war buildings of limited architectural merit. There are some nineteenth century buildings which survive and the 1911/12 grade II listed former police station at 325 Harrow Road is the only designated heritage asset which is close to the site. The land uses within Woodfield Road, like the buildings, are of a mixed character with both residential and commercial uses. The buildings and uses, combined with the cobbled street, mean that the area has an ill-defined character, but one which evokes an industrial heritage. This is supported by historic maps which suggest that in the nineteenth century the area was composed of residential houses/cottages set immediately adjacent to factories.

With the exception of the former police station there are no other listed buildings in the immediate vicinity, although the grade II* Trellick Tower, within the Royal Borough of Kensington and Chelsea, lies approximately 450m to the west. Similarly there are no immediately adjacent conservation areas, with the Aldridge Road and Leamington Road Villas

Conservation Area, the Westbourne Conservation Area and the Bayswater Conservation Area lying to the south and south-east, with the former being the nearest at approximately 200m away at its closest point. The Maida Vale Conservation Area lies to the east approximately 400m away; and the Queens Park Estate Conservation Area lies to the north-west, approximately 620m away at its closest point. There are also conservation areas within the Royal Borough of Kensington and Chelsea: the Colville Conservation Area (400m to south-west); Oxford Gardens Conservation Area (700m to south-west); and Kensal Green Cemetery Conservation Area (1.2km to the north-west).

It is therefore considered that the area in the immediate vicinity of the site is not one of high quality townscape or of high sensitivity in terms of potential impact upon designated heritage assets, albeit there are some exceptions notably the listed former police station and the canal. However, given the nature of the proposal it is noted that the scheme has the potential to impact on townscape at some distance away and thus the impact on this wider area must also be considered.

Loss of existing buildings

The current buildings on the site are all proposed to be demolished and these are considered to be of poor quality, which do not make a positive contribution to the townscape, their loss and the opportunity to redevelop the site are welcomed.

Proposed buildings

In terms of the proposed replacement buildings these have been broken up into 3 blocks: Block A faces onto Woodfield Road and Elmfield Way and would be a 5 storey office (ground floor only) and residential block (comprising both affordable and private flats), with the top, fourth floor, set back; Block B would be positioned at the back of Block A and would be a 14 storey residential tower of private flats; and finally Block C, which would be located at the southern end of the site and facing towards the canal, and would be a 4 storey building. All would have a solid, masonry character with brick used as the primary facing material. Blocks A and C would be constructed using a blend of three brick colours (red, brown and grey) with red as the dominant tone along Woodfield Road and brown towards the canal. The fourth floor set-back storey to Block A would be clad in reconstituted stone, coloured to complement the red brick tones of the facades below. Block B would be constructed of a pale grey brick, with the west-facing section of the twelfth and thirteenth floors clad in a light grey reconstituted stone. Lintels would feature a combination of exposed aggregate with honed finish or glazed terracotta; and the windows and metal balustrades would be in anodised aluminium. Terraces to the residential blocks would primarily be recessed to Block A and projecting to Block B.

The office block would be set back at ground floor level to provide a terrace at this level which would face towards the canal. The canal-facing façade would also enjoy inward opening doors, with metal balustrades creating balcony areas overlooking the canal.

In terms of layout most of the entrances would be located facing onto Woodfield Road, although there would be access to the basement car park off Elmfield Way; and an office entrance to Block C located off a landscaped area between Elmfield Way and the canal. The private residential entrance off Woodfield Road would connect to Block B via a covered walkway and alongside a small private communal landscaped courtyard. Terraces serving individual units and for communal use would also be provided at upper levels.

Height, Massing and Detailed Design

The prevailing height of buildings within the immediate vicinity of the application site is typically between 3 and 5 storeys and in this context the proposed height of Blocks A and C are considered to be of an acceptable height. Block B, however, at 14 storeys would be of a height which sharply contrasts with the height of its immediate townscape and as such would be considered a high building, under the terms of policy DES 3 of our UDP. The applicant seeks to make the case that the taller block responds to a wider townscape context of a series of tall residential tower blocks which punctuate the skyline and broadly follow the line of the canal and the Westway. These include the 31 storey listed Trellick Tower to the west, Keyham House (20 storey) in the Brunel Estate, the group of six tower blocks (Brinklow House, Gaydon House, Princethorpe House, Wilmcote House, Polesworth House and Oversley House) around Westbourne Green, which are also of 20 Storeys, and finally the 13 storey 1 Torquay Street.

It is considered that the 14 storey tower block can be regarded as being in accordance with policy DES 3 and acceptable in townscape terms. In the first instance the tower would have no impact upon strategic views. It would be visible from a number of conservation areas namely Aldridge Road and Leamington Road Villas, Westbourne and Bayswater, and potentially glimpsed from further away in Kensal Green Cemetery, Queens Park Estate and Maida Vale, but in all cases the impact is not considered to have an adverse impact on the character and appearance of these areas. The tower will have an impact upon the setting of the Grand Union Canal and upon the grade II listed former police station, but in the case of the canal, this impact is not considered harmful as the character of the canal in the stretch between Trellick Tower and Princethorpe House is one that is punctuated by tower blocks. The listed building and the new tower block can be seen in the same view from points along Harrow Road and thus there is an impact on the setting of the listed building. However, the existing police station building sits amidst a townscape of variable quality and the proposed tower would not specifically harm a particularly important viewing point of the police station, thus it is considered that while a degree of harm is caused to the setting, this would fall into the category of less than substantial and it is suggested that it would be at the lower end of this spectrum. In such circumstances any harm caused will need to be weighed against the public benefits.

Beyond consideration of the impact of Block B on heritage assets and rather viewing it in its more general townscape context, the tower will be of an incongruous height with respect to its very immediate setting, but would sit more comfortably with a sequence of taller tower blocks, when wider townscape views are considered. It is worth noting that the City of Westminster High Building Study (EDAW, September 2000), which informed development of Policy DES 3, in undertaking a sieve analysis, effectively ruling out areas suitable for tall buildings, resulted in the omission of all but the north west quadrant of the City, where it was considered that the least harm might result from the development of high buildings. However, this assessment did not go so far as to identify acceptable locations, other than around Paddington Basin, nor did it propose to amend policy to include this wider north-west quadrant as an area where tall buildings could be sited. However, the study, while concluding that Westminster is generally an unacceptable location for high buildings, also considered that the policy approach would not preclude proposals coming forward for individual buildings on an exceptional basis. Given that the current proposal lies within the north-west quadrant of Westminster and in this particular townscape context, it is considered that it can be treated as an exceptional case.

In addition to policy DES 3 part (A), which identifies where high buildings would not be permitted, parts (B) and (C) set out further design criteria which ought to apply in order for a high building to be considered acceptable. Some of these criteria relate to wider planning criteria rather than issues of townscape and architecture, but in terms of the latter the proposed development, including Block B, represents a well-designed and high quality addition to the townscape, which responds to both its immediate and wider townscape context and provides an improved street level environment.

The proposed massing is well considered with the development being subdivided into separate elements and with the lower blocks (A and C) responding to their immediate context. The details and use of brick, provides a degree of cohesion to the group, but by using differing brick colours and variations to façade treatment, each element assumes its own points of interest. Block B is a slender structure, measuring 22m x 12m in plan, and this combined with using a pale grey facing brick and the use of reconstituted stone for the west-facing façade of the upper two storeys, will further lighten its visual impact.

Notwithstanding the comments above, it has to be acknowledged that the height of Block B, does not accord with the height of its immediate townscape context, and this is a concern expressed by many of the objections raised. While the additional height is not considered to have a significantly harmful impact upon heritage assets (both designated and undesignated), it will certainly have a visual impact upon the adjacent townscape. To what extent this impact is harmful and if it is harmful, to what extent the benefits of the scheme outweigh the harm are key to the acceptability or unacceptability of this proposal.

Given the existing townscape quality and bearing in mind the wider townscape context, it is concluded that the proposed tower would not have any significantly harmful impacts upon the character and appearance of the area and instead is capable of defining a site which has regenerative benefits to the wider area.

The immediate townscape is not one, which is particularly sensitive to change and the applicant seeks to make the case that the proposed scheme will have economic and regenerative benefits for the area in terms of providing employment opportunities, introducing office accommodation with attendant benefits to the local economy, additional housing including affordable housing, bringing vibrancy to the area, and bringing higher quality architecture to the area. These factors, which are discussed in detail elsewhere in this report, must be weighed against any perceived harm to the townscape.

A concern expressed by a number of objectors is that the development will result in the loss of the landscaping associated with the car park, including several trees, at the southern end of the site, which are used as an area of public amenity, in an area of open space deficiency. The proposed office building (Block C) will occupy most of this space, leaving only a small area of landscaped land, which will also incorporate accessible parking bays and cycle parking. Policy DES 3 (C) does indicate that where high buildings are considered acceptable, they should include an enhancement of the public realm and publicly accessible areas by the provision of high quality landscaping treatment. While the development, as a whole, offers considerable areas of landscaping, in the form of private gardens and terraces, the extent of publicly accessible amenity space is reduced and this is a deficiency of the scheme. Which is a point also made by the GLA and the Canal & River Trust.

There are some areas of detailed design which are considered to be unresolved, notably the treatment to the blank west-facing wall of Block A and the west-facing wall of Block C. As both

these walls lie close to the plot boundary and facing onto neighbouring property to the west, it is accepted that windows would be inappropriate, but given the prominent aspect of both walls, it is considered that further consideration is given to them, to ensure some visual appeal and interest is provided. This has been undertaken to some extent in the west-facing wall of Block C, but it is considered that further refinement should be pursued. If the scheme is considered acceptable, then these issues are capable of resolution through condition.

Another aspect of the scheme requiring resolution is the provision of public art. Given the nature of the scheme, this is a development where it is considered that public art should be provided and indeed it could be used to improve the public realm and enhance the small area of publicly accessible landscaping, similarly it could be used to address the blank walls referred to above. Again it is considered that if the scheme is considered acceptable then this matter could be addressed by condition and secured by legal agreement.

Design and townscape summary

In design and townscape terms the proposed development is a challenging one, in that it introduces a building height, principally that of Block B, which is out of scale with the immediate townscape and this is one of the primary causes of concern raised by the many objections to the scheme. Set against any harmful impacts and the objections raised to the height are the economic and regenerative benefits of the scheme and the quality of the design. In this case, it is considered that the degree of harm caused to the townscape is not significant and that the scheme can be considered to accord with policy DES 3. If the benefits of the scheme are considered compelling and desirable, then the proposed height and massing are not considered to be reasons to find the scheme unacceptable. The proposed architecture is well considered in terms of materials and details, albeit with areas of further refinement required, but the ambitions of the public realm and landscaping are considered to be one aspect of the scheme which could be improved upon.

7.3 Residential Amenity

The proposal has been assessed in respect of its potential to impact on the amenities currently enjoyed by surrounding residents.

Sunlight and Daylight

The applicant has submitted a Daylight and Sunlight analysis by GVA Schatunowski Brooks, of the potential impact of the development on the amount of daylight and sunlight received by a number of surrounding properties, the conclusions are set out below. In very broad terms the British Research Establishment (BRE) a guide to good practice (2011) (the guidelines) suggests that if vertical sky component (VSC) is greater than 27% then good levels of daylight will be received and that a 20% + reduction resulting in VSC of less than 27% will be noticeable to occupants. In sunlight terms, annual sun of 25% and 5% winter will achieve a good level of sunlight, with 20%+ reduction and loss of value of 4% being noticeable to the occupants.

1-2 Woodfield Road

These properties lies north east of the site and would see no significant loss of daylight or sunlight in accordance with the BRE guidelines.

5 Woodfield Road

This property lies north east of the site with windows facing south. Two windows on the ground floor would see a reduction in daylight to 24.80 and 26.06% VSC (27% is the guideline). However given that high levels of daylight would remain, this is not considered to be significant. No loss of sunlight would occur.

10 Woodfield Road

This property lies directly north of the site with windows facing south. Five windows at ground floor and three at first floor level would see a reduction in daylight to between 21.96 and 26.6% VSC. However as in the case of 5 Woodfield Road, high levels of daylight would be retained and as such the impact is not considered to be significant. No loss of sunlight would occur.

Grand Union Close, 1-2 & 15-17 Woodfield Road

These properties lie west of the site with windows facing north and south. These properties would not see any material loss of daylight or sunlight. In accordance with the BRE guidelines.

327-329 Woodfield Road

These properties lie north-west of the site and would not see any material loss of daylight or sunlight. In accordance with the BRE guidelines.

Waterview Centre, Elmfield Way

This property is part of the CNWL complex, located south east of the site, located adjacent to the existing car park which is to be built upon. Whilst a number of windows would see a reduction in daylight (12 at ground floor level, 8 at first floor level and 7 at second floor level), the daylight values would remain in the high teens and mid to high 20's. Given the retained values together with the use, the impact is not considered to be significant. No material loss of sunlight would occur.

Athlone House, Elmfield Way,

This property is a 23 bed care/rehabilitation facility located directly east of the site. A number of windows would see a significant reduction in daylight at ground, first and second floors, mainly given the height of this property and the height, location and relationship with the proposed development. 12 windows at ground floor level, 15 at first floor level and 7 at second floor level would see significant reductions in daylight levels to levels of single figures and low teens (27% is the guide). This property would also see a significant reduction in sunlight to 25 windows. However, it is understood that the main communal areas face to the rear courtyard garden. Given this and the nature of the use with a typical stay between 1-6 weeks and that given the height, proximity to and relationship of this property to the site, any redevelopment of the site is likely to have significant implications for daylight and sunlight, it is considered that it would be difficult to justify withholding permission on this ground.

Taxi House, London Taxi Drivers Association (LTDA)

This property lies directly west of the site with a shared boundary does not have windows facing east towards the site. As such no material loss of daylight or sunlight would occur. Whilst the LTDA have raised objection to the impact of this development on the future proposals for their own site, no pre application discussions have taken place and no planning application has been submitted. Given the set back of parts of the development it is not

considered that permission could be withheld on grounds of impact of future development that has yet to be brought forward.

Sense of Enclosure

Due to the height and location of the building and its relationship with surrounding properties it is not considered that the development would result in any significant increase in sense of enclosure.

Privacy

Due to the location of the building and the location and design of its windows, balconies and terraces, it is not considered that it would result in any significantly detrimental overlooking to surrounding properties. For the reasons set out above the proposed development is not considered to result in any significantly detrimental impact on the amenities of occupiers of surrounding properties in accordance with policy ENV13 of our UDP and S29 of our City plan.

Overshadowing

Given the height of the proposed development, the applicant was asked to undertake an overshadowing assessment to show the shadow paths of the development and what impact this might have. The assessment indicates that the development would cast some small additional shadow over the communal area between the Grand Union Close buildings (one building faces the canal, the other Woodfield Road) for a short time in the morning up until 10.00am only and would also cast a similar shadow over the open car park area of the LTDA site. The development would also cast a small additional shadow over an area north of the site up until lunchtime. Athlone House and its rear communal garden would experience some slight shadow for 1 hour during late afternoon. Overall the additional shadows cast, due to the limited extent of the shadow, its duration and the nature of the areas affected, is not considered to be significant and accords with BRE recommendations.

Summary of amenity impact

Whilst the proposal will result in some loss of daylight and sunlight and limited overshadowing, which has brought about a number of objections from local residents and businesses. Overall the proposed development is not considered to have such a significant impact in amenity terms to withholding permission.

7.4 Transportation/Parking

Car parking

A basement car park is proposed, via ramped access from Elmfield Way. The car park is to provide 42 residential car parking spaces including 7 disabled access spaces, within standard spaces and double stackers. In addition both active and passive electrical charging points are proposed. The residential parking is to be provided on an unallocated basis and the provision of 42 car parking spaces for 74 residential units is proposed to be supplemented by the provision of lifetime (25 years) car club membership for residents. Subject to these details this is considered acceptable and will not significantly increase demand for on street car parking.

An additional 21 car parking spaces; 17 car parking spaces within the basement and 4 external spaces at street level, are to be allocated for the CNWL NHS Trust to replace those

lost through the redevelopment of their car park. The CNWL has indicated that this must be secured and the importance of the provision of 4 external spaces at street level.

Cycle parking

Four separate areas within the basement car park are proposed for the storage of bicycles with provision for a total of 146 bicycles, 123 for the residential units and 35 for the commercial. Ancillary shower and changing facilities are also provided for the commercial floor space at ground floor level to meet their operational requirements.

Waste and Recycling

Three separate areas within the basement car park are allocated for the provision of storage of waste and recycling. A temporary external waste holding area is also indicated at ground floor level to Elmfield Way. These details are acceptable, however the City Council's Cleansing Manager has indicated that the proposed waste chute between ground and basement level is unacceptable and that its replacement with a lift to the basement or residents to access the waste store in the basement would address this concern. As such full details would be required by condition.

Servicing

Servicing of the site is generally to take place off of the public highway. Whilst not proposed within the site, due to the head height and turning area restrictions for servicing vehicles, it is proposed to take place within designated loading bays on Elmfield Way, a private road.

Woodfield Road Cobbles

The potential for the developer to pay for any damage caused during construction works, to the existing cobbled Woodfield Road is a matter dealt with under the Highways Act.

7.5 Economic Considerations

The application is subject to a viability report which has been independently assessed, and the economic considerations are referred to throughout this report.

7.6 Access

Accessibility considerations are set out throughout the report and specifically within the land use and transportation sections of this report

7.7 Other UDP/Westminster Policy Considerations

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

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

specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

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

7.8 London Plan

The proposal is preferable to the Mayor of London under category 1c (a building of over 30m in height) and a stage 1 response has been received. The scheme is broadly supported in strategic planning terms, but the application does yet not comply with the London Plan. See consultation section of this report.

If the City Council resolves to make a draft decision on the application, it must consult the Mayor again (stage 2) and allow 14 days for his decision as to whether to direct refusal, take it over for his own decision or allow the City Council to determine it itself.

The proposed development is also liable for a Mayoral CiL payment.

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.

Planning Obligations

On 06 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) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for

developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council introduced its own Community Infrastructure Levy in May 2016

A s.106 legal agreement will be required to secure the following:-

1. Provision of affordable housing on-site in the form of 9x1bedroom and 10x2 bedroom intermediate shared ownership units, with 100% nomination rights to the City Council.
2. Lifetime (25 years) car club membership for the occupiers of the residential units.
3. Car park strategy for the residential carpark spaces provided on an unallocated basis and for the NHS car park spaces.
4. Highways works associated with the development including vehicular crossovers and paving
5. Pedestrian and vehicular access along from Woodfield Road along Elmfield Way to the development site
6. Public access to the 2m depth canal side space via a walkways agreement or other suitable mechanism.
7. A financial contribution of £205,632 as a carbon offset payment (index linked and payable on commencement of development).
8. A financial contribution of £TBC towards improvements to existing play space provision in the vicinity of the site or towards the provision of new play space provision (index linked and payable on commencement of development).
9. A financial contribution of £TBC towards public realm improvement works in the vicinity of the site which may include works to the waterway and towpath (index linked and payable on commencement of development).
10. A financial contribution of £TBC towards Employment and Training (index linked and payable on commencement of development).
11. A financial contribution of £100,000 towards a cycle docking station within the vicinity of the site. (index linked and payable on commencement of development).
12. Provision of Public Art to the value of no less than £TBC. (index linked and payable on commencement of development).
13. Compliance with Code of Construction Practice
14. Cost on Monitoring the S106 legal agreement

The application is liable for both Mayor and Westminster City Council Community Infrastructure Levy (CIL). Westminster's Cil is calculated at around £1.8m.

7.10 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale. Other general environmental matters are covered below and elsewhere in this report.

Wind

The impact on the microclimate of the area, is a concern expressed by a number of objectors. Given the height of the proposed development, the applicant was asked to consider the impact of the development on pedestrian wind comfort conditions and microclimate around

the site. As such the applicant has submitted a Wind Microclimate Assessment undertaken by BRE. The results indicate that the wind conditions around the existing site are suitable for all any pedestrian activity at any time of year (summer and winter). For the proposed site, wind conditions around the proposed site are suitable for all pedestrian activity during summer. During winter the conditions are suitable for all pedestrian activity in all but six ground level locations. In these six locations the wind conditions are unsuitable for long term sitting or entrances, but suitable for strolling and other activities. Five of the locations are on Elmfield Way and one on south east corner of the office block. None of the locations are proposed for long term sitting or entrances. Overall the pedestrian comfort levels are considered to be acceptable for their intended use during winter and any uses during summer. As such the proposed development is not considered to result in any significant detrimental impact on the general public's use of the pedestrian areas around the site and accords with BRE guidelines. Furthermore it is not considered that the development will create wind conditions that would adversely affect roads around the site. Therefore it is considered that the wind assessment demonstrates that the proposal will not have an adverse impact upon the microclimate in terms of wind.

Overshadowing

The proposed overshadowing assessment indicates that the proposed development will not cause any overshadowing to the canal. Overshadowing to residential properties is dealt with under the amenity section of this report.

Trees & Landscaping & public realm

The site incorporates to the south the CNWL car park which overlooks the canal. This area is used for open car parking with bays located within a hard and soft landscaped setting with grassed areas and a number of trees. This area is not formal or designated public open space, but private land accessed from Elmfield Way (a private road) and the CNWL could prevent/control access to this space if they so wished. It appears from representations received that the area is frequented by local people for a variety of uses and objections have been received to the loss of this space. Notwithstanding this, given the private nature of the space, it is not afforded protection. However the applicant is proposing that a 2m depth strip of land, running the full width of the site will provide for canal side public access. Whilst this is welcome it is regrettable that a larger area is not proposed as public open space, given the location of the site within a priority area for open space and the significant public support for such provision. The CNWL has indicated in their representation that they would be concerned about the inclusion of a large area of publically accessible open space, due to the sensitive and confidential nature of the health care they provide.

Given the loss of the soft landscaped area of the CNWL car park, the applicant was asked to consider the provision of canal side public open space as part of the development. The applicant has indicated that the incorporation of such space is constrained by the applicants agreement/land deal with the NHS which requires them to provide a quantum of floor space and the re-provide disabled car parking and cycle parking, some of which the NHS require to be at ground level. The applicant has however agreed to allow public access to the canal side 2m strip of land to the rear of the site, which could be extended in the future if adjacent sites were to be brought forward. It is understood that the canal embankment south of the 2m strip of land is in dual ownership between the Canal and River Trust and the LTDA and therefore falls outside of the site. The CRT has requested that a financial contribution is sought from the developer towards waterway and towpath improvement, given the additional use from new

occupiers of the development. The applicant has been made aware of this request and their response will be reported verbally.

There are a number of trees within the southern part of the site all of which are located within the CNWL car park. These trees would be lost through the development with limited space for replacement, although it is noted that planters and green roofs are proposed. The canal embankment adjoining the site to the rear which houses a number of trees falls outside of the site in separate ownership (CRT and LTDA). The proposed building is set back 2m from these trees and they are proposed to be retained and protected. The formal views of the arboricultural manager are awaited and any response will be reported verbally.

The proposal seeks to improve and enhance the public realm to Woodfield Way, by re-designating the area for pedestrian activities only, with vehicle movements (parking and some servicing) relocated to Elmfield Way. A covered pedestrian walkway leading to a cloisters courtyard is proposed for the entrance to the residential part of the scheme and this will be visible from Woodfield Road although it will have limited public impact. Small areas of soft landscaping/planters are also proposed to the residential entrance to Woodfield Road and along the side of the site to Elmfield Way. To the south east corner of the site adjacent to the office entrance is a hard and soft landscaped area incorporating 4 CNWL car parking spaces and their associated bike store with sedum roof and soft landscaping leading to the public canal side space. It is regrettable that additional areas for soft landscaping are not provided.

Flood risk

The site is located in Flood Risk Zone 1 with a low probability risk. A surface water drainage strategy incorporating sustainable urban drainage measures (including green roofs) aims to reduce any risk associated with known local sewer network problems. Further details are required by condition at the request of Thames Water.

Archaeology

Given the proximity of the Grand Union Canal a desk based assessment was submitted. Historic England Archaeology has confirmed that the development is unlikely to have a significant effect on heritage assets of archaeological interest. No further investigation is required.

Energy and Sustainability

Both active and passive sustainable and energy measures are proposed to seek achieve a 35% reduction in Co2 emissions over 2013 Building Regulations. This includes insulation, thermal bridging, energy efficient lighting, ventilation, water usage reduction, sustainable construction methods. Photovoltaic panels are proposed to the roof of the buildings. A green wall to the internal ground floor residential entrance and green roof to the roof of the tower are also proposed. The applicant has indicated that it is not possible to connect to a district heating network and that due to the size of the development a combine heat and power system is not appropriate. The shortfall in carbon offset reduction is therefore proposed as a financial contribution of £205,632.

Plant

Due to the location of transport and industrial uses to the site mechanical ventilation and comfort cooling is proposed for all uses. Plant (air handling units and chiller) is proposed at basement level and to the roof of the tower concealed within a raised parapet. A substation is

proposed to ground floor level. The City Council Environmental Noise Team are satisfied with proposals subject to conditions.

7.11 Other Issues

Future masterplan

The City Council is in the extremely early stages of considering the potential for a Masterplan for this part of the City incorporating sites on Woodfield Road and surrounding roads. Whilst a number of representations have suggested that this application should be delayed to enable the master plan to be brought forward, given that the master plan does not currently exist and therefore holds no weight, there is no justification to delay the determination of this application. The applicant has indicated that over the last year discussions had taken place with the LTDA, (owners and occupiers of the adjoining site) with a view to incorporating the adjoining site into a more comprehensive master plan development looking at options to re-provide for them in the development or relocate them. However to date the applicant has indicated that notwithstanding negotiations and offer the incorporation of this adjoining site into the development proposals has not materialised either through purchase of the site or a joint venture. In contrast, the LTDA indicate that limited meaningful discussion have taken place with them.

Construction impact

A condition will be imposed to ensure that the development complies with the City Council's Code of Construction Practice which will require the developer to provide a Site Environmental Management Plan (SEMP). The S106 agreement will ensure that the funding for the Environmental Inspectorate covers the demolition and construction phase for environmental and traffic monitoring of the development including the advice for the SEMP submission. In addition a Constructions and Logistics Plan and Delivery and Servicing Plan as requested by Transport for London would need to be secured by condition.

Conclusion

The proposal is generally considered to be acceptable and is considered to generate significant regenerative benefits. The regenerative and other public benefits of the scheme including the provision of (albeit limited) publically accessible canal side access are welcome and are material considerations in the determination of the application.

The single most key issue relates to the principle of a high building in this location. As such Committee are asked to agree that given the location and impact of the high building, that it is acceptable in this location. Subject to this agreement, the application is recommended for approval subject to a S106 legal agreement to secure the necessary planning obligations together with appropriate conditions.

8. BACKGROUND PAPERS

1. Application form
2. Letter (Stage 1) from the Greater London Authority dated 27.06.2016
3. Emails from Transport for London dated 19.04.2016 and 09.08.2016
4. Letters from Historic England dated 25.04.2016 and 08.08.2014

5. Letter from historic England – Archaeology dated 19.05.2016
6. Emails from Environment Agency dated 11.04.2016 and 08.08.2016
7. Email from Thames Water dated 28.04.2016
8. Letter from Canal and River Trust dated 27.04.2016 and further email correspondence between them and the applicant dated 23.08.2016
9. Email from Natural England dated 13.04.2016
10. Email from the Metropolitan Police Crime Prevention Advisor dated 27.04.2016
11. Letters from Central and North West London NHS Foundation Trust dated 03.05.2016 and undated.
12. Letter from Royal Borough of Kensington and Chelsea dated 28.04.2016
13. Letter from London Borough of Brent dated 11.04.2016
14. Email from Councillor David Boothroyd dated 25.04.2016
15. Emails from Councillor Adam Hug dated 30.05.2016, 31.05.2016 and 15.08.2016
16. Email from the St John's Wood Society dated 23.08.2016
17. Emails from Paddington Waterways and Maida Vale Society dated 20.04.2016 and 10.08.2016
18. Email from Nottinghill East Neighbourhood Association dated 25.04.2016
19. Email from the North Paddington Society dated 05.05.2016
20. Letter from the Westbourne Forum dated 27.05.2016
21. Emails from Head of Affordable and private Sector Housing dated 06.06.2016 and 18.08.2016
22. Memo from Highways Planning manager dated 03.06.2016
23. Memo from Cleansing Manager dated 19.04.2016 and 16.08.2016 and email dated 01.09.2016
24. Memos from Public Protection and Licensing Environmental Sciences dated 26.04.2016 and 19.08.2016
25. Emails from Building Control dated 04.05.2016 and 1.08.2016
26. Memo from Children's Service undated
27. Letter from Westminster Housing Co Op dated 27.04.2016
28. Emails from occupiers of flat 2, 5 Woodfield Road dated 25.04.2016, 28.04.2016, 12.05.2016, 24.08.2016
29. Emails from the occupiers of flat 3, 5 Woodfield Road dated 03.05.2016 (x2), 08.08.2016, 23.08.2016,
30. Emails from the occupier of flat 4, 5 Woodfield Road dated 27.04.2016 and 26.08.2016
31. Email from the occupier of The Gatehouse, 5 Woodfield Road dated 25.04.2016
32. Emails from the occupiers of 7 Woodfield Road dated 27.04.2016, 28.04.2016 and 08.08.2016
33. Email from the occupier of 8 Woodfield Road dated 15.04.2016
34. Email from the occupier of 14 Western House, Woodfield Road dated 16.05.2016
35. Email from Paddington Arts, 32 Woodfield Road dated 06.06.2016
36. Email from the occupier of Flat b, 1 Grand Union Close, Woodfield Road dated 17.05.2016, 18.05.2016, 23.08.2016
37. Email from the occupier of 1d Grand Union Close dated 27.05.2016
38. Email from the occupier of 1e Grand Union Close dated 23.05.2016 and 15.08.2016
39. Email from the occupier of 2 Grand Union Close dated 02.09.2016
40. Emails from the occupiers of 2a Grand Union Close dated 26.05.2016, 31.05.2016
41. Emails from the occupier of 2b Grand Union Close dated 18.05.2016, 23.05.2016 (x3), 24.05.2016, 01.06.2016 (x2), 02.06.2016 (x2), 01.09.2016, 02.09.2016
42. Email from the occupier of 2c Grand Union Close dated 23.05.2016, 08.08.2016
43. Email from the occupier of 2e Grand Union Close dated 22.08.2016

44. Email from the occupier of 2f Grand Union Close dated 15.08.2016
45. Emails from the occupier of 2g Grand Union Close dated 25.04.2016, 13.05.2016, 23.05.2016,08.08.2016, 22.08.2016
46. Email from the occupier of 3a Grand Union Close dated 10.06.2016
47. Emails from the occupier of 3b Grand Union Close dated 01.06.2016 (x2) 23.08.2016
48. Email from the occupier of 4g Grand Union Close dated 26.05.2016
49. Email from the occupiers of 5b Grand Union Close dated 23.05.2016 (x4), 06.06.2016 (x2) 08.08.2016 (x4)
50. Email from the occupier of 5f Grand Union Close dated 31.05.2016
51. Email from Karen Buck MP dated 23.08.2016 forwarding an email from an occupier of Grand Union Close
52. Email from the occupier of 19 Nuffield Lodge Admiral Walk dated 05.05.2016
53. Email from the occupier of 21 Nuffield Lodge Admiral Walk dated 12.05.2016
54. Email from the occupier of 41 Swallow Court Admiral Walk dated 22.04.2016
55. Email from the occupier of 19 Beech Court Admiral Walk dated 19.04.2016
56. Email from the occupier of 12 Willow Court Admiral Walk dated 14.05.2016
57. Emails from the occupier of 3 Harvey Lodge Admiral Walk dated 25.04.2016, 26.08.2016
58. Email from 13 Truro House dated 13.04.2016
59. Email from the occupier of flat 21 Falcon Lodge Admiral Walk dated 08.07.2016
60. Letter from the occupier of 14 Athens Gardens Harrow Road dated 09.08.2016
61. Email from the occupier of 315 Harrow Road dated 31.05.2016
62. Email from the occupier of flat 3, 319 Harrow Road dated 15.04.2016
63. Email from the occupier of flat 5, 319 Harrow Road dated 12.04.2016
64. Emails from the occupier of flat 10, 327-329 Harrow Road dated 21.04.2016, 25.04.2016, 17.05.2016, 15.08.2016,
65. Email from the occupier of 329 Harrow Road dated 05.05.2016
66. Email from the occupier of 331 Harrow Road dated 02.06.2016
67. Email from the occupier of 41 Kincardine Gardens, Harrow Road dated 23.05.2016
68. Email from the occupier of 423 Harrow Road – 9 russells wharf flats dated 31.05.2016
69. Email from the occupier of 451a Harrow Road dated 06.06.2016
70. Email from the occupier of 22 Westbourne Park Villas dated 15.04.2016
71. Email from the occupier of 60 Westbourne Park Villas dated 26.04.2016
72. Email from the occupier of 95 Westbourne Park Villas dated 15.04.2016
73. Emails from the occupier of 1 Hornead Road dated 08.06.2016, 09.06.2016
74. Emails from the occupier of the first floor 20 Hornead Road dated 31.05.2016 (x2)
75. Emails from the occupier of 35 Hornead Road dated 03.06.2016, 26.08.2016
76. Email from the occupier of 37 Hornead Road dated 06.06.2016
77. Email from the occupier of 43 Hornead Road dated 14.06.2016
78. Email from the occupier of 48 Hornead Road dated 27.05.2016
79. Emails from the occupier of 48a Hornead Road dated 31.05.2016, 01.06.2016 (x2),31.08.2016 (x2)
80. Email from the occupier of 7 Great Western Road dated 31.05.2016
81. Email from the occupier of basement flat 25 Great Western Road dated 18.04.2016, 11.08.2016
82. Email from the occupier of flat 4 30 Great Western Road dated 02.08.2016
83. Email from the occupier of 188 Great Western Road dated 15.04.2016
84. Email from the occupier of studio 11, Great Western Studios 65 Alfred Road dated 19.08.2016
85. Email from the occupier of flat 2, 1 Ashmore Road dated 31.08.2016
86. Email from the occupier of 52 Bassett Road dated 23.06.2016

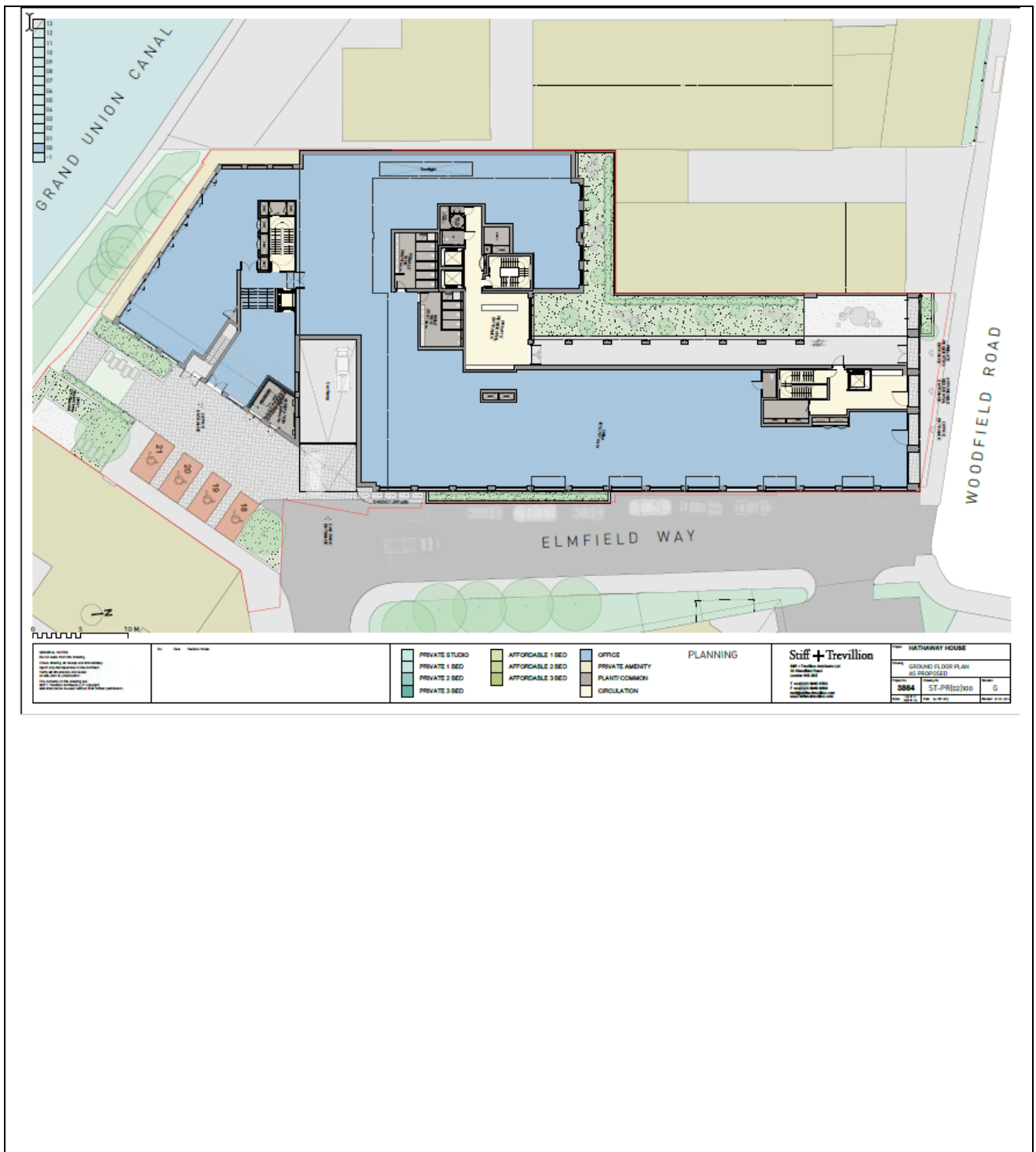
87. Email from the occupier of 25 Blenheim Crescent dated 25.05.2016
88. Email from the occupier of 19 Caird Street dated 19.07.2016
89. Email from the occupier of 17 Chippenham Mews dated 31.05.2016
90. Emails from occupier of 19 Chippenham Mews dated 31.05.2016 (x2)
91. Email from the occupier of 21 Chippenham Mews dated 17.05.2016
92. Email from the occupier of 37a Chippenham Mews dated 31.05.2016
93. Email from the occupier of flat b bottom bell Edbrooke Road dated 31.05.2016
94. Email from the occupier of top floor flat of 30 Edbrooke Road dated 01.06.2016
95. Email from the occupier of flat d, 3 Elgin Avenue dated 18.04.2016
96. Email from the occupier of 106 Elgin Avenue dated 31.05.2016
97. Email from the occupier of 39a Fordingley Road dated 06.06.2016
98. Email from the occupier of 11e Formosa Street dated 27.05.2016
99. Email from the occupier of 46 Galton Street dated 23.05.2016
100. Emails from the occupier of 58 Goldney Road dated 18.04.2016, 03.05.2016, 10.08.2016 (x2)
101. Email from the occupier of 69 Goldney Road dated 16.08.2016
102. Email from the occupier of 29 Holland Road dated 25.07.2016
103. Email from the occupier of 15 Kilravock Street dated 31.05.2016
104. Email from the occupier of flat 1 LEEVE House, 20 Lancefield Street dated 06.06.2016
105. Email from the occupier of 12 Marylands Road dated 06.06.2016
106. Email from the occupier of 72 Marylands Road dated 13.05.2016
107. Email from the occupier of 44 Oakington Road dated 31.05.2016
108. Email from the occupier of 60 Rosemont Road Richmond dated 06.06.2016
109. Email from the occupier of 9 Russells Wharf dated 31.05.2016
110. Email from the occupier of 53 Saltram Crescent dated 03.08.2016
111. Email from the occupier of 12 Stanley Crescent dated 31.05.2016
112. Email from the occupier of 44 Sutherland Avenue dated 31.05.2016
113. Email from the occupier of 7 St Stephens Mews dated 08.08.2016
114. Email from the occupier of 19 Western Mews dated 31.05.2016, 08.06.2016
115. Email from the occupier of 20 Western Mews dated 31.05.2016
116. Email from the occupier of 22 Western Mews dated 31.05.2016
117. Email from occupier of Woodfield Road dated 31.05.2016
118. Email from Pinnacle (City West Homes Limited, 21 Grosvenor Place dated 08.08.2016
119. Email from the occupier of 29 Holland Road dated 19.08.2016
120. Letters from Stratford Planning on behalf of the London Taxi Drivers Association (LTDA) dated 21.04.2016, 20.06.2016, 29.07.2016, 26.08.2016 including Turleys response dated 15.08.2016.

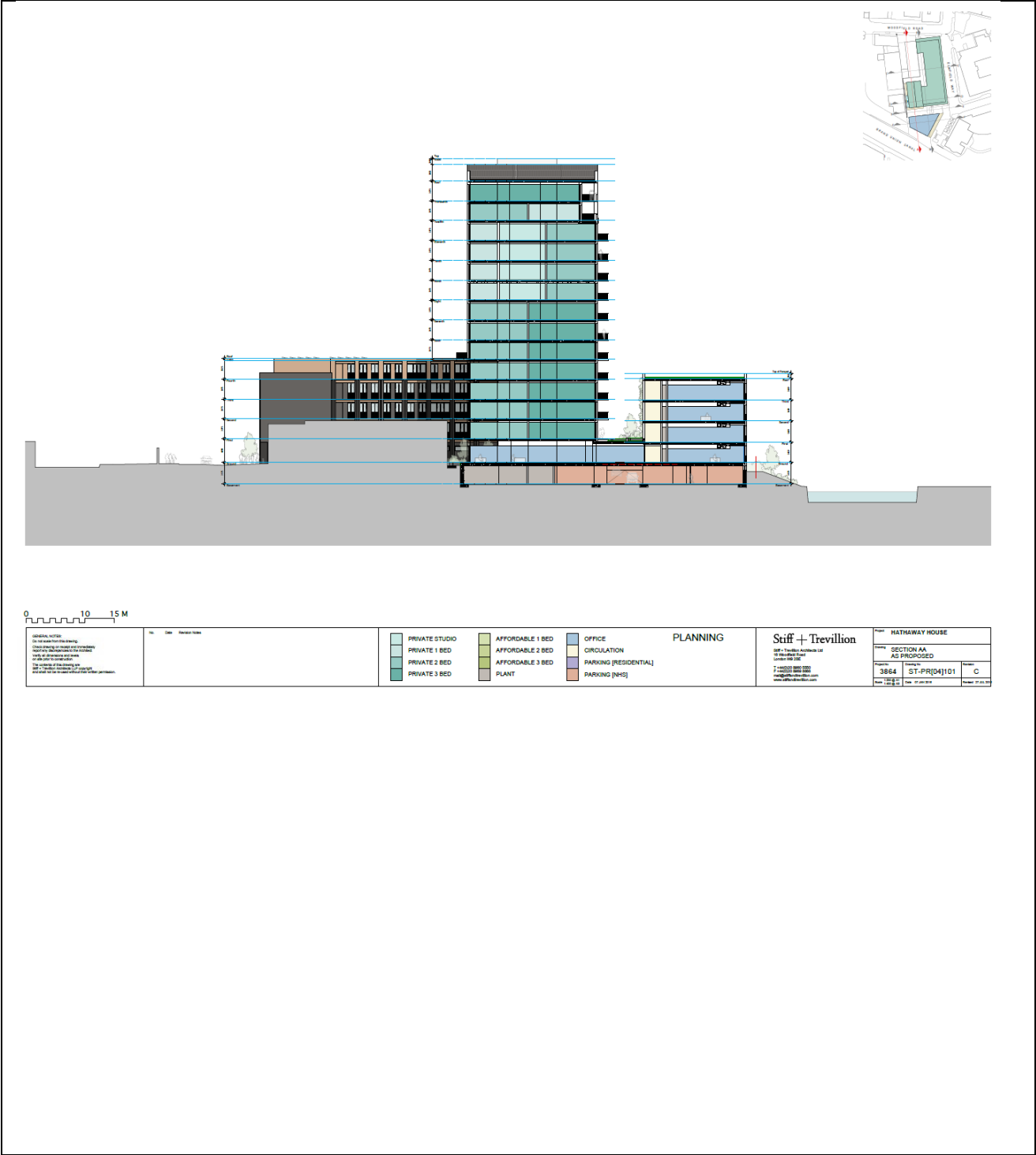
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

9. KEY DRAWINGS





0 10 15 M

GENERAL NOTES
 Do not scale from this drawing.
 Check dimensions on ground and in elevation.
 All dimensions are in millimeters unless otherwise stated.
 The contractor shall verify all dimensions and levels on site.
 All work shall be in accordance with the relevant building codes and standards.
 All work shall be in accordance with the relevant building codes and standards.

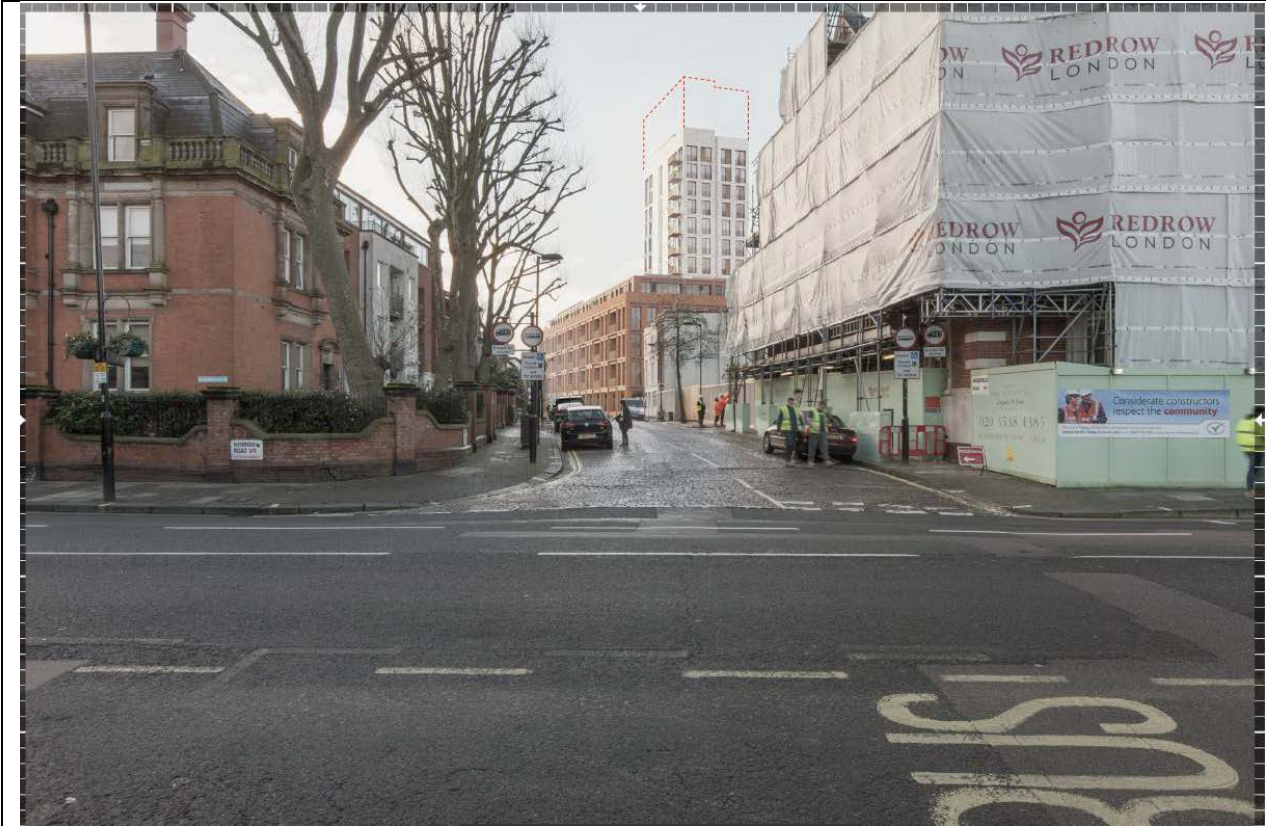
No.	Color	Material Name

PLANNING	
Private Studio	Affordable 1 Bed
Private 1 Bed	Affordable 2 Bed
Private 2 Bed	Affordable 3 Bed
Private 3 Bed	Plant
Office	Circulation
Parking (Residential)	Parking (NHG)

Stiff + Trevillion
 100 St. James Street
 London EC1A 1BB
 Tel: +44 (0)20 7493 8888
 www.stiffandtrevillion.com

HATHAWAY HOUSE		
SECTION AA	AS PROPOSED	
3864	ST-PR[04]101	C
Date: 27.03.2018	Draw: 07.03.2018	Project: 27.03.2018







DRAFT DECISION LETTER

Address: Hathaway House, 7D Woodfield Road, London, W9 2BA

Proposal: Demolition of existing buildings and redevelopment to provide buildings of G+4 and G+13 storeys, providing a mixed use development comprising flexible office use (Class B1) and Healthcare (Class D1), and 74 residential units (including 19 affordable units), with associated basement car parking, cycle parking and hard and soft landscaping.

Plan Nos: ST-EX[00]001 [A] ;ST-EX[02]100 [A]; ST-EX[02]101 [A]; ST-EX[02]102 [A] ;ST-EX[02]103 [A]; ST-EX[03]101; ST-EX[03]102; ST-EX[03]103 ; ST-EX[03]104; ST-EX[04]101; ST-EX[04]102; ST-EX[04]103; ST-DM[00]001 [A] ;ST-DM[02]100 [A]; ST-DM[02]101 [A]; ST-DM[02]102 [A]; ST-DM[02]103 [A]; ST-DM[03]101; ST-DM[03]102; ST-DM[03]103; ST-DM[03]104; ST-DM[04]101; ST-DM[04]102; ST-DM[04]103; ST-PR[00]001 [C]; ST-PR[02]099 [F]; ST-PR[02]100 [G]; ST-PR[02]101 [G]; ST-PR[02]102 [G]; ST-PR[02]103 [G]; ST-PR[02]104 [G]; ST-PR[02]105 [F]; ST-PR[02]106 [F] ;ST-PR[02]107 [F]; ST-PR[02]108 [F]; ST-PR[02]109 [F]; ST-PR[02]110 [F] ; ST-PR[02]111 [F]; ST-PR[02]112 [F]; ST-PR[02]113 [F]; ST-PR[02]116 [F]; ST-PR[03]101 [D]; ST-PR[03]102 [E]; ST-PR[03]103 [D]; ST-PR[03]104 [E]; ST-PR[03]110 [E]; ST-PR[03]111 [E]
 Design and Access Statement March 2016; Planning Cover Letter 21st March 2016;
 Planning Statement 21st March 2016; Arboricultural Report 29th February 2016; Archaeological Assessment March 2016; Draft Construction Management Plan March 2016 (information only); Energy Statement February 2016; Sustainability Statement March 2016
 ;Air Quality Assessment March 2016; Draft Landscaping Strategy 16th march 2016; Geotechnical and Basement Impact Report March 2016; Daylight, Sunlight, Overshadowing Report March 2016; Flood Risk Assessment March 2016; Noise and Acoustic Assessment February 2016; Outline Site Waste Management Plan March 2016
 Regeneration Statement March 2016; Statement of Community Involvement February 2016; Transport Statement February 2016;
 Townscape and Visual Impact Assessment March 2016; Wind and Microclimate Assessment February 2016;Addendum Daylight, Sunlight and Overshadowing Assessment June 2016; Addendum Views June 2016; Addendum Canal Elevation Study June 2016; Addendum Arboricultural Report June 2016; Addendum Planning Clarifications and Additional Information Letter June 2016; Addendum Wind and Microclimate Assessment June 2016;Addendum Views Analysis from Kensal Green Cemetery June 2016;
 Amendment Scheme Townscape and Visual Impact Appraisal August 2016;Amendment Scheme Overshadowing Assessment August 2016;
 Amendment scheme Planning Cover Letter August 2016;
 Amendment Scheme Wind and Microclimate Assessment August 2016;Amendment scheme Daylight & Sunlight Assessment August 2016;Updated drawings register August 2016; Amendment Scheme CGI's August 2016.

Case Officer: Sarah Whitnall**Direct Tel. No.** 020 7641 2929

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

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You are required to include specific provisions for securing the following ;
A full SEMP to 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.

as part of the site environmental management plan or construction management plan required to comply with the Council's Code of Construction Practice referred to in condition 3.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-
- a) Delivery and Service Plan
 - b) Construction Logistics Plan

These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on the Strategic Road Network. 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:

In order to appropriately manage any potential adverse effects on the local road network, as requested by Transport for London.

- 6 The development hereby permitted shall not be commenced (including impact piling) until
- a) a Drainage strategy detailing any on and /or off site drainage works has been submitted to and approved in writing by the City Council in liaison with Thames Water. No discharge of foul water from the shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- b) a Piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme of works) has been submitted to and approved in writing by the Local Planning Authority (in liaison with Thames Water). Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- c) measures to minimise groundwater discharges into the public sewer.

Reason:

To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community and environment and as the proposed works are in close proximity to underground sewerage utility infrastructure which must be protected.

- 7 You must use B1/D1 floor space as offices or a health facility. You must not it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it). Before commencement of any D1 health facility use, you must provide to us for approval of details of an operational management plan including the following:-

Nature of use and services proposed
 Number of staff and patients
 Hours of use
 Medical waste facilities

You must then carry out the use according to the details approved.

(C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet, SOC1, SOC4, TRANS1, TRANS2, TRANS3, TRANS20, TRANS21, TRANS22, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S32, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 8 The B1 or D1 use shall only be operational between 07.00 and 20.00 Monday to Friday.
 (C12AD)

Reason:

To protect the environment of people within the development and within neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

- 10 (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 (July 2016), 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.

- 11 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.

- 12 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. Inside bedrooms 45dB L amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

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.

- 13 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.

- 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 Conditions 10, 11,12,13 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 15 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 12 and 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 16 Prior to commencement of construction you must submit for approval by the Local Planning Authority, details of scheme of mechanical ventilation to provide adequate cooling and air quality mitigation to the residential units. The system must ensure the internal noise levels of the residential units do not exceed those outlined in condition 13.

Reason:

To ensure that the internal residential environment is acceptable in accordance with ENV13, ENV5 of our Unitary Development Plan that we adopted in January 2007 (UDP) and S29 and S31 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 17 Notwithstanding that submitted, prior to commencement of development you must submit to the City Council for a approval a revised waste and recycling strategy which replaces the waste chute between ground and basement floors with a lift. You must then provide the the waste store before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the buildings. 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.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 18 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

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

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

Reason:

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

- 20 You must provide residential 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)

- 21 You must provide the car parking spaces for the Central and North West London NHS Foundation Trust as shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people working in the Trusts buildings or calling there for business purposes. (C22AA)

Reason:

To ensure that the existing Central and North West London NHS Foundation Trust car parking is re-provided.

- 22 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.

- 23 Apart from collection of waste and recycling all servicing must take place between 09.00 and 18.00 Monday to Friday. (C23DA)

Reason:

To minimise the impact of servicing on existing and future residents in accordance with policy ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and full details of the proposed green roofs including construction method, layout, species and maintenance regime. 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 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of 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 (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 26 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees close to the site located within the canal embankment. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 27 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.

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 28 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 29 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

i) windows;

ii) external doors;

- iii) cills;
- iv) reveals;
- v) location and size of movement joints;
- vi) step backs in façade;
- vii) interfaces with windows;
- viii) interfaces with landscaping;
- ix) interfaces with architectural metalwork;
- x) ventilation and other services terminations at façade and roof;
- xi) balconies including method of drainage;
- xii) railings and balustrades;
- xiii) integral lighting.

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

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

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 30 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- Further design refinement to blank west-facing walls of Blocks A and C to introduce greater relief and visual interest.
- 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.

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 32 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or

any order that may replace it). (C26WB)

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 33 Before you begin to use you must apply to us for approval of a Travel Plan (in liaison with TFL). The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the building;
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
 - (c) Targets set in the Plan to reduce car journeys to the site ;
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to :-
 1. Provision of affordable housing on-site in the form of 9x1bedroom and 10x2 bedroom intermediate shared ownership units, with 100% nomination rights to the City Council.
 2. Lifetime (25 years) car club membership for the occupiers of the residential units.
 3. Car park strategy for the residential carpark spaces provided on an unallocated basis and

for the NHS car park spaces.

4. Highways works associated with the development including vehicular crossovers and paving
5. Pedestrian and vehicular access along from Woodfield Road along Elmfield Way to the development site
6. Public access to the 2m depth canal side space via a walkways agreement or other suitable mechanism.
7. A financial contribution of £205,632 as a carbon offset payment (index linked and payable on commencement of development).
8. A financial contribution of £TBC towards improvements to existing play space provision in the vicinity of the site or towards the provision of new play space provision (index linked and payable on commencement of development).
9. A financial contribution of £TBC towards public realm improvement works in the vicinity of the site which may include works to the waterway and towpath (index linked and payable on commencement of development).
10. A financial contribution of £TBC towards Employment and Training (index linked and payable on commencement of development).
11. A financial contribution of £100,000 towards a cycle docking station within the vicinity of the site. (index linked and payable on commencement of development).
12. Provision of Public Art to the value of no less than £TBC. (index linked and payable on commencement of development).
13. Compliance with Code of Construction Practice
14. Cost on Monitoring the S106 legal agreement

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 Asbestos is the largest single cause of work-related death. People most at risk are those working

in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

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.

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 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)

- 8 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

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

- 10 Condition 9 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)

- 11 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	Dora House, 60 St John's Wood Road, London, NW8 7HN,		
Proposal	Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and twelve upper floors containing car parking, plant, sheltered accommodation (Class C3) and private residential accommodation and ancillary communal areas; Building 2 comprising three basement levels, ground and nine upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.		
Agent	Mr Raoul Veevers		
On behalf of	C&C		
Registered Number	15/09769/FULL	Date amended/ completed	July 2016
Date Application Received	15 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area, the St John's Wood and Regent's Park Conservation Areas run along St John's Wood Road and Park Road respectively.		

1. RECOMMENDATION

For Committee's consideration:

- 1) Does the Committee consider that the revised scheme has addressed their earlier concerns.
- 2) Subject to 1.above, and subject to any views of the Mayor of London, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
 - a) i)Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels.
 - ii)option for previous/existing residents to return to building 1 as a first option subject to their needs being met by the new development.

iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.

- b) Not to occupy building 2 until practical completion of building 1
- c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
- d)
 - i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.
 - ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
- e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).
- f) Lifetime Car club membership for the occupiers of Building 1.
- g) Provision of Public Art to a minimum value of £TBC.
- h) The costs of monitoring the S106 agreement

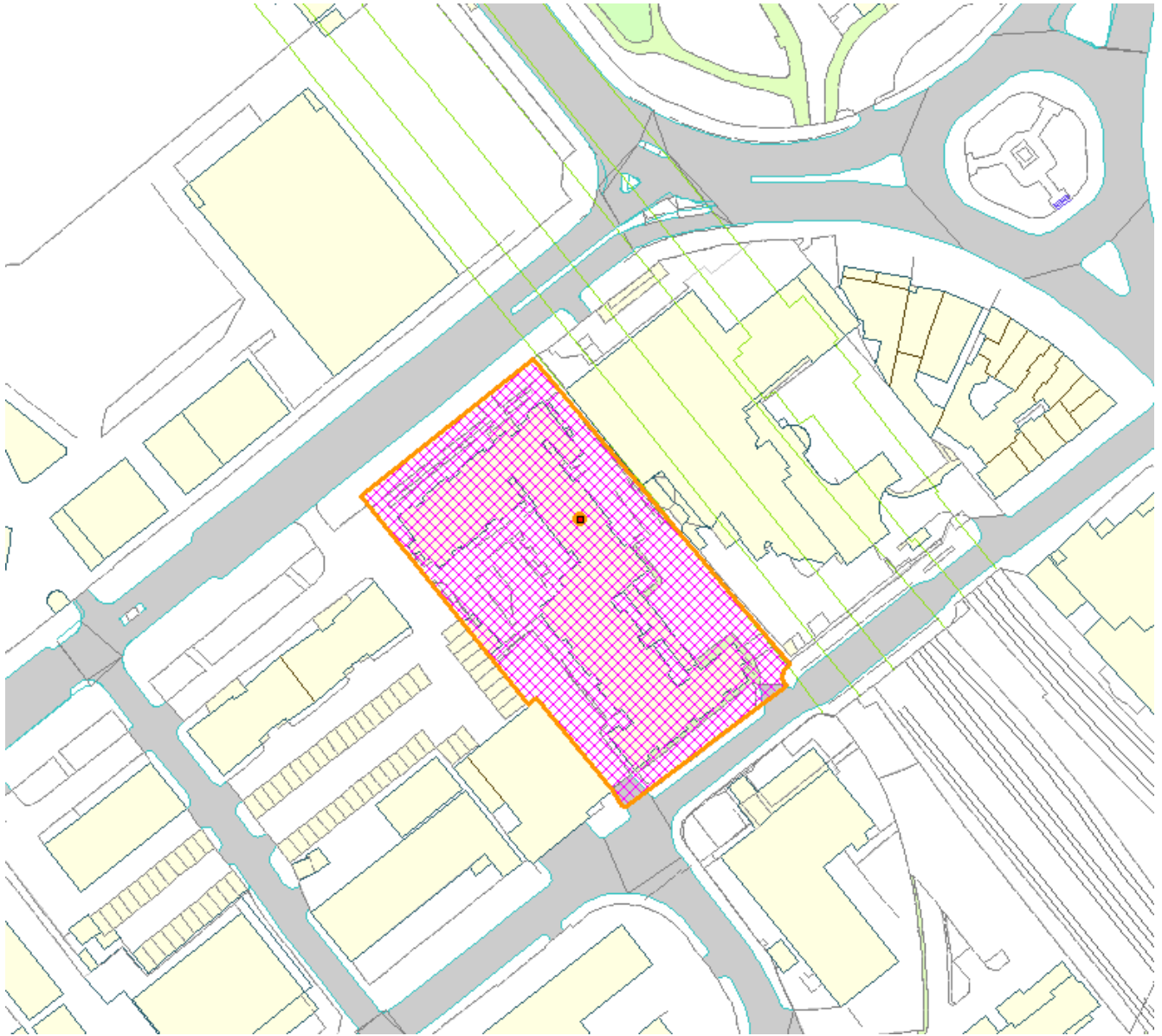
3. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:

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

2. SUMMARY

This application was reported to the Planning Applications Committee on 8th March 2016 when the committee resolved to defer making a decision on the application to enable the applicant to address a number of matters including; the height, massing and colour of brickwork of building 2, the provision of soft landscaping across the site, the mix of unit sizes, removal of west facing balconies, confirmation of unallocated parking and details surrounding the mechanism to secure affordable housing and any surplus money from the development. The applicant has sought to address the issues raised by committee, however some revisions made, including the reduction in height and floor space of Building 2 has had a knock on effect to the proposal, leading to further revisions including additional private residential units within building 1. The application is therefore reported back to committee for further consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



EXISTING ST JOHN'S WOOD ROAD ELEVATION



EXISTING LODGE ROAD ELEVATION



EXISTING ST JOHN'S WOOD ROAD TOWNSCAPE

5. CONSULTATIONS

Original representations as detailed in report to committee of 08.03.2016

Additional representations received after report of 08.03.2016 was published and circulated to members prior to the committee meeting (blues):-

Greater London Authority (copy of that set out in original report)- The application broadly complies with the London Plan, however further information and or confirmation is required in respect of land use, housing, design, inclusive design, climate change and transport.

Network Rail (NR)

No objection, subject to conditions to safeguard NR structures and tunnels.

Cleansing Manager

No objection, subject to conditions.

Applicant and their agent

Details in support of their application and agreeing to our standard occupancy restriction in relation to securing the provision of affordable housing.

Late representations received after report of 08.03.2016 was published and circulated to members at the committee meeting (reds):-

Senior Arboricultural Officer

General comments on revisions. London Plane trees to St John's Wood Road now adequately protected subject to further conditions. However soft landscaping and green roof provision remains meagre in respect of overall areas propose for greening, with insufficient soil depth to support soft landscaping.

Councillor Rigby

Application welcomed in general as existing Dora House is outdated and the applicant performs an excellent role within the community and the new accommodation will provide significant improvements around the size, quality of units and communal areas for residents which are to be commended.

Height and massing of Building 2 is of concern and given its prominent position the material and design need to be sympathetic to the surrounding area.

Dora House Residents Association

Support proposal. All residents of Dora House are part of the residents association and accept that there is a need for a new and better building. Relocation of residents has already taken place and many look forward to returning to this invaluable provision for older people to which they have been involved in the design. The new Dora House will have better sized flats and fantastic communal space and gardens. Without the sale of the private flatted building Central and Cecil will not be able to afford to replace Dora House and this fantastic opportunity would be lost.

Revised draft recommendation from presenting officer
Amendments to draft decision letter reported, resulting in single recommended reason for refusal on grounds of height and massing of building 2.

Applicant's agent

Confirming agreement to soil depths of 60cm to roof gardens and 1.2m at ground floor level and that if committee are unable to approve the application as proposed (at the time of committee on 08.03.2016) that they would like committee to defer their decision to give Central & Cecil time to revise its application.

Representations received following consultation on revised scheme:-

Historic England
No comment.

Environment Agency (Thames Region)
No comment.

London Underground Limited (LUL)
No objection, subject to conditions to safeguard LUL structures and tunnels.

Network Rail (NR)
No objection, subject to conditions to safeguard NR structures and tunnels.

Transport for London
General comments. Cycle parking standards apply to all units which can in part be interchangeable as mobility scooter park. Satisfied that high efficiency Pv's are proposed to maximise on-site carbon savings.

London Borough of Hammersmith and Fulham
No objection.

St John's Wood Society
Support redevelopment of Dora House and note some concerns have been addressed , but continue to have major concerns regarding the design of building 2 (St John's Wood Road). The building occupies a prominent site at the gateway to St John's Wood and will overlook iconic Lords Cricket Ground and Church. This building fails to take into account local context, resulting in inappropriate architectural style and materials. It lacks cohesion and is top heavy, shaped red bricks are not appropriate and bronze treatment of the lower floors is alien to the area. Strongly oppose any loss of social housing.

The St Marylebone Society
Defer to conservation officer.

Affordable Housing Supply Manager
No objection, regret reduction in number of affordable housing units proposed, but accept viability justification.

Building Control
Structural method statement is acceptable.

Highways Planning Manager

Unallocated parking for both parts of the development should be included in the legal agreement. Car and cycle provision remains sufficient.

Arboricultural Section

Suggest contribution of £20,000 towards tree planting in Lodge Road.

Metropolitan Police Designing Out Crime Officer

No further comment.

EH Consultation Team

No objection, subject to conditions and informatives.

Public Protection and Licensing Environmental Sciences

Site Environmental Management Plan required and compliance with Code of Construction Practice.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 709

Total No. of replies: 3

No. of objections: 3

- Reduction in height is welcomed but is insufficient.
- Building looks like an office block and is totally unsuitable for a residential street.
- Busy and distracting design – harsh red glazed bricks are not appropriate, bronze metalwork is garish and reflective.
- Aggressively dominant and top heavy
- Not enough attention has been paid to creating a green and pleasant environment in keeping with historic look and feel of St John's Wood.
- Danubius hotel was a tragic mistake and one that should not be repeated in 2016
- Overdevelopment with insufficient soft landscaping
- Overall impact on the area of this development and other large developments in Lodge Road needs to be reviewed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

See original report

6.2 Recent Relevant History

See original report

7. THE PROPOSAL

This application was originally reported to the Planning Applications Committee on 8th March 2016 with an officers recommendation to refuse permission on three grounds i) height and massing of Building 2, ii) absence of suitable mechanism to secure the delivery of the proposed affordable housing iii) impact on street trees and insufficient space and conditions for the provision of soft landscaping. Following additional and late representations the presenting officer tabled a revised draft decision letter to delete the recommended reasons for refusal 2 (mechanism to secure affordable housing) and 3 (trees and landscaping), leaving a single recommended reason for refusal on grounds of the height and massing of Building 2.

Notwithstanding the above, Committee resolved that the item be deferred to allow the applicant to reconsider the height and massing of Building 2 and a number of further issues highlighted below:

1. A reduction in the height of Building 2 by approximately one and half floors.
2. A reduction in the number of 3-bedroom units and the omission of 5 bedroom units.
3. The use of alternative brick colour.
4. Production of a viability report to ensure any surplus money generated through the proposed mechanism to secure affordable housing be invested in social housing for elderly.
5. Unallocated car parking
6. Removal of balconies from the west flank of Building 2 between floors 2-8.
7. Further details regarding the landscaping of the site
8. The private residential accommodation in Building 2 to remain unoccupied until practical completion of Building 1.

The applicant has sought to address the above issues and details of their response on each issue is set out below:-

8. DETAILED CONSIDERATIONS

Following the Committee, the applicant had originally sought to justify the height of Building 2 through feasibility/viability, rather than to reduce its height. However, this was not pursued and the height of Building 2 was reduced by one storey to nine storeys above a ground and a triple basement. However due to the reduction in height and as a consequence a reduction in floor space to Building 2, the applicant has indicated that the viability/feasibility of the scheme has been compromised and that it is now necessary for part of floors 10 and 11 and the entire 12th floor of Building 1 to be proposed as private residential rather than affordable housing as originally proposed.

The original scheme reported to Committee, proposed 156 affordable housing units within Building 1 (a building entirely for affordable housing). This is now proposed to be reduced to 139 affordable housing units, with the 17 remaining units proposed as private residential units. In floor space terms the existing Dora House floor space of 10,813m² is re-provided with an additional uplift of 3513m² floor space, a total of 14,326m².

The proposed uplift of private residential accommodation is now 12,466m² (previously 12,494m²), which requires the provision of 35% of floor space (4,363m²), however for the reasons set out above, the uplift in affordable housing floor space has now been reduced to 3513m² floor space. Whilst this is no longer policy compliant, the financial evidence justifies the provision and is verified by our independent consultants and accepted by our Housing Manager as necessary to bring forward the redevelopment of Dora House.

Table A- Comparison of existing, original scheme and proposed scheme

	Existing	Original scheme floor space (GEA)	Original scheme units	Revised scheme floor space (GEA)	Revised scheme units
Existing Dora House	10,813m ² 204 units				
Building 1 (Lodge Road)		15,362	156 AH units 3xstudios 145x1bed 8x2 bed	(total)15,293m ² 14326m ² (AH) 967m ² (Private)	139 AH units 3xstudios 133x1bed 3x2bed 17 private 12x1 bed 5x 2 bed
Building 2 (St John's Wood Road)		12,494	42 private units 10x1bed 10x2bed 20x3bed	11,499m ²	44 private 14x1 bed 14x2 bed 16x3bed

			2x5bed		
Total		27,856	198 units		200

The City Council's independent financial advisor (Gerald Eve) has reviewed the revised scheme and confirmed the applicant's justification, that the conversion of 967m² of the originally proposed sheltered affordable housing floor space to private residential accommodation is required in order for the scheme to be viable.

The City Council's Housing Manager regrets the reduction of proposed affordable sheltered housing from 156 units in the original scheme to 139 units in this current scheme, but accepts that the financial evidence justifies this.

1. A reduction in the height of Building 2 by approximately one and half floors.

The height of Building 2 has been reduced by one storey by the removal of the 10th floor. The 5 bedroom units have been omitted from the proposal and the number of 3 bedroom units has been reduced, which has resulted in an increase in the number of small units. Building 2 now comprises 9 storeys above ground and triple basement to provide 44 private residential flats within 11499m² of floor space compared to 42 flats and 12494m² of floor space originally proposed.

2. A reduction in the number of 3-bedroom units and the omission of 5 bedroom units.

Following the removal of a floor within Building 2 and reduction in the number of larger units, the following mix of unit sizes within Building 2 is now proposed:-

Table 2- Building 2 unit size mix

Unit size	Original	Now proposed	%
1 bedroom	10	14	32%
2 bedroom	10	14	32%
3 bedroom	20	16	36%
5 bedroom	2	0	0%
Total	42	44	100%

The provision of 16x3 bedroom units (36%) within Building 2, meets the requirement (33% family housing) of policy H5 of our UDP and S15 of our City Plan.

3. The use of alternative brick colour.

The principal brick facing material was originally indicated as a colour ranging from light grey to dark teal with blue overtones. It is now proposed that the colour of the brickwork will range from buff, through oranges, reds and greys to dark browns with earthy overtones, to create a complimentary brick palette attributed to different elements of the buildings (bays, recesses, roof dormers, reveals). An imperial size brick is proposed with a Flemish bond, and a slim mortar colour is to be developed to suit the final brick colour. A final tone is to be agreed at a later date following on-site testing, samples and large scale mock ups.

4. Production of a viability report to ensure any surplus money generated through the proposed mechanism to secure affordable housing be invested in social housing for elderly.

The applicant advised just prior to Committee on 8th March 2016 that they are no longer pursuing an alternative mechanism to secure the delivery of affordable housing within Building 1. The S106 legal agreement would therefore through the use of our standard occupancy restriction link the delivery of the affordable housing to the private housing. The applicant has provided a feasibility/viability study which indicates that there is no surplus money generated by the current proposal and this has been verified by the City Council's independent financial consultants.

5. Unallocated car parking

The applicant is agreeable to the provision of unallocated parking and this would be secured through the S106 legal agreement. A total of 33 spaces are proposed for Building 1 along with lifetime car club membership for occupiers of this building and 48 for Building 2. This is acceptable in transportation terms.

6. Removal of balconies from the west flank between floors 2-8.

The originally proposed balconies to the west flank of Building 2 have now been omitted from the proposal and replaced by bronze framed windows.

7. Further details regarding the landscaping of the site

Following additional and late representations from the applicant and the City Council's tree officer the presenting officer tabled a revised draft decision letter to delete the tree and soft landscaping recommended reason for refusal. Notwithstanding this, Committee resolved to require further details regarding the landscaping of the site. The applicant has submitted a landscape document which reviews and provides commentary on their proposal. The front and rear curtilage of Building 1 will accommodate various sized planters and two sedum roofs at first floor level, planters to 10th and 11th floor private terraces and to the communal terraces at 11th and 12th floors. Indicative species have been indicated.

Four trees to the Lodge Road frontage are indicated, however a £20,000 contribution is sought towards this provision has been queried by the applicant. The £20,000 contribution sought to plant 4 new trees in mitigation of the loss of visual amenity from the loss of the existing fastigated oak tree and lack of on-site greenery. The contribution sought is to cover the costs of; removal, trial excavation for new tree planting, pits preparation of planting, watering, early maintenance/tree surgery for the duration of the lives of the trees and as such is considered to be appropriate and reasonable.

In terms of Building 2 the soft landscaping provision comprises various sized planters to the front curtilage of St John's Wood Road and planters to the rear courtyard garden and green roofs to the rear at first floor level.

Whilst some positive progress has been made the City Council's Arboricultural Officer remains disappointed at the soft landscaping and green roof provision and considers the requested financial contribution for street tree planting to be necessary to mitigate the loss of the existing tree and lack of greening of the site.

8. The private residential accommodation in Building 2 to remain unoccupied until practical completion of Building 1.

The applicant advised just prior to committee on 8th March 2016 that they are no longer pursuing an alternative mechanism to secure the delivery of affordable housing within Building 1. The S106 legal agreement would therefore secure through the use of our standard occupancy restriction to link the delivery of the affordable housing to the private housing.

8.1 London Plan

Given the proposed height of the building (over 30m) and number of residential units proposed (over 150), the application has been referred to the Mayor. If the City Council resolves to make a draft decision on the application, it must consult the mayor again (stage 2) and allow 14 days for his decision as to whether to direct a refusal, take it over for his own decision to allow the City Council to determine it itself.

The proposal is liable for the Mayoral Community Infrastructure Levy (CIL) in Westminster of £50 per sqm.

8.2 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.

8.3 Planning Obligations

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

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community

Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission.

These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council introduced its own Community Infrastructure Levy on 1 May 2016 and this application is liable to pay this CIL.

If Committee are minded to grant permission then a S106 legal agreement will be required to secure the following matters:-

- Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels.
- Option for previous/existing residents to return to Building 1 as a first option subject to their needs being met by the new development.
- 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.
- Not to occupy building 2 until practical completion of Building 1
- Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
- Car park strategy for Building 1 to provide 33 car parking spaces on an unallocated basis.
- Car park strategy for Building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
- A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).
- Lifetime Car club membership for the occupiers of Building 1.
- Provision of Public Art to a minimum value of £TBC
- The costs of monitoring the S106 agreement

NB/ It should be noted that Code of Construction Practice and Site Environmental Management Plan are now dealt with by way of pre-commencement conditions.

8.4 Environmental Impact Assessment

See original report.

8.5 Other Issues

See original report.

9. BACKGROUND PAPERS

1. Report and minutes of Committee dated 08.03.2016, including original representations as detailed in report to committee of 08.03.2016.
2. Additional representations received after report of 08.03.2016 was published and circulated to members prior to the committee meeting (blues):-
 - Letter from the Greater London Authority dated 14.01.2016 (copy of that set out in original report)
 - Email from Network Rail dated 01.03.2016
 - Memo from Cleansing Manager dated 29.02.2016
 - Email/Letter/brochure from applicant and their agent dated 04.03.2016
3. Late representations received after report of 08.03.2016 was published and circulated to members at the committee meeting (reds):-
 - Memo from Senior Arboricultural Officer dated 07.03.2016
 - Revised draft recommendation from presenting officer 08.03.2016
 - Email from the applicants agent dated 08.03.2016
 - Email from Councillor Rigby dated 08.03.2016
 - Letter from Dora House Residents Association dated 17.12.2015
4. Representations received following consultation on revised scheme:-
 - Letter from Historic England (Listed Builds/Con Areas) dated 14.06.2016
 - Email from Environment Agency (Thames Region) dated 17.06.2016
 - Letter from London Underground Infrastructure Protection dated 16.06.2016
 - Emails from Network Rail dated 13.06.2016 and 15.08.2016
 - Email from Transport for London dated 02.09.2016
 - Letter from London Borough of Hammersmith and Fulham dated 23.06.2016
 - Email from The St John's Wood Society dated 14.07.2016 and 25.08.2016
 - Emails from St Marylebone Society dated 28.06.2016 and 09.08.2016
 - Email from Designing Out Crime Officer dated 13.06.2016
 - Emails from Building Control dated 15.06.2016 and 19.08.2016
 - Email from Highways Planning Manager dated 22.07.2016
 - Email from Public Protection and Licensing Environmental Sciences dated 17.08.2016.
 - Email from Arboricultural Section - Development Planning dated 22.08.2016
 - Email from Affordable Housing Supply Manager dated 22.08.2016
 - Email from EH Consultation Team dated 09.08.2016
 - Email from the occupier of 106 Lords view dated 11.07.2016
 - Email from the occupier of 119 Lords view dated 19.07.2016

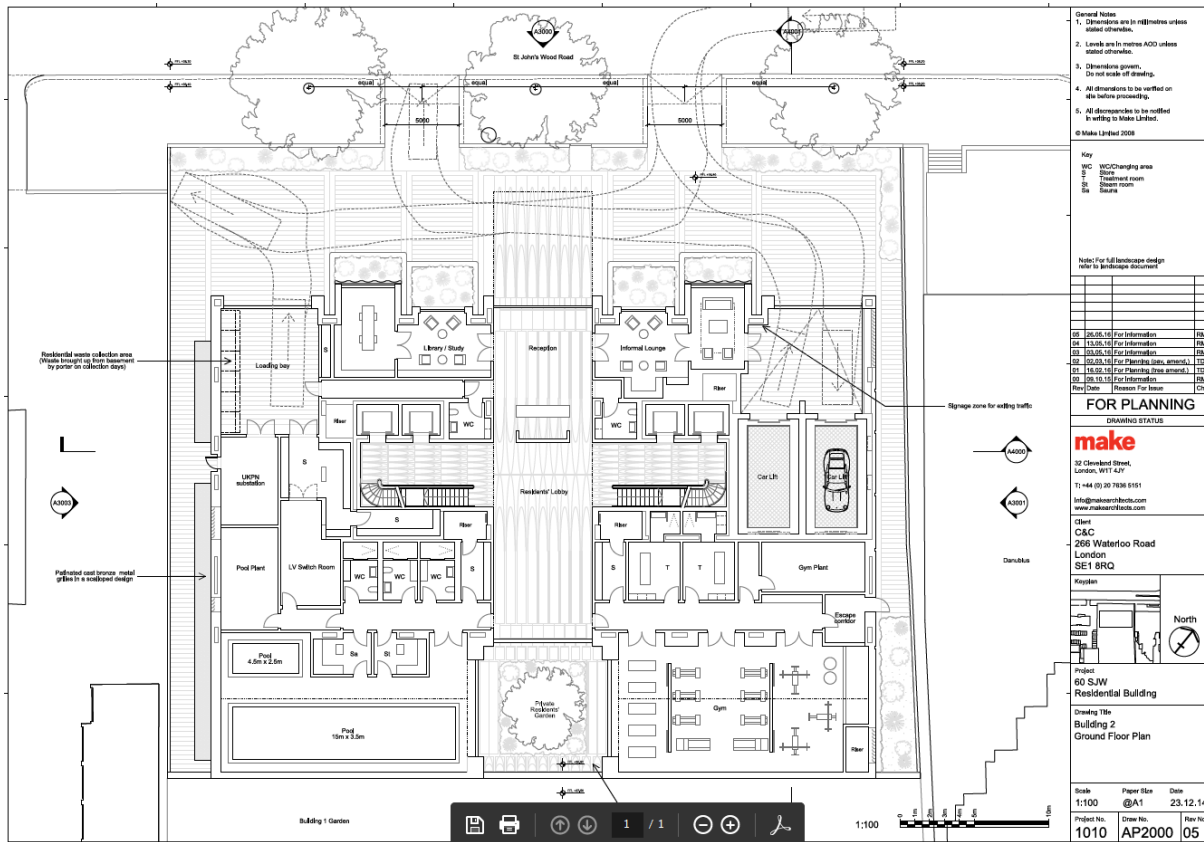
- Email from the occupier of 122 Lords view dated 08.07.2016

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 SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT swhitnall@westminster.gov.uk

10. KEY DRAWINGS





BUILDING 1 – LODGE ROAD – FRONT ELEVATION

Colour and Tone

It is key to select a material that relates to the immediate context to visually locate the building within the townscape. However, given the quality of the existing brick buildings along St John's Wood Road, a balance is required to situate it in the broader area while also maintaining a consideration for its immediate surroundings. A brick will be chosen that respects the dark tone of the site's immediate context while simultaneously injecting a subtle element of colour and variation. The colour of the brickwork will range from light grey to a dark teal with blue overtones.



128

Dora House Regeneration

AS REPORTED TO COMMITTEE ON 08.03.2016 BUILDING 2 – ST JOHN'S WOOD ROAD TOWNSCAPE VIEW WITH ADJACENT DANUBIUS HOTEL AND LORDS VIEW 1.

Colour and Tone

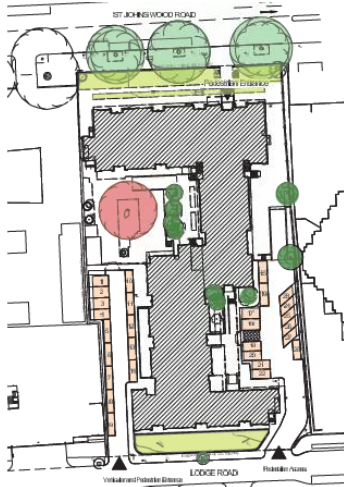
It is key to select a material that relates to the immediate context to visually locate the building within the townscape. However, given the quality of the existing brick buildings along St John's Wood Road, a balance is required to situate it in the broader area while also maintaining a consideration for its immediate surroundings. A brick will be chosen that respects the tone of the sites immediate context whilst simultaneously injecting a subtle element of colour, texture and variation. The colour of the brickwork will range from buff, through oranges, reds, and greys to a dark brown with earthy overtones.



8

Dora House Regeneration

AS NOW PROPOSED BUILDING 2 - ST JOHN'S WOOD ROAD TOWNSCAPE VIEW WITH ADJACENT DANUBIUS HOTEL AND LORDS VIEW 1.



Existing Site - Landscape Provision

Amenity lawns provided are predominantly considered unusable space due to their location and inaccessibility from the building.

A number of small trees are apparent within the hard standing of the site accompanied with additional raised planters in the central courtyard where the Catalpa bignonioides has been removed.

A number of balconies have private green planting.

No access/greening is provided for at roof level.



Proposed Planning - Landscape Provision (2015)

Transport requirements resulted in the removal of the amenity lawns fronting both the northern and southern facades - replaced in part by raised planters.

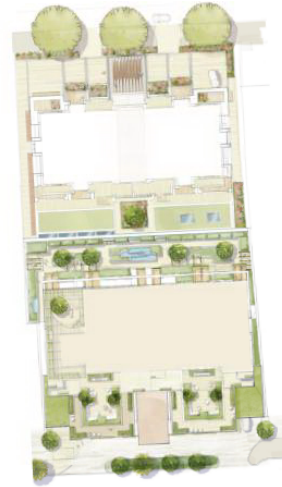
A landscaped courtyard was formed to the rear of the Lodge Road building, with seating, pergolas, water, trees and raised planters.

A central courtyard is provided for 60 SJW with a feature tree and planting to the edge.

Balconies to the building fronting Lodge Road are provided with inbuilt planters, those on 60SJW are provided with space for planters.

Green roofs are provided to the Lodge Road building at 1st floor.

Communal balconies are provided to the Lodge Road building on the upper floors, 10-12.



A review with the planning officer has resulted in amendments to improve the scheme regarding the extent of landscape, as detailed in this document.

Proposed Planning - Landscape Provision (2016)

Transport requirements were reviewed with the extent of raised planters increased to both building frontages - two additional trees have been sited to the Lodge Road building frontage.

The courtyard to the Lodge Road building was simplified and the green landscaping intensified to provide for an increased coverage.

The central courtyard to 60 SJW has been inverted to increase the area of green landscape provided.

Balconies to the building fronting Lodge Road are provided with inbuilt planters, those on 60SJW provided with space for planters.

Green roofs are provided to the Lodge Road building at 1st floor. Green roofs are now also provided at 1st floor to the rear of 60SJW with additional green/brown roofs to the top floor of Lodge Road.

Communal balconies are provided to the Lodge Road building on the upper floors, 10-12.

DRAFT DECISION LETTER

Address: Dora House, 60 St John's Wood Road, London, NW8 7HN

Proposal: Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and twelve upper floors containing car parking, plant, sheltered accommodation (Class C3) and private residential accommodation, ancillary communal areas; Building 2 comprising three basement levels, ground and nine upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.

Plan Nos: 10343 (floorplans); LNBS0127_E01, 1 of 3, 2of 3 and 3of 3; 100-02-Rev01; 100-24-Rev01; 120-12-Rev01; 120-11-Rev01; 300-02-Rev01; 300-03-Rev01; 300-18-Rev01; 300-19-Rev01; 300-20-Rev01; 300-21-Rev01; 300-22-Rev01; 300-23-Rev01; 300-24-Rev01; 300-25-Rev01; 300-26-Rev01; 300-27-Rev01; 300-28-Rev01; 300-9-Rev01; 300-30-Rev01; 360-01-Rev01; 360-02-Rev01; 360-03-Rev01; 360-04-Rev01; 365-01-Rev01; 365-02-Rev01; 365-04-Rev01; 365-03-Rev01; 370-01-Rev01; 370-02-Rev01; 375-01-Rev01; 375-02-Rev01; AP1997; AP1998; AP1999; AP2000 Rev02; AP2001; AP2002; AP2004; AP2008; AP2009; AP2010; AP2011; AP3000; AP3001; AP3002; AP3003; AP3010; AP4000; AP4001 Rev02; AP6001; AP6002; AP6003. SK-HW-020P2. Design and Access Statement; Planning Statement, Transport Statement; Ecology Statement; Noise Impact Assessment; Air Quality Assessment; Arboricultural Report; Archaeology Report; Archaeological Desk Study and Watching Brief; Construction Management Plan; Energy Strategy; Overheign Analysis; Structural Methodology Statement; Sustainability Statement; Sustainable Drainage Report; Geotechnical Desk study Report; Geotechnical Study Report; Daylight and Sunlight Report; Site investigation Report; Statement of Community Involvement. Email dated 19.02.2016 and attachments regarding trees; Letter dated 01.02.2016 and appendices in response to consultation representations; Letter dated 24.02.2016 to GLA; GLA considerations and responses dated 19.02.2016; WCC considerations and responses dated 19.02.2016, Email from Raoul Veevers dated 03.03.2016 .

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Unconditional or if an Advert Application only the standard advert conditions

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can

be heard at the boundary of the site only:

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You are required to include specific provisions for securing the following ;
A full SEMP to 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.

as part of the site environmental management plan or construction management plan required to comply with the Council's Code of Construction Practice referred to in condition 3.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 The development hereby permitted shall not be commenced until detailed ground movement analysis (in consultation with London Underground), has been submitted to and approved in writing which:

Provide details of the ground movement

Accommodate the location of the existing London Underground structures and tunnels.

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

Reason:

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

- 6 The development hereby permitted shall not be commenced until the following details, have been submitted to and approved in writing (in consultation with Network Rail):-

- 1. Details of the position of the dead bores / tunnels included on the plans and elevations.
- 2. Details of the piling works on site and also any foundation piles and where these will be sited.
- 3. Details of all excavation and earthworks.

4. Any increase or decrease of loading on the tunnels both temporary and permanent as well as certified proof that the proposal will have no detrimental impact upon the tunnels.
5. Detail of the location and distance of the dead tunnel bores from the site.
6. Confirmation of any tower crane working on site with a method statement and risk assessment (RAMS) for the works.
7. A RAMs for all works including demolition within 10m of Network Rail Land.
8. Drainage plans for the site.
9. A BAPA if required between the developer and Network Rail.
10. Confirmation that all construction works and all maintenance works can be carried out on the developer's land ownership footprint only without any encroachment onto Network Rail land and without over-sailing Network Rails air-space.
11. Network Rail to retain unencumbered rights of access to any existing tunnel shafts.
12. Reimbursement to Network Rail of the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to carry out any necessary emergency work on the site at the Developer's expense should this become necessary to safeguard the integrity of the tunnel structure.

Reason:

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

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

Reason:

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

- 8 (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the building use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre

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

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and

acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 7, 8, 9, 10 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 12 The development hereby permitted shall not be commenced (including impact piling) until

a) a Drainage strategy detailing any on and /or off site drainage works has been submitted to and approved in writing by the City Council in liaison with Thames Water. No discharge of foul water from the shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

b) a Piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme of works) has been submitted to and approved in writing by the Local Planning Authority (in liaison with Thames Water). Any piling must be undertaken in accordance with the terms of the approved piling method statement.

c) measures to minimise groundwater discharges into the public sewer.

Reason:

To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community and as the proposed works are in close proximity to underground sewerage utility infrastructure which must be protected.

In order to protect Thames Water infrastructure and the environment.

- 13 Prior to occupation of building 2, a Car lift and maintenance operational plan (to include details of the lifts, maintenance regime and breakdown response times) shall be submitted and approved by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason:

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

- 14 You must provide each 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)

- 15 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.

- 16 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 17 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 buildings. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 18 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 19 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 in its entirety and according to the drawings we have approved. (C29BB)

Reason:

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

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

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

Reason:

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

- 21 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.

Reason:

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

- 22 You must apply to us for approval of 3m x 3m of fabricated sample panels of the following parts of the development:

i) all typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the setting of the St Johns Wood Conservation Area and Regents Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan

that we adopted in January 2007. (R26BE)

- 23 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:
- i) windows;
 - ii) external doors;
 - iii) cills;
 - iv) reveals;
 - v) fascias and canopies;
 - vi) indicative locations and design principles for display of any signage;
 - vii) location and size of movement joints;
 - viii) step backs in façade;
 - ix) interfaces with windows;
 - x) interfaces with landscaping and details of planters;
 - xi) interfaces with architectural metalwork;
 - xii) ventilation and other services terminations at façade and roof level
 - xiii) balconies including method of drainage;
 - xiv) railings and balustrades;
 - xv) integral lighting.
- You must not start any work on the superstructure of the development until we have approved what you have sent us.
You must then carry out the work according to these approved drawings.

Reason:

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

- 24 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and full details of the proposed green roofs including construction method, layout, species and maintenance regime. 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 1 planting season of

completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the settings of the St Johns Wood and Regents Park Conservation Areas, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 26 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 27 **Pre-Commencement Condition:-** A scheme of public art must be submitted and approved by the City Council prior to commencement of the development. You must not start work on the public art until we have approved what you have sent us. You must then provide the public art according to the approved details, prior to the occupation of the buildings. You must thereafter maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

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

- 28 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-

- a) Delivery and Service Plan
- b) Construction Logistics Plan

These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on St Johns Wood Road (part of the Strategic Road Network). 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:

In order to appropriately manage any potential adverse effects on the local road network, as requested by Transport for London.

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
 - a) i) Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents substantially below market levels.

 - ii) option for previous/existing residents to return to building 1 as a first option

 - iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.

 - b) Not to occupy building 2 until practical completion of building 1
 - c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
 - d) i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.
 - ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
 - e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).
 - f) Lifetime Car club membership for the occupiers of Building 1.
 - g) Provision of Public Art to a minimum value of £TBC
 - h) The costs of monitoring the S106 agreement

(I55AA)

- 3 With reference to conditions 3 and 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 4 In relation to condition 6 Network Rail advise:
Your attention is drawn to the following Rail Accident Investigation Branch report into 'Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013', which concluded:
4 The intent of this recommendation is for the British Standards Institution to amend British Standard 5930:1999+A2:2010 to clarify that some railway tunnels are not shown on Ordnance Survey mapping. The British Standards Institution should amend British Standard 5930:1999+A2:2010 'Code of practice for site investigations' to make clear (paragraph 100):
a. that tunnels used by underground railways and associated subterranean structures may not be shown on Ordnance Survey mapping; and b. that rail infrastructure owners should be contacted during desk studies and utility searches where appropriate.
5 The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments. The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

The site of the two buildings is at the side of the 'dead bores' which start from Lodge Road and run under the Danubius Hotel, St Johns Wood Road and Lords Car Park. The dead bores are two tunnels which are not used for running trains. The running line with trains is adjacent to the two dead bores and goes through Lords Covered Way and St Johns Wood tunnel and is under the footpath next to Lords Car Park and Wellington Road. The dead bores are not under Network Rail ownership/liability, however, our engineers still examine them as they provide lateral support to the running bore, i.e. the tunnel which does have trains running through it. Also advised to carry out investigation into the ownership of the two dead bores and to advise the land owner if they have not done so already. The tower with the three basement levels has raised concerns for Network Rail, also the few drawings from the website do not really give that much information. Looking at the proposed plans without any dimensions/ foundation layout etc, Network Rail believes that the development will be in the zone of influence of the two dead bore tunnels therefore all requirements for working next to the railway will still apply as any piling or foundation works could impact upon the structural integrity of the two bores as well as the structures above. Also should one of the bore collapse then may lead to a second bore collapsing and impacting the active tunnel.

Network Rail will therefore require:

1. The developer to provide details of the position of the dead bores / tunnels included on the plans and elevations.
2. Network Rail will need details of the piling works on site and also any foundation piles and

where these will be sited. Network Rail will need to agree in principle the piling works and the type and method of foundation works on site before any works commence.

3. Network Rail will need to see details of all excavation and earthworks and we will need to agree such excavation works with the developer prior to any works commencing on site.
4. Any increase or decrease of loading on the tunnels both temporary and permanent as well as certified proof that the proposal will have no detrimental impact upon the tunnels.
5. The developer will need to confirm that the dead tunnel bores are further than 5m away from their site.
6. Network Rail will need confirmation of any tower crane working on site with a method statement and risk assessment (RAMS) for the works
7. Network Rail will require a RAMs for all works within 10m of our land boundary (attached is a plan showing Network Rail land ownership shaded in green and the tunnels in yellow). This includes details of the demolition works.
8. Network Rail requires to review drainage plans for the site. All surface water and foul water drainage should be directed away from railway land.
9. The developer should be advised that a BAPA may be required between the developer and Network Rail before works can commence on site.
10. The developer must confirm that all construction works and all maintenance works can be carried out on the developer's land ownership footprint only without any encroachment onto Network Rail land and without over-sailing our air-space.
11. Network Rail to retain unencumbered rights of access to any existing tunnel shafts.
12. The developer is to reimburse Network rail the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to carry out any necessary emergency work on the site at the Developer's expense should this become necessary to safeguard the integrity of the tunnel structure.

The LPA is advised that that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.

Network Rail believes that the comments above are both reasonable and necessary to facilitate the proposal so that the works on site do not impact upon any neighbours. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network rail's tunnels or railway land.

The developer is to reimburse Network rail the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to carry out any necessary emergency work on the site at the Developer's expense should this become necessary to safeguard the integrity of the tunnel structure.

Consideration will also be given to the monitoring of the tunnel in the vicinity of any development at regular intervals before, during any works and at completion, the cost of which to be at the

developer's expense. It should be noted that Network Rail as part of its rolling maintenance programme of tunnels will continue to seek access on an annual basis to carry out routine inspections of the land above such tunnels. The developer shall ensure that these requirements are met and provide, for acceptance by Network Rail, sufficient evidence, supported by drawings, calculations and design check certificates. Design check certificates will be subject to an independent check arranged by and at the expense of the applicant.

In the first instance the developer should contact directly the Network Rail Asset Protection Team to discuss the issues raised by this email as a matter of some urgency.
AssetProtectionLNWSouth@networkrail.co.uk

5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

6 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.

7 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.

- 8 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:
- Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.
- 10 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)
- 11 In relation to condition 12 please discuss with Thames Water:-
- Thames Water Development Services 0800 009 3921 to discuss piling method statement;
Thames Water Risk Management 0203 577 9483 11wwriskmanagement@thameswater.co.uk
to discuss Ground water discharge
Thames Water Development planning 0203 577 9998
Thames Water Developer Services 0800 009 3921

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	64-66 Wigmore Street, London		
Proposal	Modification to S106 dated 05.09.2013 to allow the affordable housing units to be transferred from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place (formally known as 25 Plympton Place) NW8 8AD.		
Agent	Mr Andrew Wilson		
On behalf of	Howard de Walden Estate		
Registered Number	16/07559/MOD106	Date amended/ completed	2 August 2016
Date Application Received	2 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1.	Does the Committee consider that the proposed relocation of the approved affordable housing from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place is acceptable?
2.	Subject to 1, above, authorise the proposed Deed of Variation to the S106 dated 05 September 2013 to secure the following: <ul style="list-style-type: none"> i. 340m2 (four flats) of affordable housing at 12-13 Plympton Place (as Social Rented Housing); and ii. £228,000 towards the City Council's affordable housing fund in addition to the heads of terms already secured with payment on completion of the Deed of Variation

2. SUMMARY

<p>Planning permission was granted in September 2013 for a new office building at 64-66 Wigmore Street. To off-set that office increase the Howard de Walden Estate proposed a land-use swap involving 9 other sites. As a result of these applications, there was an overall residential increase (+2,740m2) which matched the office increase. The increase in residential floorspace required an affordable housing provision of 685m2. However, only 400m2 of affordable housing was to be provided within 29-30 Thayer Street (including 23 Bulstrode Street). In lieu of the shortfall (285m2) the applicant proposed to make a financial contribution (£928,000) towards the City Council's affordable housing fund. This payment has been made.</p>

Howard de Walden have now acquired 12-13 Plympton Place (formally 25 Plympton Place), which has been converted to provide four self-contained units following a planning permission granted initially in 2014. It is proposed to use this site as the affordable housing donor site rather than 29-30 Thayer Street.

To ensure that the affordable housing is secured on Plympton Place a modification of the S106 is required.

Howard de Walden are also seeking a further modification to the S106 to enable the approved office building at 64-66 Wigmore Street to be used as a hospital. This is subject to a further application/report which is considered elsewhere on this agenda.

Land use - Affordable housing

The approved land use swap secured four affordable housing units (1x1 bed, 2x2 bed and 1x3 bed units) within 29-30 Thayer Street/23 Bulstrode Street comprising 400m². These units were to be transferred to a Registered Provider to use as either Affordable Rented Housing or Social Rented Housing.

The residential units at 12-13 Plympton Place (2x1 bed, 1x2 bed and 1x3 bed units) comprise 340m². These units will be available as Social Rented Housing. The Head of Affordable and Private Sector Housing has confirmed that the units are good quality, although one of the 1 beds is small at 41m² (minimum 50m²). The units are to market housing standard specifications and all units have good sized bedrooms, with storage and built in wardrobe space. As the units at first floor are reliant on stair access they are not suitable for disabled access, however, none of the units at Thayer Street were suitable for disabled tenants.

The four flats at Plympton Place would provide 60m² less floorspace from that approved at Thayer Street. The applicant has agreed to make a payment to the affordable housing contribution fund to cover the shortfall. This payment has been calculated as £228,000.

The Council's adopted policies require affordable housing to be on site, with an off-site solution only considered acceptable where it is within the vicinity of the site, is of better quality/quantity than that on-site and would not add to an existing localised concentration of social housing.

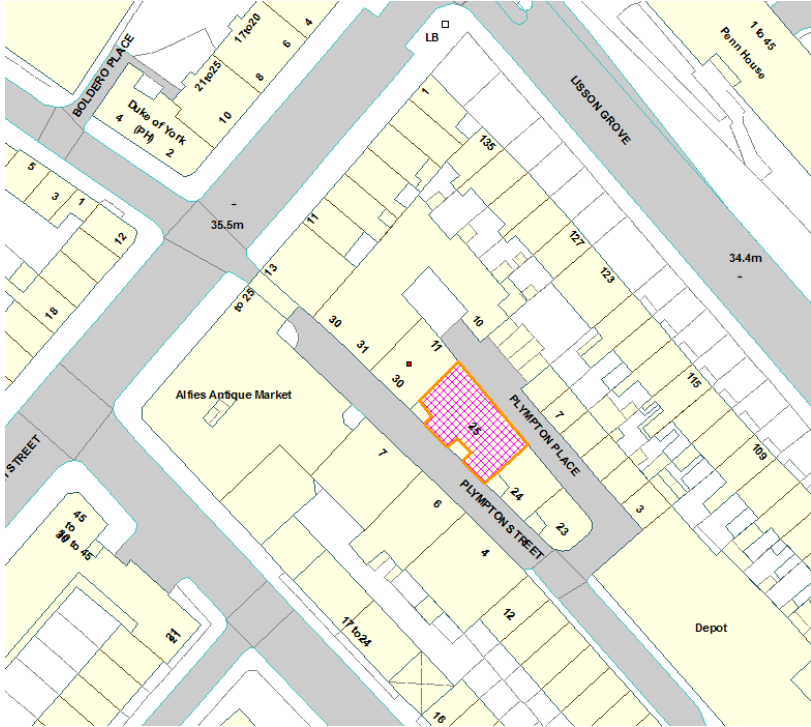
Clearly the location now proposed is not within the vicinity of the site, offers less floorspace than previously secured, and is in an area where there is already a high proportion of social rented housing. In support of their application, the applicant has stated that the units at Thayer Street are above a restaurant, which is served by a high level extract duct that runs internally through the units. Access to the duct for cleaning and maintenance is via the residential units. The applicant has stated that the units on Plympton Place are in a quieter residential location and are therefore more suitable for the affordable housing.

The Head of Affordable and Private Sector Housing also supports the proposal and advises that if the units are provided for social rent these will be lower than those proposed at Thayer Street and will provide potential rehousing opportunities to council housing tenants likely to be decanted as a result of regeneration proposals at Church Street.

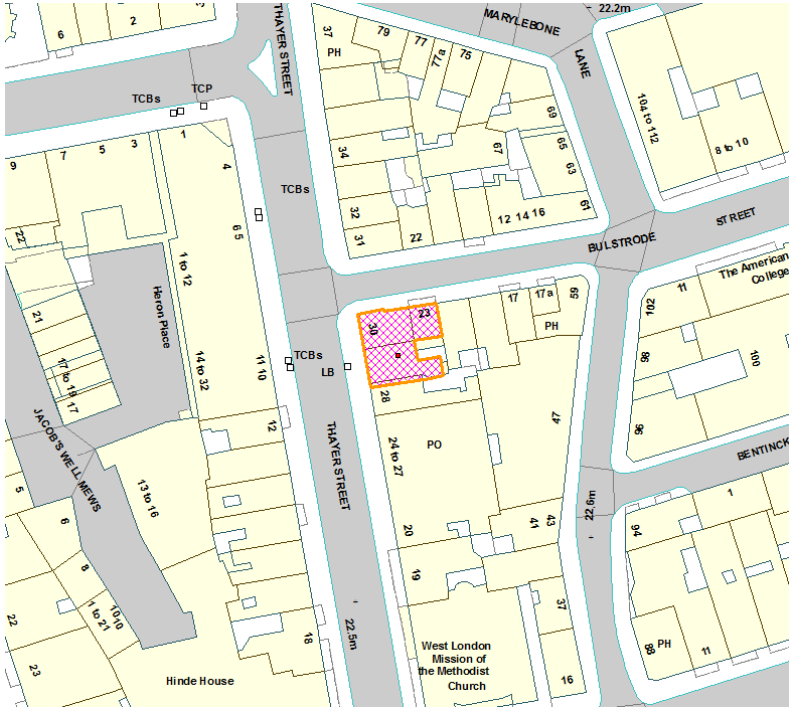
Committee's views are sought on whether the proposed location for the affordable housing is acceptable.

3. LOCATION PLAN (64-66 Wigmore Street)





Plympton Place



Thayer Street

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4. PHOTOGRAPHS

12-13 Plympton Place



29-30 Thayer Street/23 Bulstrode Street



5. CONSULTATIONS

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

No objection.

BACKGROUND PAPERS

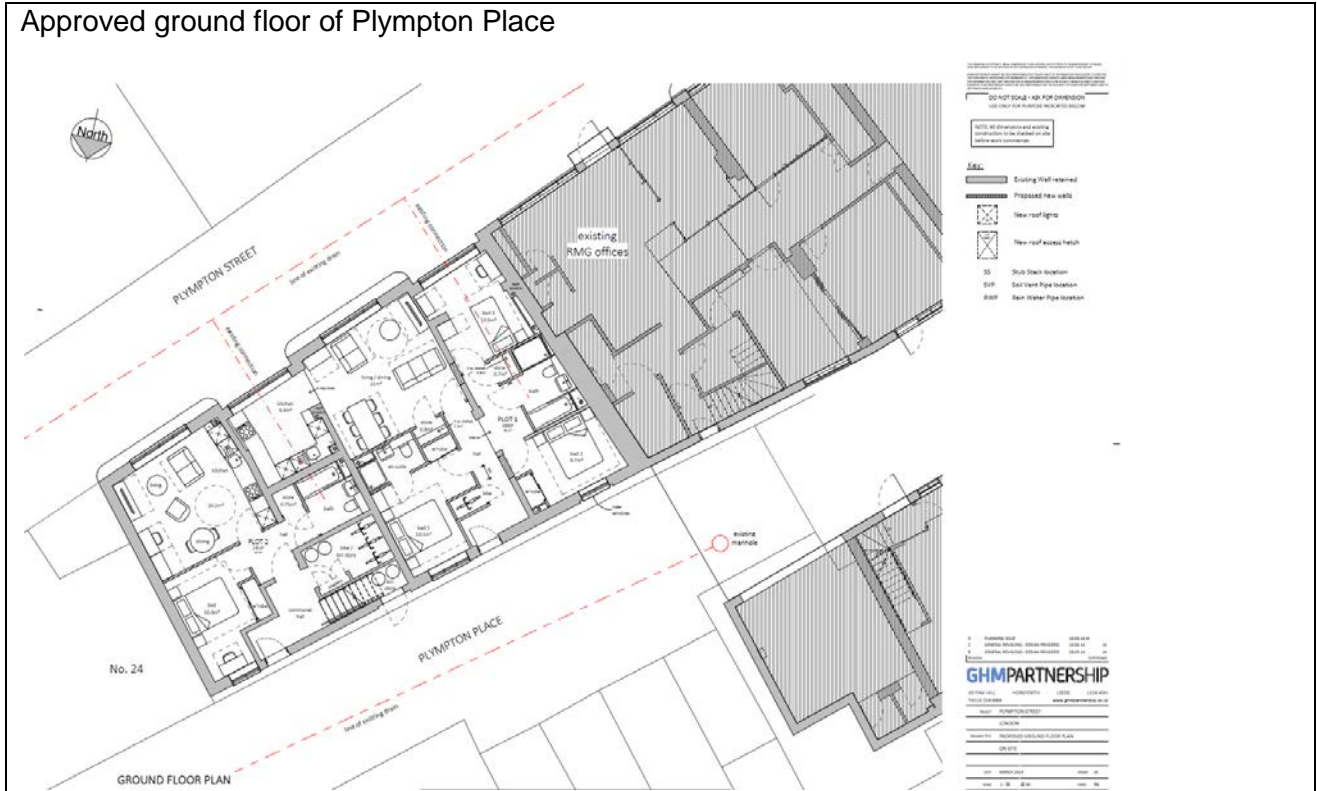
1. Application form
2. Response from Head of Affordable and Private Sector Housing dated 21 June 2016

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

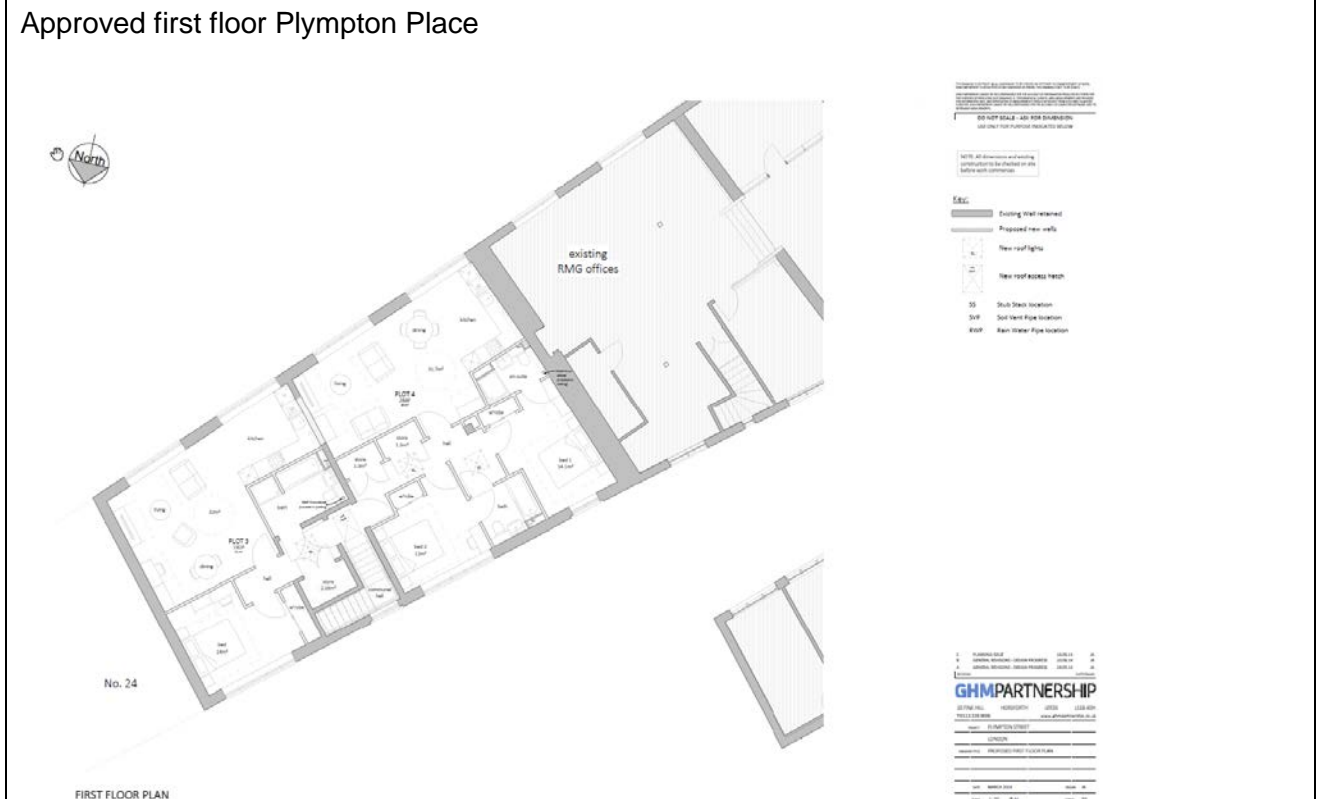
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk.

6. KEY DRAWINGS

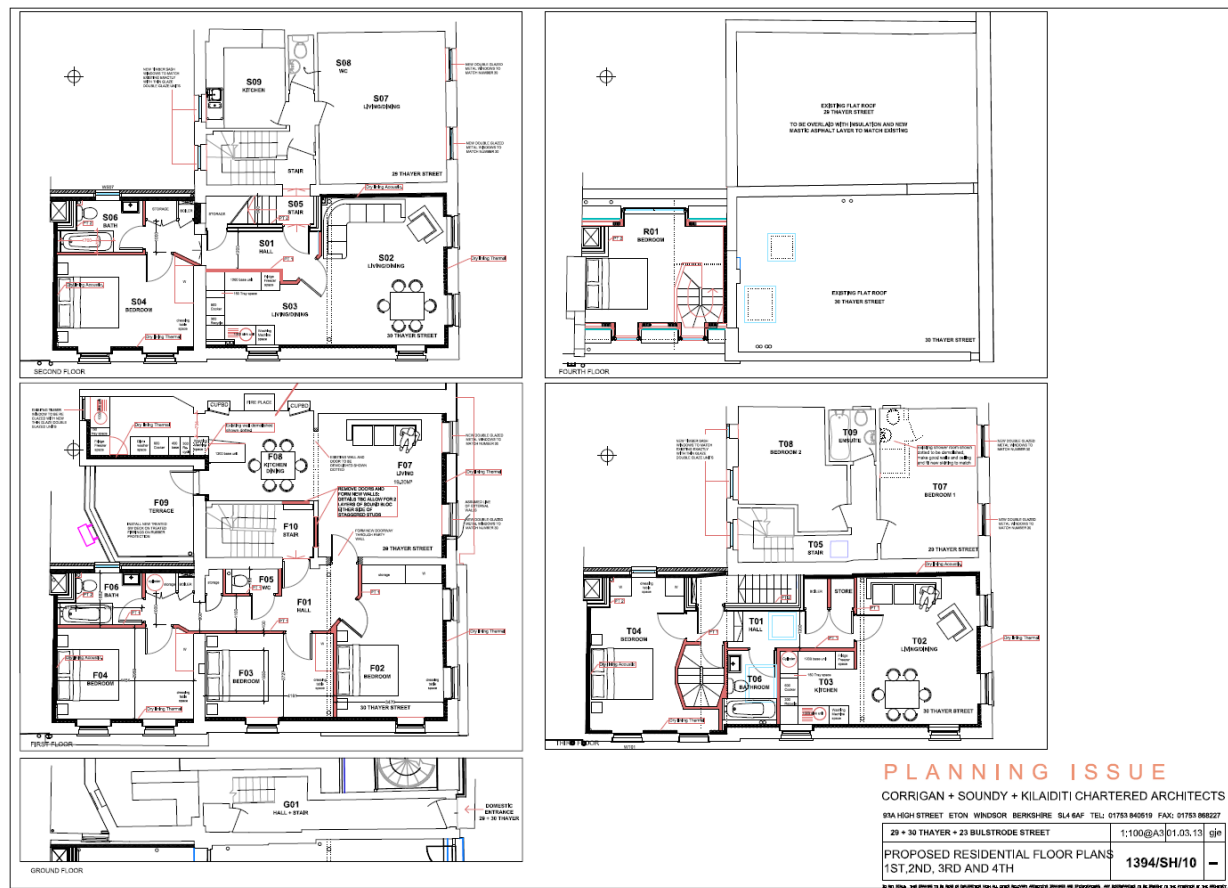
Approved ground floor of Plympton Place



Approved first floor Plympton Place



Approved 1st, 2nd, 3rd and 4th floors of Thayer Street



DRAFT DECISION LETTER

Address: 64-66 Wigmore Street, London, ,

Proposal: Modification to S106 dated to allow the affordable housing units to be transferred from 29-30 Thayer Street (including 23 Bulstrode Street) to 12-13 Plympton Place (formally known as 25 Plympton Place) NW8 8AD

Reference: 16/07559/MOD106

Plan Nos: Site location plan showing 12-13 Plympton Place, floorplans showing 12 Plympton Place, Flat 1, Flat 2 and Flat 3 - 13 Plympton Place

Case Officer: Helen Mackenzie

Direct Tel. No. 020 7641 2921

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.

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	64-66 Wigmore Street, London,		
Proposal	Use as a hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of a quench pipe.		
Agent	Mr Andrew Wilson		
On behalf of	Howard De Walden Estate		
Registered Number	16/03247/FULL	Date amended/ completed	11 April 2016
Date Application Received	11 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a deed of variation to the original S106 dated 5th September 2013 to ensure that all the previous planning benefits are secured.</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 would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>

2. SUMMARY

<p>The application site is located on the corner of Wigmore Street and Marylebone Lane, the site extends to the rear along Easley Mews. The site is currently under construction following the grant of planning permission in September 2013 for the redevelopment of the site (along with 58-72 Marylebone Lane)</p>
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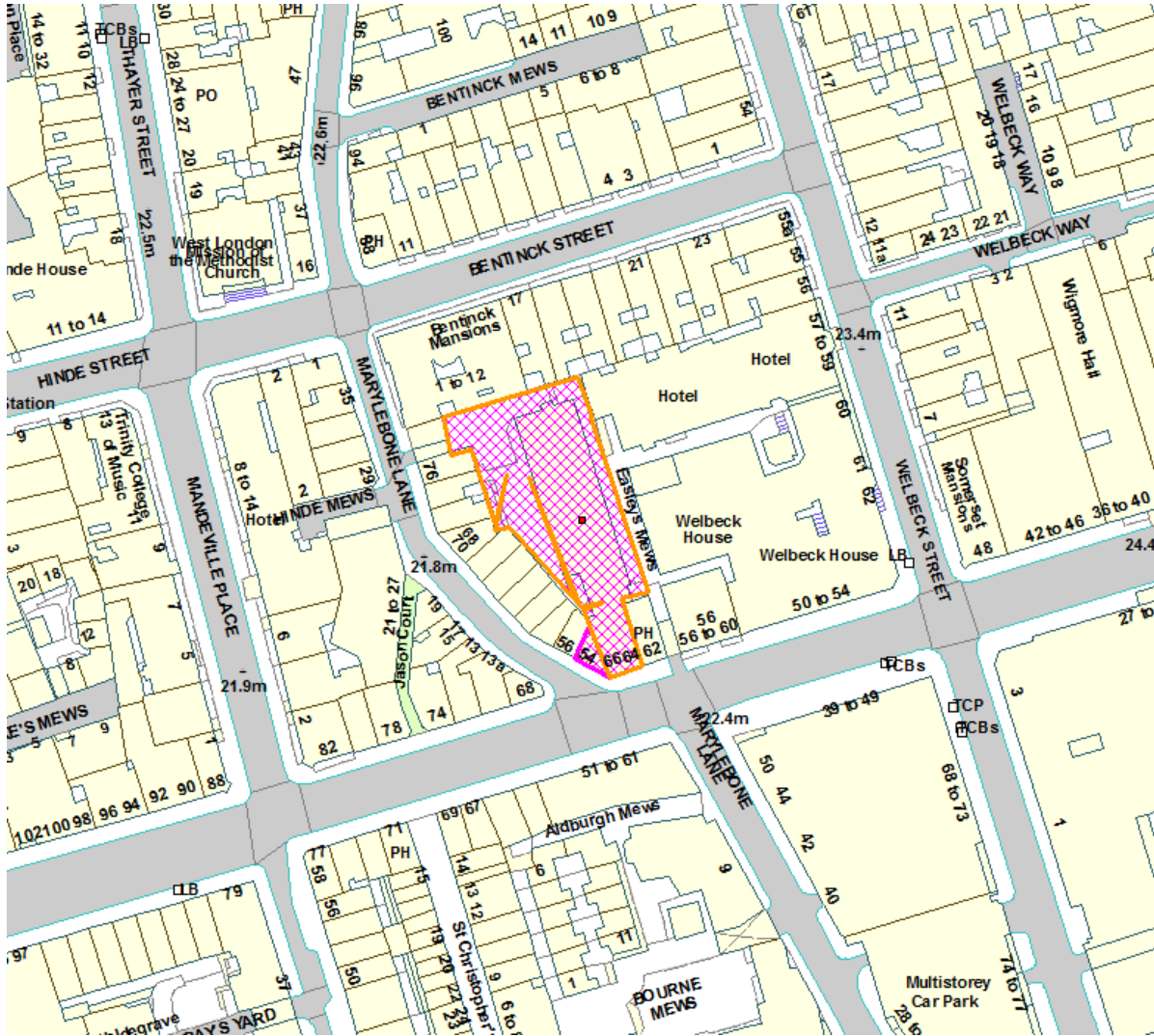
for a mixed use scheme, including offices, restaurant, retail and residential. Permission is now sought for use of the building as a hospital (Class C2) for a temporary period of 41 years. External alterations are proposed to facilitate the hospital use and these include the installation of louvres instead of glazing on the Easley Mews elevation, the installation of a quench pipe, and extension at fourth floor level to accommodate a new lift over-run.

The key issues for consideration are:

- The impact of the hospital use on the amenity of the surrounding area;
- The impact of the hospital use/servicing on the highway;
- The impact of the external alterations on the character and appearance of the Harley Street Conservation Area

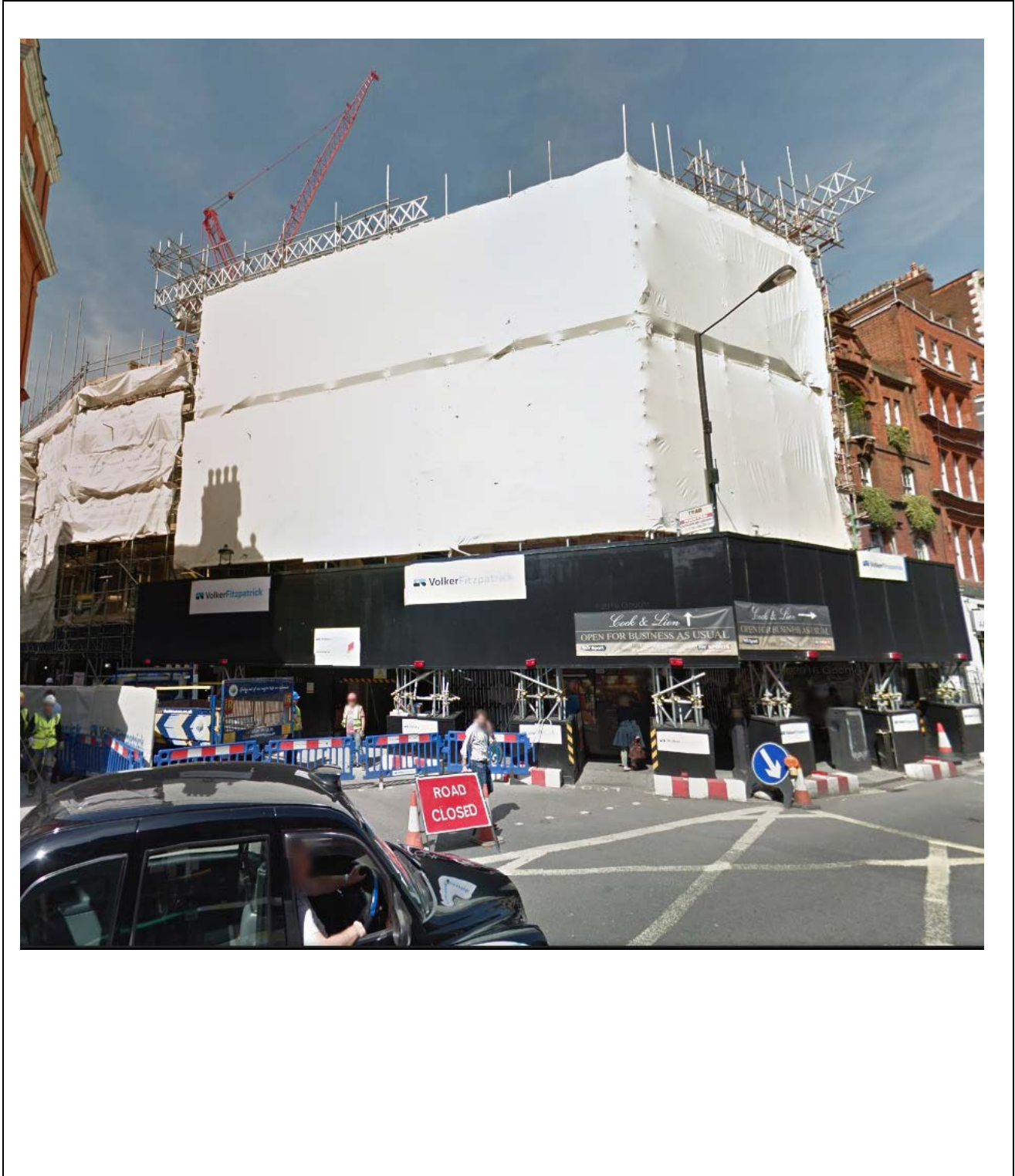
The proposals are considered acceptable in land use, amenity, highways and design grounds and comply with the policies set out in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

Objection – loss of off-street disabled parking bay.

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 140

No. of responses: 1 letter of objection raising the following:

Amenity

- Impact of the proposals at roof level on daylight and sunlight

Waste

- Clinical waste should not be stored or collected from Easley Mews

Other

- The approved cleaning/maintenance cradle should be lowered behind the roof top housing once the works are completed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the corner of Marylebone Lane and Wigmore Street, the majority of the building extends into the backland area of the site. Redevelopment works are nearing completion to erect a new building for office use. The site is within the Core Central Activities Zone and the Harley Street Conservation Area.

6.2 Recent Relevant History

Planning permission was granted on 5 September 2013 for the demolition of 64-66 Wigmore Street and 54-56 Marylebone Lane and redevelopment to provide double basement, ground and first to fourth floors for new office (Class B1) and restaurant/cafe (Class A3) purposes and rooftop plant and building maintenance unit; partial demolition and alterations to 58-72 Marylebone Lane including mansard roof extensions, new shopfronts and the installation of mechanical plant in association with the use for retail (Class A1) and restaurant/cafe (Class A3) at basement and ground floor levels and 14

flats (Class C3) at first to fourth floor levels and associated works. This permission has been implemented and is nearing completion.

This site was linked to nine other sites all within the Howard de Walden Estate as part of a land use swap. The S106 secured the following:

- 400m² (four flats) of affordable housing floorspace at Nos. 29-30 Thayer Street/23 Bulstrode Street;
- £928,400 towards the City Council's affordable housing fund;
- £820,800 towards public realm improvements;
- a payment (£11,000) to mitigate the impact of the proposals upon on-street parking demand;
- a contribution of (to be agreed) towards Crossrail.

7. THE PROPOSAL

Permission is sought for the use of the building (the areas only approved for office purposes) as a hospital (Class C2) for a temporary period of 41 years. External alterations are proposed which include an extension at fourth floor level to accommodate the bed lift (facing towards the rear of 58-72 Marylebone Lane). The extension is proposed to be clad in Portland stone and glass which will replicate the facade of the building. The approved green roof at this level will be replaced at fifth floor level. Additional plant areas are proposed at roof level, the existing acoustic louvre cladding will be extended to enclose the enlarged plant area. The operating theatres at basement level will require separate plant areas and this will be located on the Easley Mews frontage and will require the existing/approved glass walling to be replaced with louvers. A quench pipe is proposed at the northern end of the building where the building steps back from Bentinck Street buildings.

The hospital is proposed to be used by a German healthcare provider, Schoen Klink. They are a specialist hospital dealing with neurological, orthopaedic and psychosomatic disorders. Three operating theatres and necessary support areas, including patient recovery will be sited at basement level. At lower ground floor level it is proposed to locate a second stage patient recovery area, a new plant room and a radiology suite comprising x-ray, MRI, CT scanner and EOS imaging.

The main staff/patient entrance will be at ground floor level, including waiting areas, consulting rooms and further plant areas. There is an existing service bay to the rear ground floor and it is proposed to locate the waste storage and medical gases in this location. At first floor level there will be further consulting rooms, rehabilitation/treatment rooms. There will be 37 patient (en-suite) rooms over second, third and fourth floor levels. A kitchen for the hospital will also be provided but only re-heated food is to be provided and there will not be full cooking facilities on site.

The hospital is required to be open 7 days a week, 24 hours a day. It is likely that outpatients/consultations will take place between 08.00 – 21.00 Monday to Friday and 08.00 – 20.00 on Saturdays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of 7,195m² of office floorspace. However, as the loss of the offices is to another commercial use, the loss is considered acceptable. The applicant has requested that the change of use is for a temporary period for 41 years. This is considered acceptable and a condition is recommended to ensure that the building returns to its lawful use as offices.

Introduction of private hospital use

The provision of new social and community facilities, including private medical facilities, is generally supported by adopted Policies SOC1 and SOC5 and S34, subject to the proposed use having no adverse impact on residential amenity or resulting in a substantial increase in traffic generation. Policy SOC5 refers specifically to private medical facilities and states that proposed medical uses outside the Harley Street SPA will be assessed in relation to the demand for them, the scale and location of the facilities and their environmental impact. Such uses are normally directed to the CAZ or Harley Street SPA. However, the supporting text to Policy SOC5 recognises that such uses could be appropriately located on sites outside the SPA, particularly those of international, national and regional importance, where they should be protected and supported.

The UDP also recognises that demand for private medical facilities is likely to continue. Although the application site is located outside the SPA, it is close to its boundary and it is recognised that a new medical facility in this location is likely to benefit from its proximity to similar uses, and associated services within the SPA.

The impact of the proposed use in traffic and amenity terms is discussed in further detail below.

8.2 Townscape and Design

The proposal to install louvres to replace glazing on Easley Mews is considered acceptable in design terms. The alterations at roof level to accommodate the new lift are also acceptable and the extension will match the materials (Portland stone and glazing) as the rest of the building.

8.3 Residential Amenity

The application site is located within an area that is characterised by commercial uses, although it also contains some residential uses, the closest of which are within 54-56 Marylebone Lane, which formed part of the redevelopment scheme granted in September 2013. More established residential units are located to the rear in Bentinck Street and Welbeck Street.

Staff and Patient numbers

It is anticipated that there would be some 90-100 full time staff, with some 5-10 staff plus doctors on duty at night to care for in-patients. It is anticipated that outpatients/consultations will take place between 08.00 – 21.00 Monday to Friday with operating theatres being used between 08.00 – 20.00 (Monday to Friday). Staff arrivals and departures will be outside these hours and will be through the main entrance doors on the corner of Wigmore Street and Marylebone Lane. The proposed use provides 37 in-patient suites, but clearly arrival and departure of patients would be spread throughout the day. With regards to outpatients, it is anticipated that there will be 140-150 patients per day. Given the limited number of in-patient rooms and the number of outpatients it is not considered that the use is likely to generate significant activity, particularly when compared to the lawful office use.

Servicing

Servicing for the hospital will take place within the dedicated servicing bay to the rear of the site. It is envisaged that there will be up to 15 servicing vehicles to the site per day. The approved hours for servicing are: 08.00 – 19.00 Monday to Saturday and 10.00 – 17.00 on Sundays. The hospital requires these hours to be extended to 06.00 – 22.00 Monday to Saturday. This is to ensure deliveries of sterile goods/instruments for each day's surgical procedures can be made before the theatres open and to enable collection of used instruments for sterilisation and the collection of medical waste at the end of the day as this cannot be left overnight. The servicing bay is close to the residential units within Bentinck Mansions, however considering the commercial nature of this part of Marylebone Lane, it is considered that the extended servicing hours are acceptable. An objection has been received on the grounds that Easley Mews should not be used for medical waste. The proposed ground floor plan indicates the location of the waste disposal hold adjacent to the service bay therefore it is unlikely that Easley Mews will be used for medical waste. It is not considered that the application could be refused on this basis.

No ambulance arrivals are anticipated, apart from rare and very occasional emergency transfers. It is not considered that the hospital will have a detrimental impact on the area in environmental terms.

Plant

Additional plant is proposed at basement level and at roof level. The proposal also includes the installation of a quench pipe. The plant at roof level requires the existing plant room to be extended to accommodate the additional plant. New louvres are proposed at basement level (Easley Mews elevation) to allow ventilation of the basement plant rooms.

An acoustic report has been submitted and Environmental Health raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's enforceable noise standards for operational plant.

The quench pipe location is governed by Health and Safety legislation, separate to Planning legislation and there is no planning objection to the quench pipe's position.

The applicant has advised that food will be reheated on-site and therefore there is no requirement to provide a full height extract duct, a condition is recommended preventing hot food cooking on the premises.

Sunlight/Daylight

The proposals involve alterations to the existing/approved plant screen to accommodate the generator flue. An objection has been received from a residential occupier in Welbeck House stating that the extension to the plant room will cause further losses of sunlight. A daylight and sunlight assessment has been submitted which assesses the consented scheme against the alterations now proposed. This indicates that there will not be any further losses of daylight or sunlight to the windows within Welbeck House or to any other surrounding residential properties. The objection on these grounds is not sustainable to justify a reason for refusal.

The objection received also states that the cleaning cradle is currently in the 'up' position and this should be in the parked position behind the screens. This is dealt with by condition.

8.4 Transportation/Parking

The Highways Planning Manager has no objection to the proposed servicing arrangements as these will be similar to the office use. It is considered that a servicing management plan should be submitted which clearly indicates the timings and locations for deliveries to ensure that on-street servicing is minimised.

The approved offices included an off-street disabled parking bay within the servicing bay. This is proposed to be removed and replaced by the emergency generator which would provide emergency power for life saving equipment in the event of a power cut. The Highways Planning Manager has objected to the loss of the disabled parking bay. The parking bay was proposed for the office scheme and there are no conditions relating to its retention. In these circumstances, although regrettable, the loss of the disabled parking bay is considered acceptable.

Cycle parking (25 spaces) is proposed for the hospital use, the levels are consistent with the standards in the London Plan.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided at ground floor level from the street, access to the upper floors is via lifts and stairs.

8.7 Other UDP/Westminster Policy Considerations

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

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

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

A deed of variation to the original S106 is required, to ensure that all the heads of terms previously agreed are transferred. The original S106 relates to the approved office use and the deed of variation will need to relate to the medical use.

There is another application on this agenda also relating to the modification of the S106. This modification relates to the location of the affordable housing units and is being reported separately to avoid confusion. The two deeds of variation (if agreed) will then be combined.

There is no CIL payment for this scheme.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing, dated 27 April 2016
3. Response from Environmental Health, dated 28 April 2016
4. Response from Highways Planning Manager, dated 10 June 2016
5. Letter from occupier of 1, Welbeck House, 62 Welbeck Street, dated 12 May 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

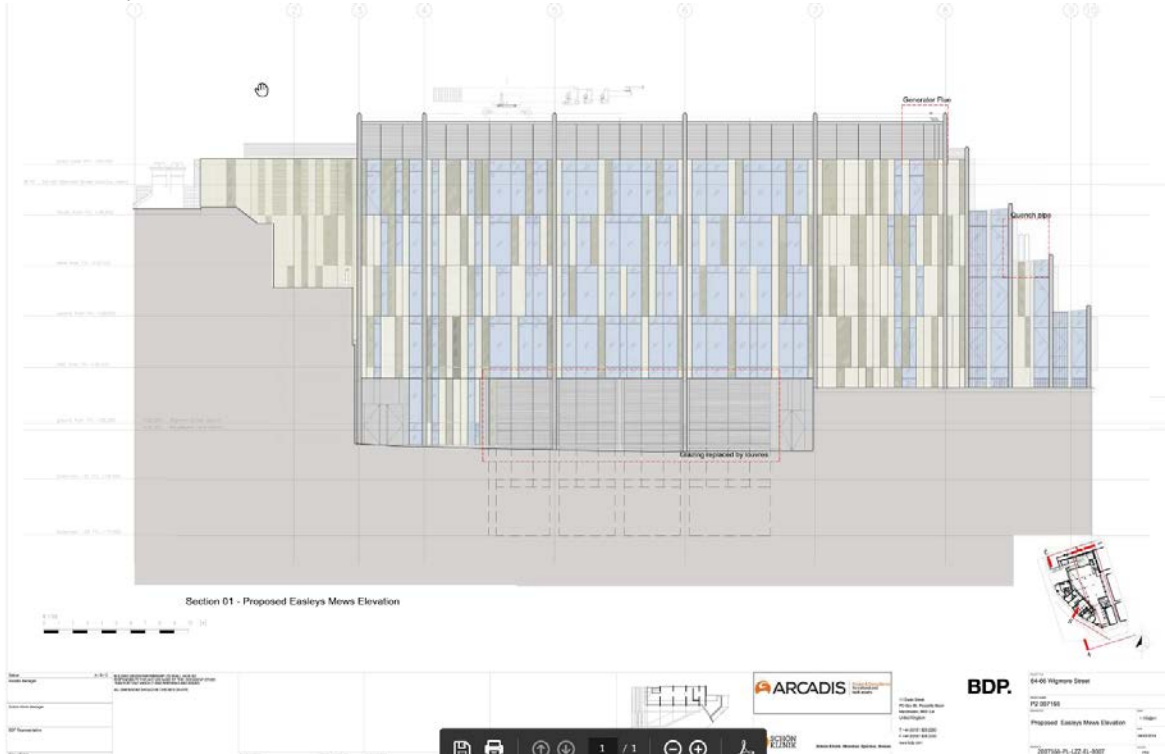
Item No.
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10. KEY DRAWINGS

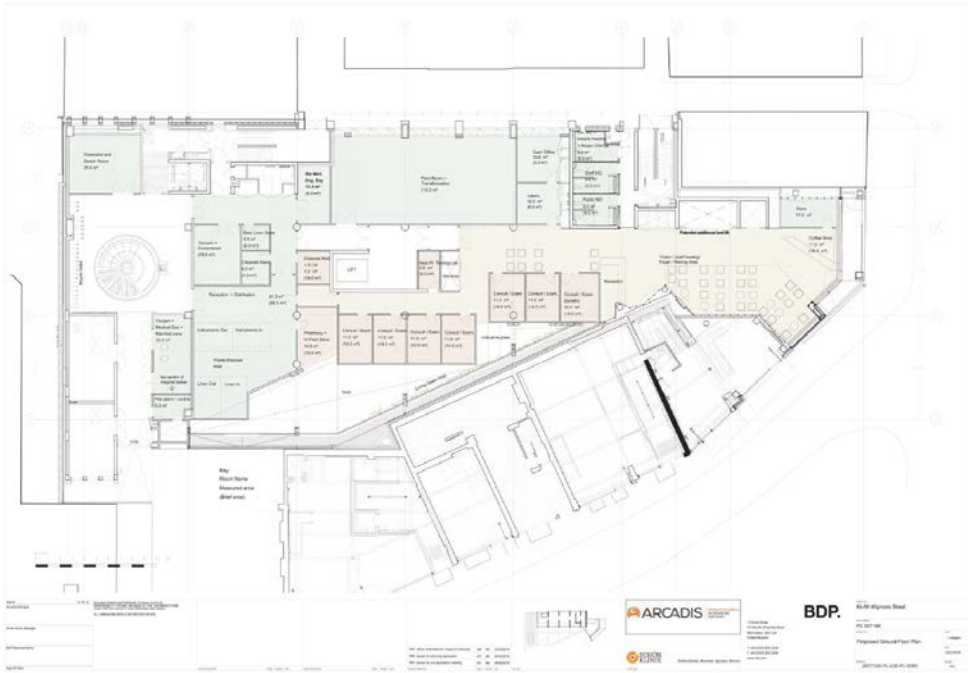
Existing Easley Mews elevation



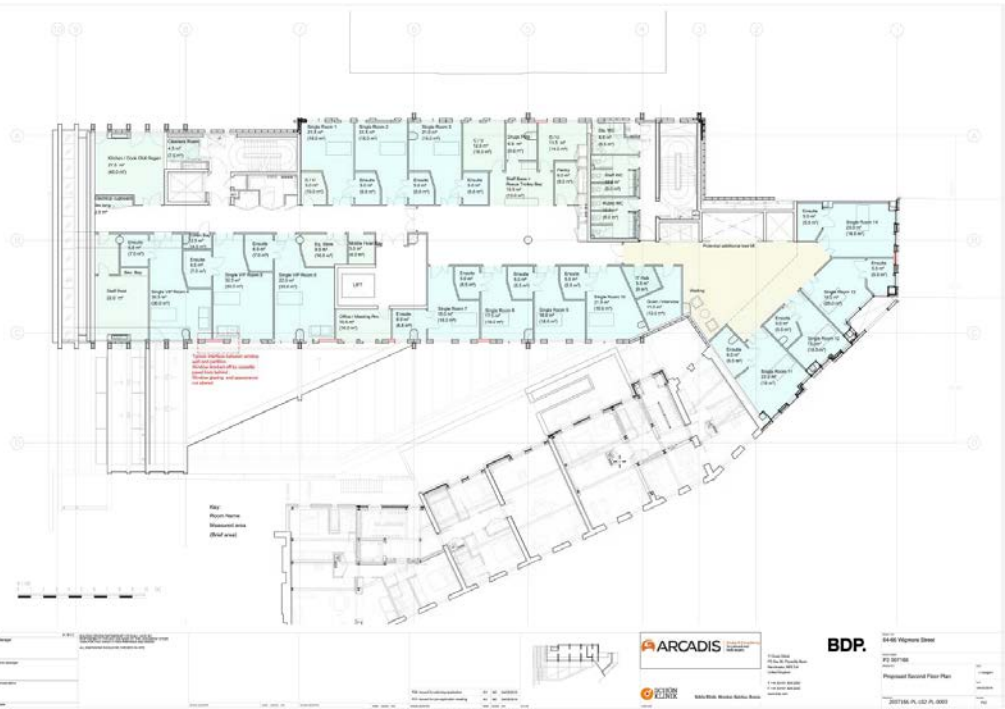
Proposed Easley Mews elevation



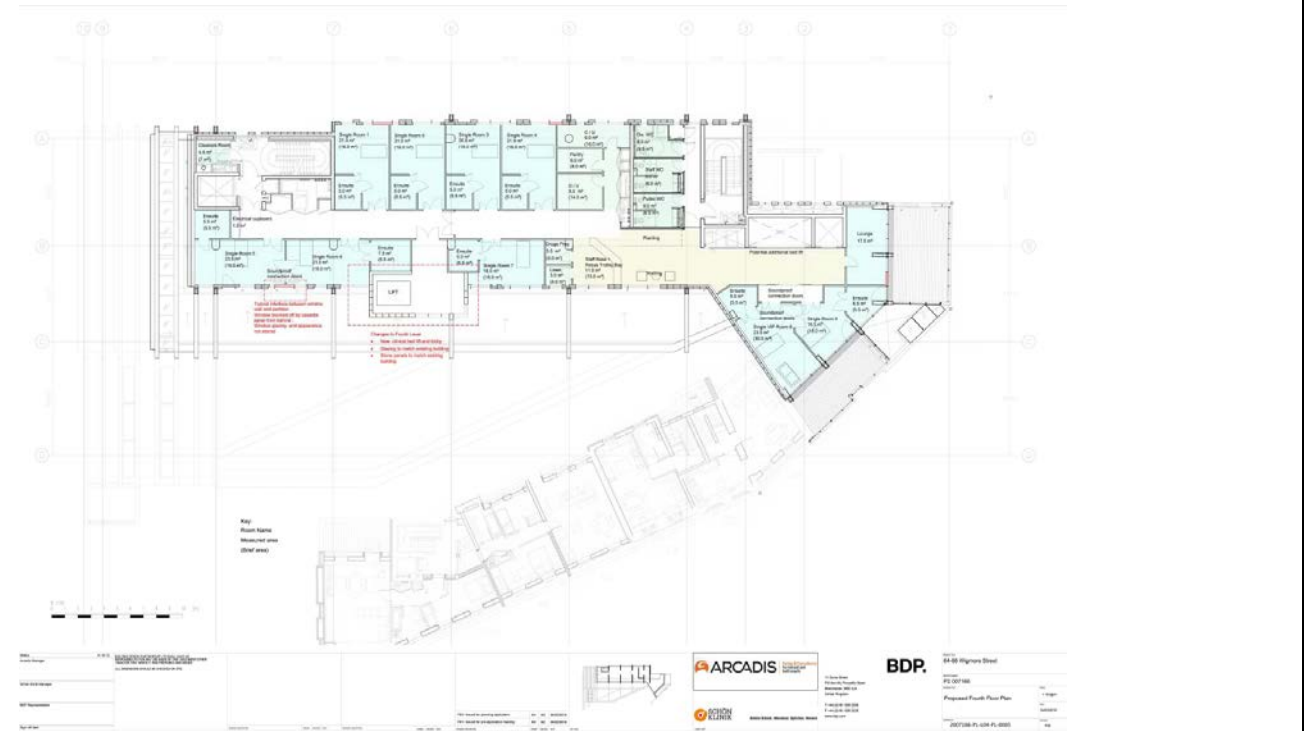
Proposed ground floor plan



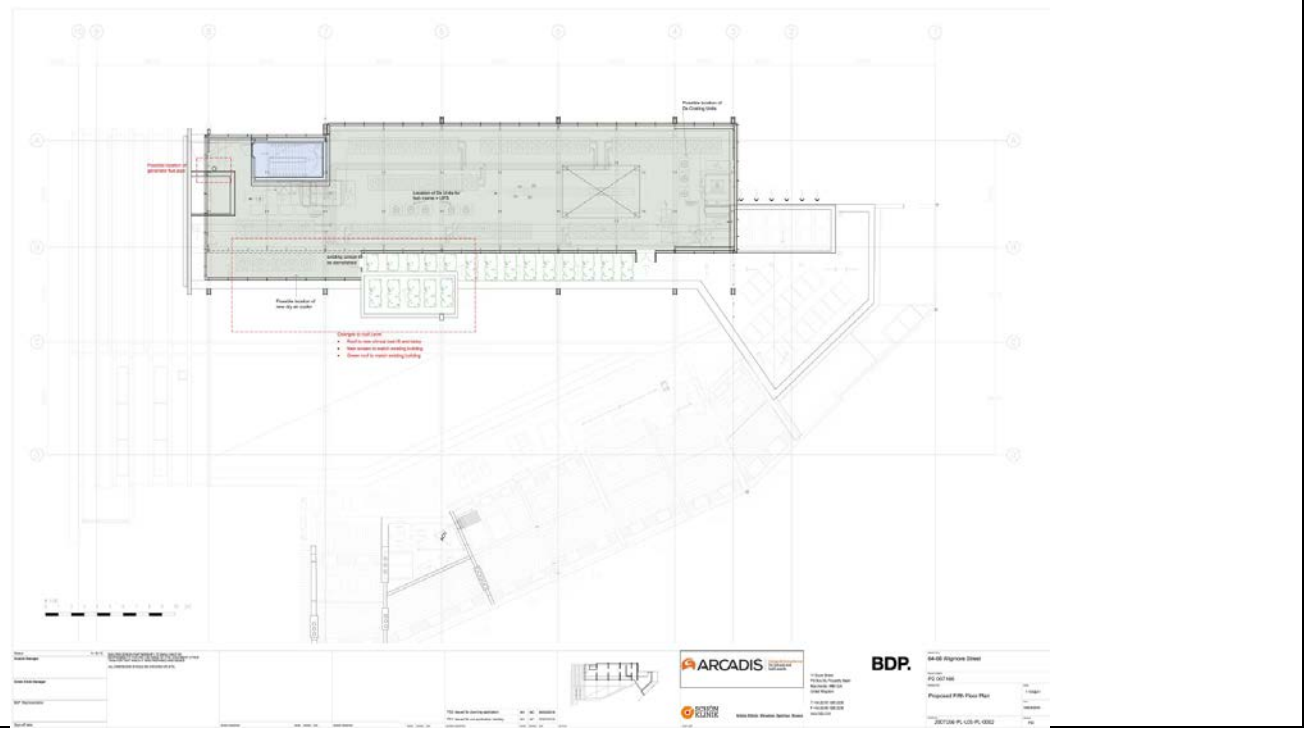
Proposed second floor plan



Proposed fourth floor plan



Proposed fifth floor plan



DRAFT DECISION LETTER

Address: 64-66 Wigmore Street, London, ,

Proposal: Use as a Hospital (Class C2) for a temporary period of 41 years and associated external alterations including an extension at fourth floor level, extension to existing plant room at roof level, installation of a quench pipe.

Reference: 16/03247/FULL

Plan Nos: 2007166-PL-L05-PL-0002 P02, 2007166-PL-L04-PL-0003 P02, 2007166-PL-LB1-PL-0003 P02, 2007166-PL-LLG-PL-0003 P03, 2007166-PL-L00-PL-0003 P03, 2007166-PL-L02-PL-0003 P02, 2007166-PL-L03-PL-0003 P02, 2007166-PL-LZZ-EL-0007 P02

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing 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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 6 You must apply to us for approval of details of a further background noise survey carried out at representative locations to enable the City Council to verify the measured noise level from the surveys carried out in 2010. 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 7 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 8 The hospital use (Class C2) allowed by this permission can continue for 41 years from the date of permission. After that the land must return to its previous condition and use. (C03AA)

Reason:

At the request of the applicant.

- 9 All servicing must take place between 06.00 - 22.00 Monday to Saturday and 10.00 - 17.00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 10 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 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 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 13 You must apply to us for approval of details of how waste, recyclable materials, and clinical waste 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 hospital use. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must apply to us for approval of details of a servicing management plan to identify process, storage locations, scheduling of deliveries on a day to day basis and staffing. You must not commence the hospital use until we have approved what you have sent us. You must carry out the measures included in the management plan at all time.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 You must use the property as a hospital (Class C2). You must not use it for any other purpose, including any within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 The cleaning/maintenance equipment at roof level shall at all times when not in use be parked in the locations shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 (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 (July 2016) 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.

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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.
5

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: 75 - 77 Brook Street, London, W1K 4AD Site 2: 1 Green Street/29 North Audley Street, London, W1K 6 RG		
Proposal	<p>1. Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).</p> <p>2. Use of the first to fourth floors to residential (Class C3) providing four self-contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.</p>		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	Site 1: 16/04188/FULL Site 2: 15/07795/FULL 15/07796/LBC	Date amended/ completed	10 May 2016
Date Application Received	5 May 2016		
Historic Building Grade	Site 1: Unlisted Site 2: Grade II Listed		
Conservation Area	Sites 1 and 2 Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission (for Sites 1 and 2) subject to the completion of a S106 agreement to secure:</p> <p>a) The completion of one of the residential units at Site 2 (prior to occupation of the office accommodation at Site 1);</p> <p>b) The completion of the office accommodation (within 6 months of the occupation of the remainder of the residential at Site 2);</p> <p>c) Carbon off-set payment to the value of £14,670 towards the Council's carbon offset fund (index linked and payable on commencement of development);</p>
--

d) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:

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

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

3. Grant conditional listed building consent for the proposal at Site 2.

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

2. SUMMARY

These proposals involve two different sites in a land use swap. Site 1 at 75-77 Brook Street comprises two conjoined buildings primarily in office use with a single residential unit at third floor level at 77 Brook Street. Site 2, at 1 Green Street/29 North Audley Street, involves a Grade II listed office building with retail use at ground and basement floors. Both sites are situated within the Mayfair Conservation Area.

The proposals for site 1 are to demolish the existing building, and to replace it with a new seven storey building, including basement. The proposals would provide a building wholly in office use. The loss of residential at Site 1 would be re-provided at site 2 where the proposals seek the use of the first to fourth floors as residential. This would result in some losses of retail floorspace at ground and basement floors where an enhanced residential core and communal areas are proposed.

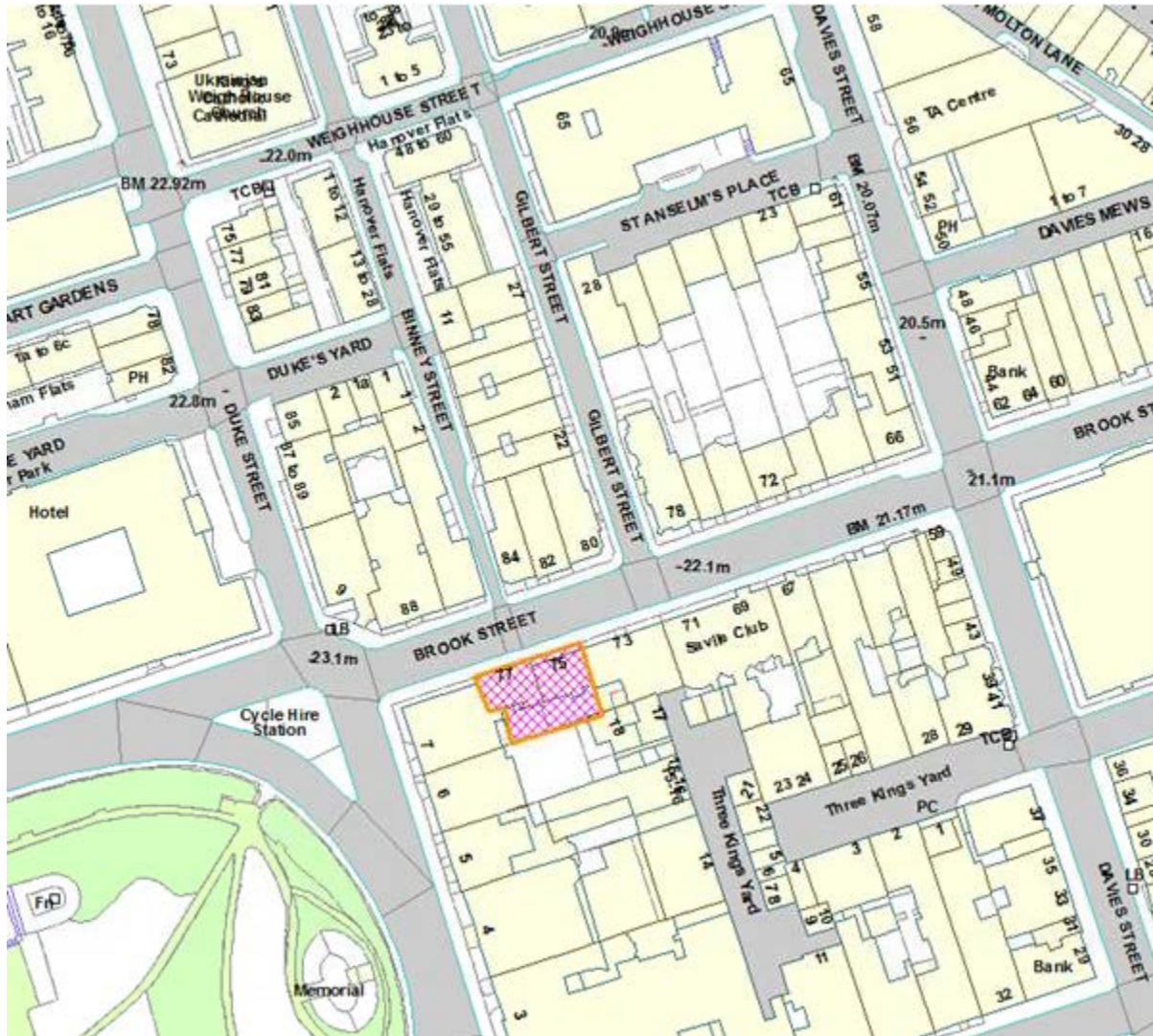
The key issues for consideration are:

- The land-use implications including the loss of residential at Site 1 and the loss of offices and retail at Site 2;
- The impact of the demolition of the buildings at Site 1 on the Mayfair Conservation Area;
- The impact of the internal and external works on the listed building at Site 2;
- The impact of both schemes on neighbouring residential amenity.

The proposals would result in an uplift of both residential and office floorspace in accordance with City Plan and UDP policies. This could all be achieved without material harm to other concerns including surrounding residential amenity. Whilst it is considered that the loss to retail floorspace is contrary to policy, it is considered that the benefits to the quality of the residential floorspace and the listed building outweigh the harm.

LOCATION PLAN

Site 1



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Site 2



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3. PHOTOGRAPHS

Site 1: 75-77 Brook Street



Site 2: 1 Green Street/ 29 North Audley Street



4. CONSULTATIONS

SITE 1

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

BUILDING CONTROL

Any response to be reported verbally

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection subject to Code of Construction Practice (CoCP) condition

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection have been received from neighbouring occupiers who raise the following concerns;

* Loss of privacy and an increased feeling of being overlooked.

* Loss of light

* Sense of enclosure

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SITE 2

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

CLEANSING

No objection subject to conditions

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47

Total No. of replies: 2

No. of objections: 2

No. in support: 0

* noise and overlooking issues (from roof terrace)

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

Site 1

75 and 77 Brook Street are two buildings located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ).

They both date from 1925-6. 75 Brook Street comprises of basement, ground and two upper floors. This building is wholly in office use. 77 Brook Street has a basement, ground and three upper floors and is primarily in office use, although there is a residential flat at third floor level.

The nearest residential properties are 7 Grosvenor Square, immediately adjoining the building to the west. Other nearby residential properties includes 17B and 18 Three Kings Yard abutting the site to the south east. To the east, No 73 Brook Street is currently being redeveloped as an office building. The area is generally mixed, with predominately office and residential uses.

Site 2

1 Green Street and 29 North Audley Street are located on the corner of Green Street with North Audley Street. It is a Grade II listed building, part of a group listing with 24 to 29 North Audley Street. The site is located within the Core CAZ and Mayfair Conservation Area.

The basement and ground floor is currently in retail (Class A1) use with the four upper floors in office (Class B1) use. Access to the upper floors is taken from Green Street.

This area of North Audley Street and Green Street is generally characterised by commercial and residential uses. The adjoining buildings to either side the application site, No. 2 Green Street is entirely residential and 28 North Audley Street has commercial at ground floor level and residential use on the upper floors.

5.2 Recent Relevant History

Site 1

The planning history relating to 75-77 Brook Street is relatively limited, the most relevant are those granting permission for the use as offices and the third floor as residential in 77 Brook Street (February 1990).

Site 2

24 February 200- planning permission granted for use of the basement and ground floor for retail (Class A1) use.

6. THE PROPOSAL

Site 1

The proposals involve the demolition of the buildings and their replacement with a single building of basement, ground and five upper storeys for office use. The replacement building will have a larger footprint, which involves increasing the depth of the building at the rear. Terraces are proposed at rear ground floor level, rear fourth floor and at roof level. In addition the roof will provide an area for plant and generators, cycle parking and showers are proposed in the basement.

Floorspace Schedule (Site 1)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	904	1582	+ 678
Residential	69	0	- 69

Site 2

The proposal is for the change of use of the building at part ground floor and first to fourth floors to provide four residential units comprising of 2 x 1 bed and 2 x 2 bed flats. Internal alterations, including the removal of partitions and opening of walls is proposed in order to facilitate the proposed residential use. Additionally, a residential core/entrance would be created at ground floor level resulting in some loss to retail floorspace. External works include the installation of a satellite dish and aerial, installation of new shop window and awnings to shopfront on North Audley Street elevation and corner entrance, the replacement of the lightwell staircase and dormer window and general cleaning and refurbishment of the external facades.

Floorspace Schedule (Site 2)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	501	0	- 501
Residential	0	563	+ 563
Retail	310	258	- 52

Since the proposals involve a land use swap between the sites it is necessary to consider the floorspace provision on both sites as a composite package as follows:

Overall Comparative Floorspace Schedule (Site 1 and 2 combined)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	1,405	1,582	+177
Residential	69	563	+494
Retail	310	258	-52
Total	1784	2403	+619

7. DETAILED CONSIDERATIONS

7.1 Land Use

Land use swap

Under Policy S20 changes of use from office to residential inside the Core CAZ is no longer acceptable in principle and will only be acceptable where the Council considers that the benefits of the proposal outweigh the contribution made by the office floorspace. Furthermore, Policy S14 states that all residential uses, floorspace and land will be protected.

As a standalone scheme, the proposals for site 1 would be unacceptable as it involves the loss of a residential flat, contrary to policy S14. The proposals for site 2 would likewise be considered unacceptable as it involves a change of use from office to residential in the Core CAZ.

However City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. A land use swap will be appropriate provided that the sites are in the vicinity of each other; the mixed use character of the immediate area is secured; there is no net loss of floorspace across the site taken as a whole; the uses are appropriate and there is no loss of amenity, any residential accommodation is of a higher quality and the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The land use swap is therefore an appropriate mechanism to secure the benefits of each proposal and to withstand the losses in residential and office floorspace. Both sites are within Mayfair and owned by Grosvenor West End Properties. Furthermore there is a net increase in both residential and office accommodation across the two sites in accordance with CM47.1 and the new residential at site 2 is considered of superior quality to site 1.

It is considered that the land use option is acceptable in this regards and accords with Policy CM47.1, S14 and S20 of the City Plan. Clauses with the legal agreement would secure the provision of both the office and residential uses to ensure that there is no net loss of either use.

Uplift of office floorspace

Across both sites there is a net additional B1 office floorspace of 177sqm which is significantly less than 30% of the existing building floorspace (of all uses) and therefore no residential floorspace is required under policy S1.

Loss of retail floorspace

Policy S6 encourages retail floorspace within the Core CAZ with Policy S21 protecting existing A1 retail units throughout Westminster, except where it is considered that the unit is not viable.

There will be a loss of 52sqm of retail floorspace at site 2. This is caused by the creation of a residential core and associated communal areas for the residential use (such as waste storage areas and cycle parking). Whilst the loss of retail would ordinarily be contentious, the losses involve back of house ancillary areas, and as a result of the internal alterations proposed (the inclusion of existing front vaults and removal of internal sub-dividing walls) larger open retail floorplates are created at both ground and basement floors. Accessible staff and public toilets would still be retained for the retail unit. On balance it is considered that the loss of retail floorspace would be minimal, and the proposals would retain a functional retail unit. Refusal on this basis could not be justified.

Standard of Residential floorspace provided at site 2

The four residential units to be provided at site 2 would provide 2 x 1-bed and 2 x 2-bed units. The proposed units are considered to be acceptable in terms of their size and as they are all triple aspect in layout are likewise acceptable in terms of their standard of accommodation. All of the flats exceed the requirements set out in the GLA Housing Standards.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. Policy S15 of the City Plan states that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

In this instance the proposals would provide 4 residential units in total, none of which are family sized. However, given the listed status of the building and the small number of units proposed, it is considered that in this instance the policy can be applied with some flexibility, and that it would be difficult to refuse permission on the grounds of the lack of a family sized unit.

It is considered that the residential accommodation proposed, in part to replace the existing studio flat at third floor level of 77 Brook Street is acceptable and offers a superior level of residential accommodation.

Affordable housing

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

7.2 Townscape and Design

Site 1

The existing buildings are twentieth century in origin but in a neo-Georgian / Regency style. They make a positive contribution to the character and appearance of the Mayfair Conservation Area. Demolition is only acceptable if the proposed replacement buildings preserve or enhance the character and appearance of the conservation area.

The proposed buildings have been subject to negotiation and have been carefully designed to fit into their context. On plan the existing buildings project beyond the

historic building line. The proposed building is set back on the historic building line, with new areas between the building and the pavement. This is beneficial to the street and the Mayfair Conservation Area.

The building has been designed to appear as two buildings, reflecting typical historic Georgian plot widths, designed in a modern 'Georgian' style. The facade comprises Flemish bond brickwork and the window openings have traditional gauged brick arches. The roof storey takes a double pitched mansard form, with the plant hidden behind the upper shallower roof slopes. The rear façade is more modern, but faced in the same brickwork.

It is considered that this is a high quality building, which is a suitable replacement for the existing buildings, and will contribute positively to Brook Street. It will preserve and enhance the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

Site 2

The building is part of an attractive red-brick terrace dating from 1891-93 to a design by Thomas and F.T. Verity in the Flemish style. While most of the decorative effort is lavished on the facades, internally the building is comparatively plain but there are numerous good cast-iron chimney pieces and typical period plasterwork and joinery. The plan form is mostly unaltered but somewhat awkward on the upper floors where dog-leg corridors are provided to access some rooms.

In heritage asset terms, the proposed alterations will have most impact where there are alterations to the plan form of the upper floors to create a more rational layout. However, ribs and downstand beams will be retained where walls between adjoining rooms are to be removed in some places, and in other locations double doors are to be provided. All the existing chimney pieces are to be retained. Consequently, the original plan form will still be legible and the best features will be retained.

The basement and ground floors are to be linked by a new staircase which will have a minor impact on the plan form of the building but is not harmful in the overall context of the scheme.

There is no objection to the new shop window or awnings on the shopfront and corner entrance. However the corner awning must be a traditional angled awning with a small valance rather than the proposed curved design in order to ensure the special interest of the building is maintained along with the character and appearance of the surrounding conservation area. This detail can be dealt with by an amending condition.

Externally, a new satellite dish is to be provided at roof level, a modern dormer window is to be rebuilt, and small vents provided. These alterations are acceptable.

The proposals accord with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 9, DES 10 and the City Council's 'Repairs and Alterations to Listed Buildings' SPG.

7.3 Residential Amenity

Sunlight and Daylight

Site 1

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. The submitted report considers the impacts of the proposals on nearby sensitive properties including residential properties at 6 and 7 Grosvenor Square, 15 & 16 and 18 Three Kings Yard. Objections citing loss of light have been received from both the occupiers of 17B and 18 Three Kings Yard.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The No Sky-line Contour (NSC) test calculates the distribution of daylight within rooms by determining the area of 'working plane' which can and cannot receive a direct view of the sky. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development, if either, its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value, or the levels of NSC within rooms are reduced to less than 0.8 times their former values.

With regard to No. 18 Three Kings Yard, there is an extant permission (dated May 2014) for the addition of a conservatory and rear extensions. An addendum to the daylight and sunlight report has therefore been submitted which assess the impact of the proposals in the event that this permission is implemented. Both the initial daylight/sunlight report and the addendum report conclude that all three windows within the rear elevation of 18 Three Kings Yard would show compliance with the BRE daylight tests, whether the extant permission is implemented or not.

17B is located behind no 18 and whilst no. 17B has not been tested, only non-habitable stair windows obliquely face the application site, and as results show that there would be no losses of light 18, therefore it is not considered that there would be any adverse impact upon 17B Three Kings Yard.

All the remaining windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC and daylight assessment.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing (those being 15 & 16 and 18 Three Kings Yard).

The report demonstrates full compliance with the BRE guidelines, for those windows relevant for testing, in terms of sunlight.

Site 2

A daylight and sunlight report is not relevant to Site 2, which does not involve any extensions.

Overlooking and Sense of Enclosure

Site 1

Objections have been received citing that the proposed replacement building will result in a loss of privacy. The replacement building will have a larger footprint, which involves increasing the depth of the building at the rear, adjacent to the side elevation 18 Three Kings Yard. The occupier of No. 18 is concerned that given the proximity of the proposed windows, even obscure glazing would not overcome their concerns of a sense of being overlooked. Initially the application involved the application of an obscure film to these windows, however, this was not considered sufficient to reduce the impact of overlooking. The applicant is now proposing that these windows are fully obscured to a height of 2m. Conditions are proposed to secure this and to require these windows to be openable only for cleaning and maintenance purposes. With these conditions in place it is considered that this would prevent any significant overlooking or noise towards the occupiers of neighbouring properties.

The replacement building would still be set back from the rear boundary wall with No. 18 Three Kings Yard, which is also at a higher level than the application site. It is considered that the high party wall, between the application site and 18 Three Kings Yard would prevent any overlooking from the terrace within the basement. Additionally, the proposed terraces at fourth floor and roof level of the new building, given their height above the neighbouring property would not result in any direct overlooking. There are no windows on the side elevation of this neighbouring property other than windows to non-habitable rooms and balconies on the western elevation. The terraces at ground, first and second floors would still be entirely open on two sides. It is not considered that this application would materially affect habitable rooms and refusal on this basis could not be justified.

The occupier at 18 Three Kings Yard also objects to the application on the grounds that the proposal will result in an increased sense of enclosure to their property. Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. It is acknowledged that the occupants of No. 18 will feel more 'closed in' than at present. However, the rear windows in 18 Three Kings Yard do not directly face the application site and it is therefore not considered that the resulting relationship between the site and the adjoining residential building would result in an unacceptable degree of enclosure to reasonably withhold planning permission.

Site 2

There are no extensions involved at Site 2 and the residential use of the upper floors is not considered to cause a material impact on neighbouring residents in terms of overlooking. It has been clarified that there is no external terrace as part of this application. There is a small area at roof level which has been annotated on the plans as not being accessible,

other than in an emergency or for maintenance purposes. A condition is included to this effect.

7.4 Transportation/Parking

Site 1

The Highways Planning Manager has advised that, given the high level of public transport accessibility to the site, the proposed development is unlikely to result in any significant increase in demand for on-site parking in the vicinity.

The scheme would provide 24 cycle parking spaces at basement level with associated shower and changing facilities. This level of provision complies with the requirements of the London Place.

The Highways Planning Manager has stated that the application does not detail the on and off-street servicing which is likely to occur. The site is located within a Controlled Parking Zone, which means that loading and unloading is allowed to occur. It is requested that in order to minimise the impact of servicing on the public highway, a servicing management plan is recommended to be secured via condition.

Site 2

No off-street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'. 2011 census figures indicate 29% of households in the West End ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 76%; overnight parking occupancy reduces to 71%. Overnight residents can park on single yellow lines which further reduces the parking stress level to 39%.

On the basis of Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. The proposal complies with TRANS 23 in this regards and no objection is raised from the Highways Planning Manager.

The application refers to the provision of cycle parking within the lower ground floor level, but details have not been provided. 6 cycle parking spaces would be required to accord with the London Plan. A condition is therefore recommended which required cycle parking to be provided and retained.

The works to replace the existing pavement lights does not raise any objections in highways terms.

7.5 Economic Considerations

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

7.6 Access

Level access will be provided at both Site 1 and 2.

7.7 Other UDP/Westminster Policy Considerations

Noise

Site 1

The replacement building would provide rear external terraces at ground, fourth floor and roof level. They would be located in close proximity to the residential properties at 18 and 17B Three Kings Yard to the south east of the site. It is expected that the terraces would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 7pm, Mondays to Fridays only.

Site 2

There is no use of external areas and this application does not raise any noise issues.

Plant

Site 1

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Mechanical plant including condensers, air conditioners (VRV units) and heat pumps will be located at roof level. Calculations indicate that with the specified noise attenuation measures and distance attenuation the plants will be compliant with the City Council's noise criteria.

There is also a generator within the basement however this has not been accounted for in the submitted noise report and can be controlled by way of condition.

A vibration survey concludes that the Jubilee line is unlikely to cause adverse impact on the proposed development.

Site 2

The application does not involve the installation of any mechanical plant.

Refuse /Recycling

The proposed arrangements for the storage of refuse and recycling are considered acceptable for both sites and would be secured by condition.

Construction impact

The proposal will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are ameliorated as much as reasonably possible.

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

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements in both these cases are considered to meet these tests.

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.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- i) The completion of the residential at Site 2 and office at Site 1;
- ii) Carbon off-setting to the value of £14,670
- iii) The costs of monitoring the legal agreement.

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

At Site 1 the estimated CIL payment is:

Mayoral CIL:	£38,519.73
WCC CIL:	£125,400.00
Total:	£163,919.73

At Site 2 the estimated CIL payment is:

Mayoral CIL:	£1,658.74
<u>WCC CIL:</u>	<u>£14,850.00</u>
Total:	£16,508.74

7.11 Environmental Impact Assessment

Site 1

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

1. Be Lean-Use less energy,
2. Be Clean-Supply energy efficiently,
3. Be Green-Use renewable energy.

Policy 5.2 E of the London Place states that where specific targets cannot be fully achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S39 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site specific considerations.

In relation to Site 1 the applicant has submitted an Energy and Sustainability Strategy, and BREEAM Statement. Measures to provide a resource-efficient building on the site include the provisions of rainwater harvesting, materials with low embodied energy that are sustainably sourced and passive design measures. The developer has provided information relating to the efficiencies with the structure of the new building.

The development is anticipated to secure 16.4% CO2 savings which is below the 20% target set by Policy S39. However, the applicant has agreed to make a policy compliant contribution of £14,670 towards the Council's carbon offset fund to make up the shortfall in carbon reduction. The fund is used to enhance the energy efficiency or installing renewable energy infrastructure on public or community buildings. This will be secured by S106 agreement.

Preliminary assessments indicate that the office building could achieve a BREEAM rating of 'Excellent'. It is considered that the measures relating to energy efficiency and sustainability are acceptable in this regards.

Site 2

An environmental impact assessment is not applicable for a development of this size.

7.12 Other Issues

No other issues are raised.

8. BACKGROUND PAPERS

Site 1

1. Application form
2. Response from Highways Planning, dated 19 May 2016
3. Response from Cleansing, dated 27 May 2016
4. Response from Environmental Health, dated 24 May and 8 August 2016
5. Response from Policy, dated 23 August 2016
6. Letter from occupier of 18 Three Kings Yard, London, dated 7 June 2016
7. Letter from occupier of 17b Three Kings Yard, London, dated 8 June 2016

Site 2

1. Application form
2. Response from Residents Society of Mayfair and St James's, dated 28 September 2015
3. Response from Cross London Rail Links Ltd, dated 18 September 2015
4. Response from Highways Planning, dated 20 October 2015
5. Response from Cleansing, dated 6 June and 17 August 2016
6. Letter from occupier of Flat 1 2 Green Street, 23 June 2016
7. Letter from occupier Flat 3 2 Green Street, 23 June 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

Site 1

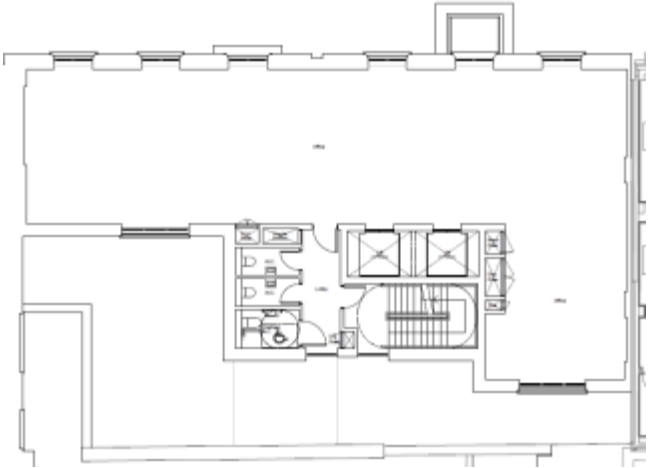
Drawing 1. Existing front and rear elevations of 75-77 Brook Street



Drawing 2. Proposed front and rear elevations of 75-77 Brook Street

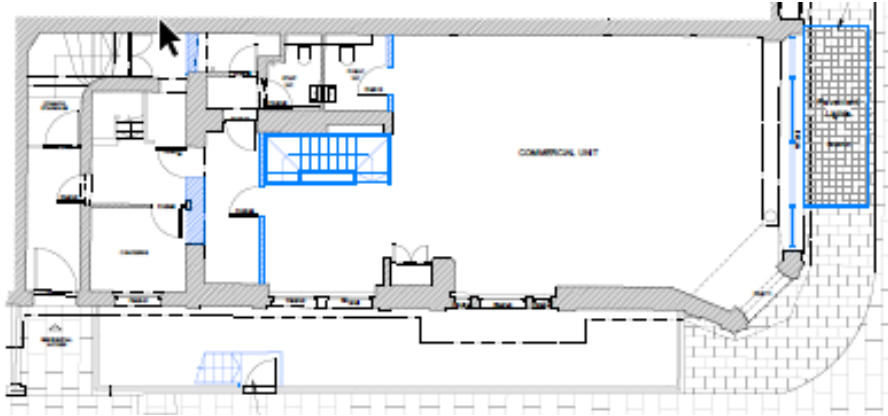


Drawing 3. Proposed typical floor plan (1st floor)



Site 2
Drawing 1. Proposed floor plans (ground and first)

Ground floor plan



First floor Plan



DRAFT DECISION LETTER

Address: 75 - 77 Brook Street, Mayfair, London, W1K 4AD

Proposal: Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).

Reference: 16/04188/FULL

Plan Nos: P41B, P42B, P43A, P44A, P45A, P46A, P47A, P48A, P49A, P50B, P51D, P52B, P53C, P54B, P55BV, P56B, P57B.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

1. Typical front and rear facade details at all levels
2. Roof storey

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other

party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 11 (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 (July 2016) 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.

- 12 The terraces hereby permitted shall not be used between 19:00 and 08:00 Monday to Fridays and at no time on Saturdays and Sundays except in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P41 B. You must clearly mark them and make them available at all times to everyone using the office. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must not occupy the building allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not commence the B1 use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the B1 (office) is in use

The service management plan should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and should clearly outline how servicing will occur on a day to day basis.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 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.

- 16 You must install the obscure glazing to the windows at first, second and third floor on the eastern side of the rear elevation of the office building as shown on your drawing P51D, and you must

only open these windows for cleaning and maintenance purposes. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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.

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of residential floorspace at Site 2, the provision of £14,670 towards carbon off-setting and the costs of monitoring the legal agreement. (I55AA)

- 4 With reference to condition 7 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- 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.
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 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.

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: 1 Green Street, London, W1K 6RG,

Proposal: Use of the first to fourth floors to residential (Class C3) providing four self contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors. (Part of land use swap with 75-77 Brook Street).

Reference: 15/07795/FULL

Plan Nos: 1.038, 1.020B, 1.030C, 1.021A, 1.022A, 1.031A, 1.032A.

Case Officer: Lindsay Jenkins

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 2016) 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 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 (July 2016) 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 provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1.030 Rev B. You must clearly mark them and make them available at all times to everyone using the residential flats. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development – corner awning to be a traditional awning with small valance.

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

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

Reason:

To 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 (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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: 1 Green Street, London, W1K 6RG,

Proposal: Use of the first to fourth floors to residential (Class C3) providing four self contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.

Reference: 15/07796/LBC

Plan Nos: 1.038, 1.020B, 1.030C, 1.021A, 1.022A, 1.031A, 1.032A.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 3 You must apply to us for approval of detailed drawings at 1:10 with full size details of the following parts of the development - all new internal doors. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To 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 (July 2016) 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this 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 (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this 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 (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - corner awning to be a traditional awning with small valance. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To 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 (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	31-32 and 33 Bedford Street, London, WC2E 9ED.		
Proposal	Use of basement, part ground and upper floors as an hotel (Use Class C1) including ancillary cafe use and reception at ground floor level. Alterations at roof level including the erection of a single storey extension, creation of roof terraces, installation of plant equipment within an enclosure and installation of photovoltaic panels. Refurbishment and alterations of the buildings generally including re-introduction of three windows to Inigo Place facade, alterations to windows and doors and associated works.		
Agent	Gerald Eve		
On behalf of	Capital and Counties CG Limited		
Registered Numbers	16/04327/FULL and 16/04328/LBC	Date amended/ completed	10 May 2016
Date Application Received	10 May 2016		
Historic Building Grade	33 Bedford Street - Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

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

2. SUMMARY

Nos. 31-32 and 33 Bedford Street are a pair of buildings located within the Covent Garden Conservation Area. No.33 is Grade II listed. The buildings vary in height but both consist of basement, ground and five upper floors. The buildings which are linked internally have lawful office use (Class B1) at basement, part ground and the upper floor levels. A retail unit (Class A1) and restaurant (Class A3) are located at part ground floor level.

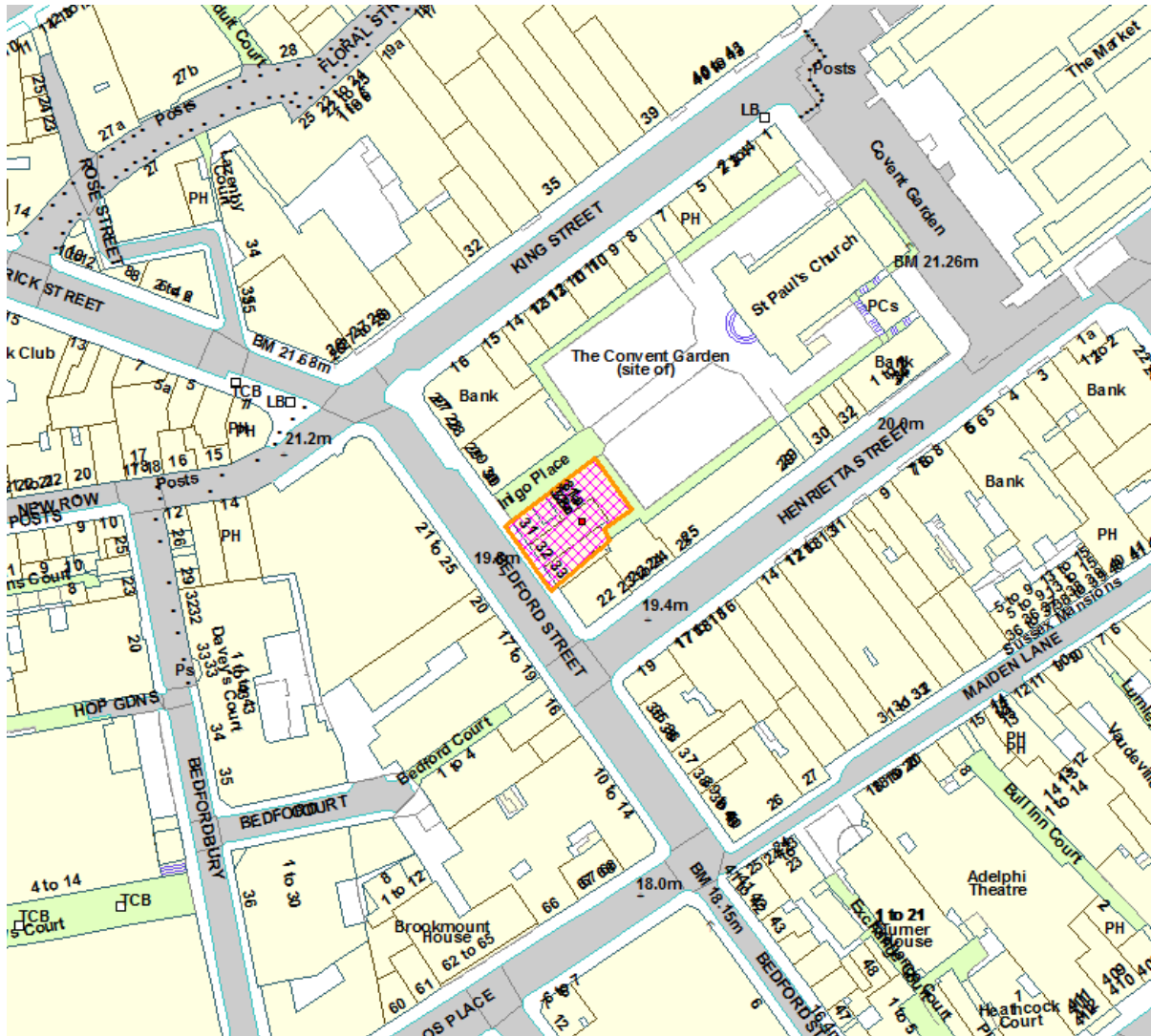
Planning and listed building consent applications have been submitted for the use of the basement, part ground and upper floors as a hotel. Alterations including the erection of a single storey roof extension, creation of roof terraces and installation of plant equipment. Two letters of support including from St Pauls Church and two objections from local amenity groups have been received.

The key issues in this case are:

- Impact of the proposals on the significance of designated heritage assets and the character and appearance of the Covent Garden Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) July 2016.

3. LOCATION PLAN



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View from Bedford Street



View from St Paul's Churchyard

4. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Raise objection on the following grounds:

- The hotel would be too intense of a use on a small, sensitive site in the conservation area.
- Hotel guests would access the hotel through Inigo Place, increasing the footfall and disturbance to the Church and its gardens.
- Noise and disturbance the use would cause to adjacent residents would impact on their amenity – including from terraces.
- Bedford Street would experience further congestion due to servicing.
- The alterations would harm the special architectural and historic interest of the Grade II listed building. In particular concern is raised over the two roof terraces.

COVENT GARDEN AREA TRUST:

Raise objection on the following grounds:

- Overdevelopment and intensity of activity would have a detrimental impact on the character and appearance of the surrounding area.
- Concerned about the level of servicing and deliveries. Bedford Street already suffers from high levels of congestion.
- Change of use from office to hotel and the impact on the balance of uses in the area including the cumulative effect of hotels. Any development must be required to protect, maintain and wherever possible enhance the character of Covent Garden and consideration must be given to the impact of these proposals on the character of the area.

ST PAUL'S CHURCH:

Open dialogue is ongoing between the church, Z Hotels and CAPCO. The church is confident that the proposed new hotel would be a good neighbour.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

CLEANSING MANAGER:

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:

Concern is raised over the operational and service management of the hotel. It is recommended that a Servicing and Operational Management Plan be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 79

Total No. of replies: 1

One letter of support has been received from the owners of 17-19 Bedford Street

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

Nos. 31-32 and 33 Bedford Street are a pair of buildings located within the Covent Garden Conservation Area and the Core Central Activities Zone (CAZ). No.33 is Grade II listed. The buildings consist of basement, ground and five upper floors with roof structures above. Both buildings have main street elevations to Bedford Street. No.31-32 has a secondary elevation onto Inigo Place and the rear elevation is also visible from St Paul's Churchyard.

The buildings are linked internally and have lawful office use (Class B1) at basement, part ground and on the upper floor levels. At part ground floor level a restaurant (Class A3) is located in No.31-32 and a retail unit (Class A1) in No.33. No alterations are sought to these retail units.

5.2 Recent Relevant History

31-32 Bedford Street

On 21st October 2013 permission was granted to use part of the basement as a restaurant in connection with the ground floor unit and to use part of the basement, ground and all upper floors as 15 residential flats. The works include a single storey roof extension, plant enclosure and roof terrace (12/09710/FULL).

On 26th March 2014 permission was granted for a similar development to that granted in 2013 for the use of the residential part as eight residential flats rather than 15 (13/10750/FULL).

33 Bedford Street

On 30th January 2012 permission and consent were granted for the use of part basement and first to fifth floors as four residential flats (11/11792/FULL and 11/11793/LBC).

On 17th October 2014 permission and consent were granted for an extension to the mansard roof and creation of a roof terrace in condition with the 2012 permission (14/05541/FULL and 14/05464/LBC).

6. THE PROPOSAL

The application seeks permission to convert the existing office accommodation at part basement, part ground and the upper floors for hotel use with the addition of a roof extension, rooftop plant within an enclosure, photovoltaic panels, creation of two roof terraces and window alterations. The existing ground floor restaurant and retail unit will not be altered. The proposed roof extension is reduced in massing when compared to the extant permission for residential use.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposed scheme is for a compact luxury boutique hotel comprising 111 bedrooms with ancillary café. The hotel operator will be Z Hotel who already operates four hotels in Westminster at 17 Moor Street, 5 Lower Belgrave Street, 2 Orange Street and 23 Gloucester Place as well as other locations in London and UK.

Summary Table of Land Uses (sqm)

	EXISTING	PROPOSED
Office (Class B1)	2,681	0
Hotel (Class C1)	0	2,691.5
Retail (Class A1)	50.3	50.3
Restaurant (Class A3)	121	121
TOTAL	2,852.3	2,862.8

Loss of office use

The existing B1 office accommodation (2681sqm) will be replaced by hotel use. Policy S20 of the City Plan July 2016 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to hotel use (which is another employment-generating use) in this location. The loss of the existing office accommodation is therefore acceptable in principle.

New hotel use

Policy S23 of the City Plan states that new hotels will be directed to the Core CAZ and that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The hotel will provide 111 rooms of compact size (43 windowless bedrooms) and an ancillary café at ground floor which would have a capacity of up to 36 covers. The hotel will be open 24 hours a day, seven days a week. It is not considered necessary to restrict the use of café to hotel guests only, however, a condition is recommended to restrict the hotel opening for non-guests between 22.30 and 07.00 hours the following day.

The hotels supporting facilities are very limited and therefore guests are likely to be out of the hotel for the majority of the day. The applicants expects that guests would typically

leave in the morning, return for a short period in the evening before leaving again and returning later at night. The main on-site facility for guests is the café which will have a limited food and beverage offer. The café would not be a typical meeting place so the expected footfall to the hotel is expected to be low during the day.

The nearest residential properties to the site are located within St Peter's Court on Henrietta Street being No.33 and on the opposite side of Bedford Street at Nos.19 and 21. The typical character of land uses along Bedford Street is one of retail and entertainment uses on the ground floor with residential and office uses on the upper floors.

It is not considered that there is an over proliferation of hotel uses in the surrounding area and the proposal would complement the existing multifaceted mix of uses in the Covent Garden area as well as cater for tourist and business travellers. It is considered that this location with the CAZ and Covent Garden would be appropriate for a new hotel use.

It is proposed that the details of hotel operation and servicing arrangements be controlled through conditioning a Servicing and Operational Management Plan. This will ensure that the highway network, amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

7.2 Townscape and Design

No.31-32 is an attractive, late Victorian, red brick building with terracotta panels and Dutch gables. The building was much altered in the 1980s, particularly internally and at roof level. It is considered to make a positive contribution to the character and appearance of the conservation area.

No.33 is a Grade II listed building dating to the 1860s. The building is of a lesser scale than its neighbours, has a rendered façade with a vertical hierarchy of windows with detailed cornice that abuts the adjoining buildings. An additional roof storey was added in the 1980s.

The external alterations are focused at roof level. The larger of the two buildings, No.31-32, has a double height, steeply pitched mansard with dormers, with a small stair enclosure, two plant enclosures and a lift overrun above. The existing roof is visible in long views, notably from St Paul's Church. The proposal seeks to increase the size of the roof enclosure, using the same design and materials, and re-arrange the plant areas.

The roof level extensions proposed are comparable to the recently approved scheme in terms of design approach, though slightly more bulk is being proposed. However the overall impact is not considered to harm the roofscape or the character and appearance of the area.

Roof top plant and PV panels were previously approved; with the plant enclosed within slate covered structures which matched the height and building line of the existing roof top structure. Following officer advice the current proposals have been revised to reflect more closely the approved scheme in terms of the form and materials of the enclosure.

To No.33 the principal front room of no.33 retains numerous interior details. To avoid them proposals seek to install a pod bathroom, which would terminate below the ceiling and would be set in from the walls. This allows for the room proportions to be understood and the details to be unimpaired. Secondary glazing is a sensitive approach to upgrading the thermal and acoustic quality of the windows and is not opposed.

A roof terrace was approved in 2013 however it was concealed by the mansard roof which removed the need for balustrading to the front. Current proposals retain the existing roof form and position the roof terrace towards the rear of the site, which appears to limit its impact on street level views. Delineated by vertical metal railings, the changes to the terrace are not opposed.

It is considered that the roof level works do not have a detrimental impact on the view from the churchyard, in any other views or on the character and appearance of the conservation area. The extension is compliant with UDP Policies DES 6 and DES 9 and is considered acceptable.

7.3 Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The majority of neighbouring properties are in commercial use. However, there are some residential properties nearby with the nearest being located to the north east within St Peter's Court at 25-29 Henrietta Street. No objections have been received from residents on the grounds of loss of amenity.

Sunlight and Daylight

The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. Windows in the nearest affected residential properties within St Peter's Court have been tested for daylight and sunlight and comply with BRE guidelines with reductions of less than 20% and as such are considered acceptable.

Sense of Enclosure

Policy ENV13 also states that developments should not result in an increased sense of enclosure. The proposed rooftop structures will not be higher than the existing structures but they are being enlarged. The additional bulk is modest and reduced in mass compared to the extant permission. It is considered that the resulting relationship between the extended building and neighbouring residential buildings would not result in an unacceptable increase in sense of enclosure.

Privacy

Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. The application proposes two roof terraces at main roof level to serve one bedroom each. The nearest residential occupiers are located within St Peter's Court, which is located over 10m from the proposed terrace to the roof of No.33 and at an oblique angle. Given that the terrace is also set back from the roof edge, it is considered that the terrace will not lead to an unacceptable loss of residential amenity in terms of overlooking.

Noise

The two roof terraces will serve one bedroom each. The applicant has confirmed within the operation management statement that the terraces will be not be used beyond 22.30 hours. On this basis it is considered that the level of noise associated with the terraces would not be unacceptably harmful to neighbouring occupiers.

The applicant is willing to accept a condition to restrict the terraces so that are not in use after 22.30 hours. The extent permission allowed for unrestricted terraces at roof level in connection with the permitted residential use.

The applicant confirms that the ancillary café at ground floor level is for guests of the hotel only. Notwithstanding this a condition is recommended to restrict the hotel opening for non-guests between 07.00 - 22.30 hours each day. It is considered that the hotel operation and activity from guests would not result in an unacceptable increase in noise or disturbance to neighbours.

Mechanical plant is to be located at roof level within a dedicated acoustic enclosure. Subject to conditions Environmental Health officers have no objection and it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

7.4 Transportation/Parking**Cycle Parking**

10 secure cycle parking spaces are to be provided at basement level in accordance with Policy TRANS10. It is recommended that their provision is secured by condition.

Servicing and deliveries

The existing buildings currently have no vehicular access and no off-street parking. Servicing and refuse collection is currently undertaken on-street. Although UDP policy TRANS20 requires the provision of off-site servicing arrangements in new developments, it is accepted that this is not possible as part of this scheme which does not involve comprehensive redevelopment of the site.

Servicing of the hotel will need to be undertaken from Bedford Street. The applicant estimates that approximately four small to medium sized van deliveries would be required per day between the hours of 07.00 and 10.30.

It is acknowledged that it is not an ideal solution to service from the street, but given the existing uncontrolled servicing arrangements for the offices and the proposed rationalisation of servicing under one operator, it is considered that planning permission could not reasonably be withheld on servicing grounds. Subject to the submission of a

Servicing and Operational Management Plan, it is considered that the hotel use would not generate an unacceptable level of highways disruption sufficient to warrant refusal.

The Highways Planning Manager requests details of how coaches and taxis will be managed. The applicant has confirmed that bookings for coach parties will not be accepted. Highways Planning is concerned that this may change in future, however if the Servicing and Operational Management Plan explicitly rules out coach parties, any future change to accept coach parties would subsequently need approval by the Council.

With regard to taxis, both the existing office and proposed hotel users would use taxis. The submitted Transport Statement confirms that the proposed use would represent a reduction in pedestrian, servicing and car borne trips. This reduction with the added control that will be in place by condition should serve to adequately mitigate any impacts on the highway network.

7.5 Economic Considerations

The economic benefits associated with the creation of a new hotel are welcomed.

7.6 Access

As is the situation with the existing office use, the primary access to the hotel will be from Inigo Place which is not public highway. A secondary access is available from Bedford Street. The applicant has been in talks with St Paul's Church to prevent access via Inigo Place when events are ongoing at the church. In terms of night time access, it is envisaged that a pedestrian gate on Inigo Place will be accessible via an intercom system.

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. A new DDA compliant lift is proposed which will provide access to each floor level apart from the sixth floor to No.31-32. Six of the rooms are designed to be fully accessible with a further six being adaptable.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The waste store is to be located at ground floor level. The Cleansing Manager is satisfied with the refuse arrangements and the provision of the storage is recommended to be secured by condition.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

In this case there are acknowledged constraints to providing sustainability measures as much of the existing buildings fabric is to be retained. Nonetheless, photovoltaic panels are proposed to the roof of No. 31-32 along with other carbon reduction technologies.

It is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 31%. The targeted BREEAM score is 'Very Good' and given the constraints of the site, the overall sustainability considerations of the scheme are acceptable.

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.

7.11 Other Issues

Security

The hotel will have a 24 hour presence and as such will likely discourage the anti-social behaviour which has been reported to be experienced in Inigo Place. The applicant has confirmed that subject to this application being successful, a separate application for CCTV and lighting will be submitted. Officers have been advised that the details of the forthcoming security proposals will have formed part of the wider discussions with the St Paul's Church.

8. BACKGROUND PAPERS

1. Application form.
2. Response from Covent Garden Community Association dated 26th May 2016.
3. Response from Covent Garden Area Trust dated 20th June 2016.
4. Memorandum from Highways Planning dated 26th May 2016.
5. Memorandum from Environmental Health dated 8th June 2016.
6. Memorandum from Cleansing dated 27th June 2016.
7. Letter from St Paul's Church dated 13th June 2016.
8. Letter from Dukelease Properties dated 15th June 2016.

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






IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK


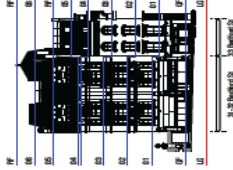
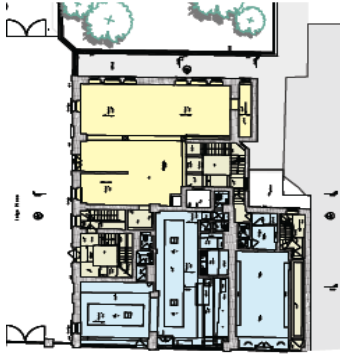
4.1 Existing Plans

The existing buildings comprise of a basement level, ground floor level plus five storeys. Higher floor-to-ceiling heights at number 31-32 Bedford Street result in the ridge height to be approximately 2.7 metres higher compared to 33 Bedford Street. Floor levels between the two buildings are not aligned.

For more details please refer to architectural drawings submitted as part of this planning application.

Key:

-  Denotes extent of the building fabric
-  Existing retail units to remain
-  Office use
-  Circulation
-  Plant

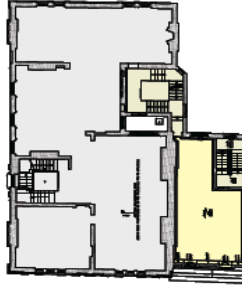
Existing Ground Floor



Existing First Floor



Existing Third Floor



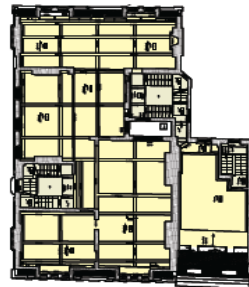
Existing Fourth Floor (Bedford St. 33)



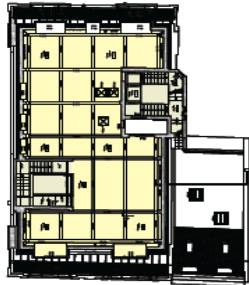
Existing Lower Ground Floor



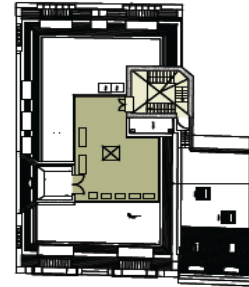
Existing Second Floor



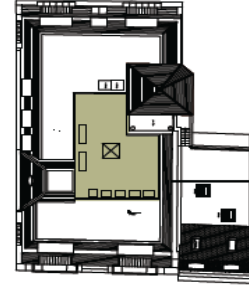
Existing Fourth Floor (Bedford St. 31-32) & Fifth Floor (Bedford St. 33)



Existing Fifth Floor (Bedford St. 31-32) & Roof Plan (Bedford St. 33)



Existing Sixth Floor

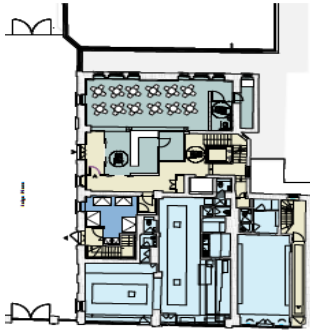
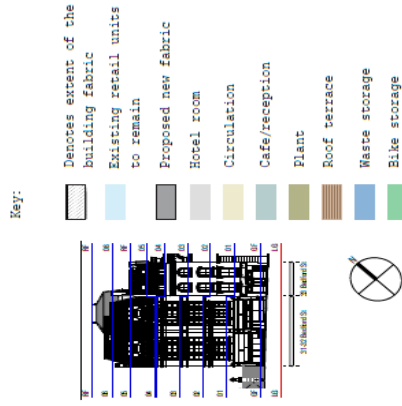


Existing Roof Plan

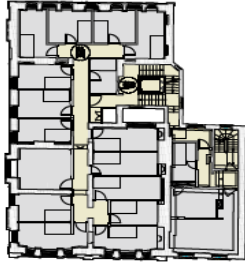
4.2 Proposed Plans

The proposal includes hotel reception and cafe at ground floor with the main entrance via Inigo Place. 111 hotel bedrooms are located over nine floors.

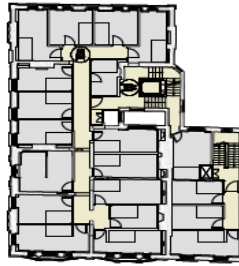
For more details please refer to architectural drawings submitted as part of this planning application.



Proposed Ground Floor



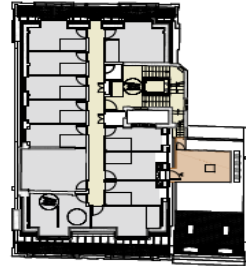
Proposed First Floor



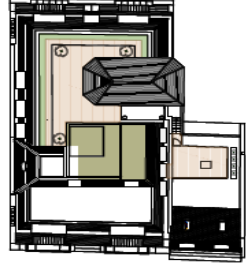
Proposed Third Floor



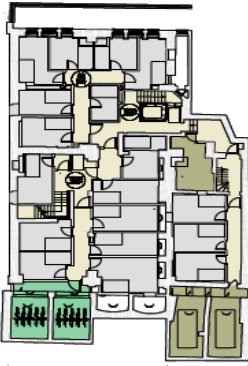
Proposed Fourth Floor (Bedford St. 33)



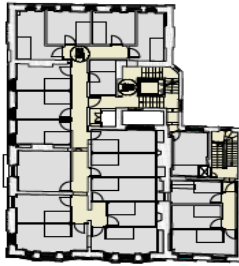
Proposed Fifth Floor (Bedford St. 31-32) & Roof Plan (Bedford St. 33)



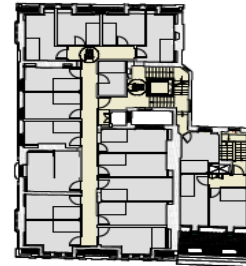
Proposed Roof Plan



Proposed Lower Ground Floor



Proposed Second Floor



Proposed Fourth Floor (Bedford St. 31-32) & Fifth Floor (Bedford St. 33)

Note: drawings not to scale

Existing front/East elevation



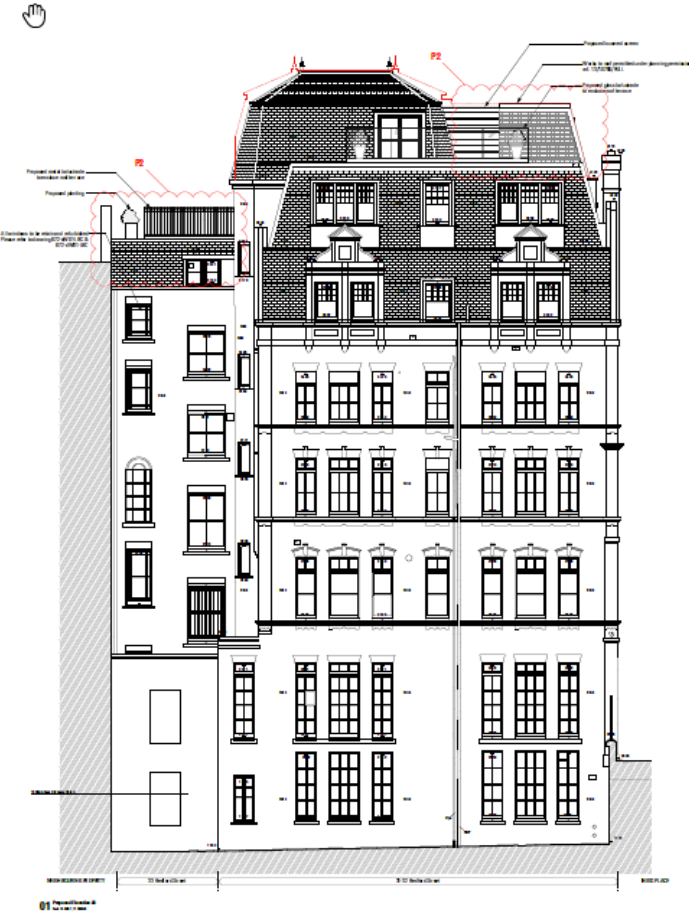
Proposed front/East elevation



Existing rear/West elevation



Proposed rear/West elevation



DRAFT DECISION LETTER

Address: 31-32 And 33 Bedford Street, London, WC2E 9ED,

Proposal: Use of basement, part ground and upper floors as an hotel (Use Class C1) including ancillary cafe use and reception at ground floor level. Alterations at roof level including the erection of a single storey extension, creation of roof terraces, installation of plant equipment within an enclosure and installation of photovoltaic panels. Refurbishment and alterations of the buildings generally including re-introduction of three windows to Inigo Place facade, alterations to windows and doors and associated works.

Reference: 16/04327/FULL

Plan Nos: 872-EXS00-P1; 872-EXB1-P1; 872-EX00-P1; 872-EX01-P1; 872-EX02-P1; 872-EX03-P1; 872-EX04-P1; 872-EX05-P1; 872-EX05'-P1; 872-EX06-P1; 872-EXRF-P1; 872-EXGE01-P1; 872-EXGE02-P1; 872-EXGE03-P1; 872-EXGE04-P1; 872-EXGS01-P1; 872-EXGS02-P1; 872-EXGS03-P1; 872-GAB1-P1; 872-GA00-P2; 872-GA01-P1; 872-GA02-P1; 872-GA03-P1; 872-GA04-P1; 872-GA05-P1; 872-GA05'-P2; 872-GA06-P2; 872-GARF-P2; 872-GE01-P2; 872-GE02-P2; 872-GE03-P2; 872-GE04-P2; 872-GS01-P1; 872-GS02-P2; 872-GS03-P2; 872-dR01-P2; 872-dW01-P1; 872-dW02-P2; 872-dW03-P1; 872-EXB1/00-LBC-P1; 872-EX01/02-LBC-P1; 872-EX03/04-LBC-P1; 872-EX05/RF-LBC-P1; 872-EXGE01-LBC-P1; 872-EXGS01-LBC-P1; 872-DEB1/00-LBC-P1; 872-DE01/02-LBC-P1; 872-DE03/04-LBC-P1; 872-DE05/RF-LBC-P1; 872-DEGE01-LBC-P1; 872-DEGS01-LBC-P1; 872-GAB1/00-LBC-P1; 872-GA01/02-LBC-P1; 872-GA03/04-LBC-P1; 872-GA05/RF-LBC-P2; 872-GE01-LBC-P2; 872-GS01-LBC-P2; 872-cJ01-P1; 872-cW01-LBC-P1; 872-dW01-LBC-P1; Planning Statement; Design and Access Statement; Historic Building Report; Transport Statement; Noise Impact Assessment; Sustainability Design and Construction Statement; BREEAM Pre-assessment; Energy and Renewables Statement; Daylight and Sunlight Impact Assessment; Statement of Community Involvement; Draft Operating Management Strategy.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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:

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.

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Notwithstanding what is shown on the approved drawings, planters are not approved to the roof of 33 Bedford Street.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

The detailed design of the railings to the roof terrace of no.33 should be simplified to comprise vertical balustrades and a horizontal handrail.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 7 No amplified music shall be played on the external hotel terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 8 The hotel shall only be open to non-hotel guests between 07.00 – 22.30 hours each day.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 9 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 10 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 11 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 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 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 (July 2016), 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 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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 Guests shall not be permitted onto the external terraces before 0600hrs or after 2230hrs each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 16 You must provide the waste store shown on drawing 872-GA00-P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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 (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 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.

- 18 You must apply to us for approval of a Servicing and Operational Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries and staffing, and a clear process for managing taxis and private hire vehicles arrivals/ departures including measures to deter coaches. You must not commence the hotel use until we have approved what you have sent us. The Servicing and Operational Management Plan must thereafter be maintained and followed by the occupants for the life of the development.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the

length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

DRAFT DECISION LETTER

- Address:** 31-32 And 33 Bedford Street, London, WC2E 9ED,
- Proposal:** Use of 33 Bedford Street part basement and first to fifth floors as a hotel (Use Class C1) in conjunction with adjacent property 31-32 Bedford Street. Alterations to front and rear windows and doors, installation of secondary glazing, erection of boiler flue and ventilation grilles to rear, installation of replacement windows at roof level, extension to mansard roof, creation of a terrace, cleaning of the facade and internal alterations including partitioning.
- Reference:** 16/04328/LBC
- Plan Nos:** 872-EXS00-P1; 872-EXB1-P1; 872-EX00-P1; 872-EX01-P1; 872-EX02-P1; 872-EX03-P1; 872-EX04-P1; 872-EX05-P1; 872-EX05'-P1; 872-EX06-P1; 872-EXRF-P1; 872-EXGE01-P1; 872-EXGE02-P1; 872-EXGE03-P1; 872-EXGE04-P1; 872-EXGS01-P1; 872-EXGS02-P1; 872-EXGS03-P1; 872-GAB1-P1; 872-GA00-P2; 872-GA01-P1; 872-GA02-P1; 872-GA03-P1; 872-GA04-P1; 872-GA05-P1; 872-GA05'-P2; 872-GA06-P2; 872-GARF-P2; 872-GE01-P2; 872-GE02-P2; 872-GE03-P2; 872-GE04-P2; 872-GS01-P1; 872-GS02-P2; 872-GS03-P2; 872-dR01-P2; 872-dW01-P1; 872-dW02-P2; 872-dW03-P1; 872-EXB1/00-LBC-P1; 872-EX01/02-LBC-P1; 872-EX03/04-LBC-P1; 872-EX05/RF-LBC-P1; 872-EXGE01-LBC-P1; 872-EXGS01-LBC-P1; 872-DEB1/00-LBC-P1; 872-DE01/02-LBC-P1; 872-DE03/04-LBC-P1; 872-DE05/RF-LBC-P1; 872-DEGE01-LBC-P1; 872-DEGS01-LBC-P1; 872-GAB1/00-LBC-P1; 872-GA01/02-LBC-P1; 872-GA03/04-LBC-P1; 872-GA05/RF-LBC-P2; 872-GE01-LBC-P2; 872-GS01-LBC-P2; 872-cJ01-P1; 872-cW01-LBC-P1; 872-dW01-LBC-P1; Planning Statement; Design and Access Statement; Historic Building Report; Transport Statement; Noise Impact Assessment; Sustainability Design and Construction Statement; BREEAM Pre-assessment; Energy and Renewables Statement; Daylight and Sunlight Impact Assessment; Statement of Community Involvement; Draft Operating Management Strategy.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

(R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

(R27AC)

- 5 Notwithstanding what is shown on the approved drawings, planters are not approved to the roof of 33 Bedford Street.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

(R27AC)

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

The detailed design of the railings to the roof terrace of no.33 should be simplified to comprise vertical balustrades and a horizontal handrail.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph Covent Garden of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	33 Westbourne Terrace, London, W2 3UR,		
Proposal	Internal works to the building including the installation of a new lift associated with the reconfiguration of the existing residential accommodation to provide six residential dwellings. External works to include the replacement of windows, new windows, secondary glazing, works at roof level, provision of cycle and car parking spaces and associated refuse areas.		
Agent	DP9		
On behalf of	West Two Properties		
Registered Number	16/03029/FULL and 16/03030/LBC	Date amended/ completed	12 May 2016
Date Application Received	5 April 2016		
Historic Building Grade	Grade II listed		
Conservation Area	Bayswater		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Refuse permission – land use and harm to conservation area and listed building; and 2. Refuse listed building consent. |
|--|

2. SUMMARY

<p>The application site contains a five storey, plus basement level grade II listed building located within the Bayswater Conservation Area. It is located on the north eastern corner of the junction of Westbourne Terrace and Craven Road. The lawful use of the application site is a House in Multiple Occupation (HMO) (Sui Generis Use Class).</p>

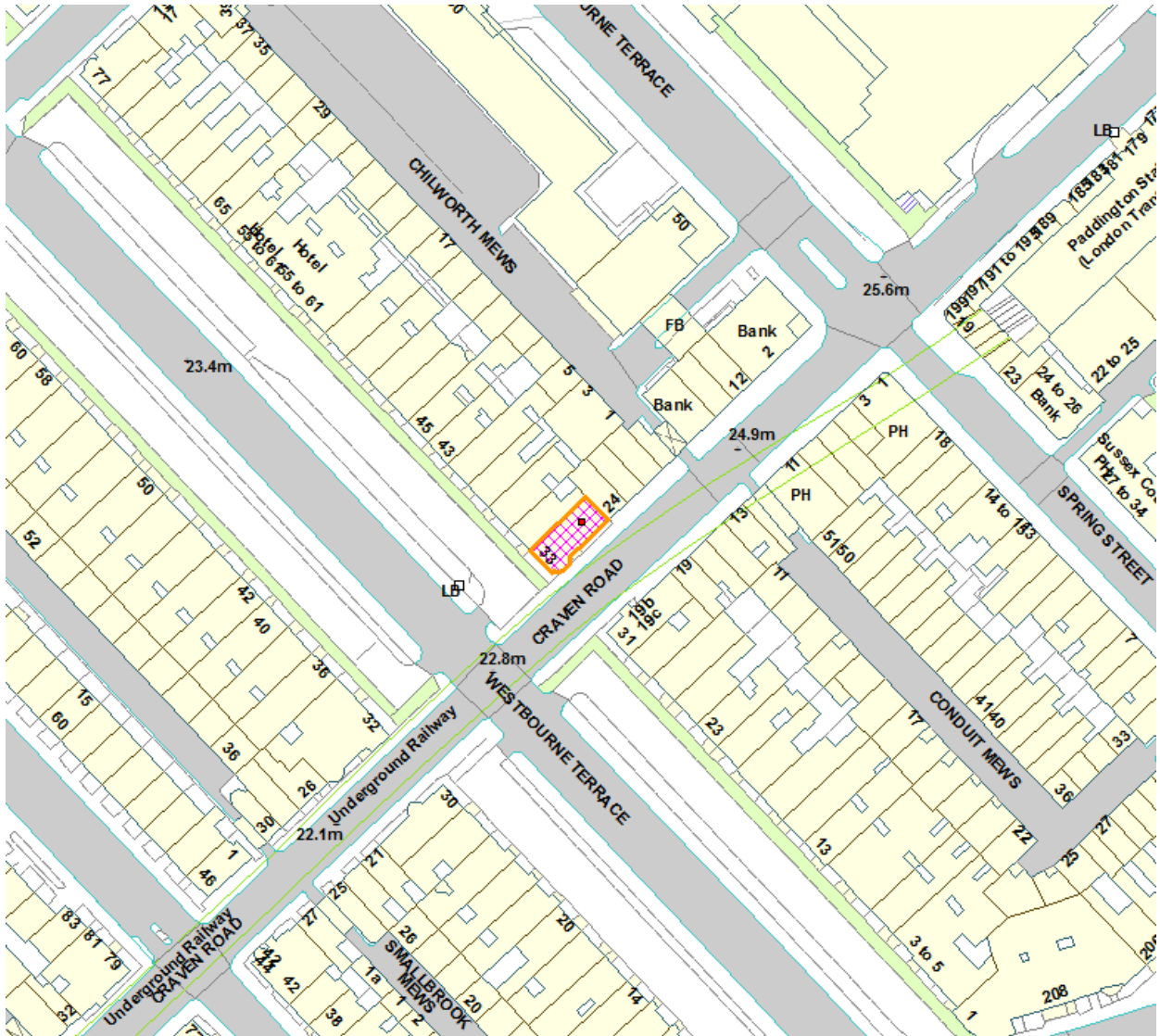
<p>The applicant seeks planning permission and listed building consent for conversion of this building into six flats. External alterations, including enlargement of the existing dormer windows and installation or replacement of existing windows are proposed. Internal alterations, including installation of a lift, new stairs between ground and lower ground floor levels and alterations to existing internal partitions are also proposed.</p>
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The key issues for consideration are:

- Loss of the existing House in Multiple Occupation use.
- Impact on the special architectural interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area.

Loss of the HMO use would be contrary to development plan policy. The proposed alterations, particularly the insertion of a lift, insertion of new staircases, alterations to fenestration and the addition of a glass balustrade at main roof level would harm the special architectural and historic interest of this listed building and the character and appearance of the conservation area. Accordingly, these applications for planning permission and listed building consent are recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of building from Westbourne Terrace.

5. CONSULTATIONS

HISTORIC ENGLAND

Authorise the City Council to determine application.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection. If the applicant is correct and this is not an HMO, the proposed reduction from 18 to 6 units would result in an unacceptable loss of self-contained units. One third of the units proposed are not 'family-sized' and therefore do not meet Council policy. One of the two bed units is also very large and could be turned into a three bedroom unit. The proposed lift may harm the structural integrity of the original staircase and result in loss of original fabric although it is recognised that lifts are expected of flats these days. SEBRA doubt that it is in the power of the applicants to control use of the claimed four parking spaces, for use by residents of this property. Query whether there is provision for refuse storage. Subject to approval of the detail, reinstatement of windows in their original form is welcomed. No objection to secondary glazing, subject to its effect on the interior appearance of rooms.

HIGHWAYS PLANNING MANAGER

No objection. The residents of the existing units would have been eligible to purchase an on-street residential car parking permit, which would increase the demand for on-street car parking in the area. As there is a decrease in the number of residential units, the development is consistent with policy TRANS23 of the UDP.

Three car parking spaces are indicated on the submitted drawings. For six residential units, this level of car parking, where there has been a decrease in the number of residential units, would be consistent with policies TRANS21 and TRANS23 of the UDP.

Conditions recommended requiring cycle parking, waste storage and maintaining access to car parking.

CLEANSING MANAGER

Recommend condition requiring provision of refuse and recycling storage.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions requiring the submission of further ventilation and sound insulation details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One email of objection received raising objection on the following ground:

- Construction of the proposed development will inconvenience existing residents within the building.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains a five storey, plus basement level grade II listed building located within the Bayswater Conservation Area. It is located on the north eastern corner of the junction of Westbourne Terrace and Craven Road. The lawful use of the application site is a House in Multiple Occupation (HMO) (Sui Generis Use Class).

6.2 Recent Relevant History

2 October 1997 – Planning permission and listed building consent for internal alterations and installation of a passenger lift in connection with use as self-contained flats and bedsits was refused (97/06452/FULL and 97/06453/LBC).

7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for conversion of this building into six flats. External alterations, including enlargement of the existing dormer windows and installation or replacement of existing windows are proposed. Internal alterations, including installation of a lift, new stairs between ground and lower ground floor levels and alterations to existing internal partitions are also proposed.

The composition of the new units in terms of their size and number of bedrooms would be as follows:

LEVEL	FLAT TYPE		FLAT SIZE (M2)	
Lower Ground	3b (duplex)	2b (duplex)	113	70
Ground				
1	2b		103	
2	2b		65	
3	2b		61.5	
4	2b		61.5	

8. DETAILED CONSIDERATIONS

8.1 Land Use

HMO Status

Policy S15 of the City Plan (adopted July 2016) (“the City Plan”) specifies, inter alia, that HMO floorspace will be protected. The supporting text to policy S15 notes that existing HMO’s are protected as they provide a type of affordable accommodation within the City.

Policy H7 of the Unitary Development Plan (adopted 2007) (“the UDP”) specifies that applications involving the loss of HMO/bedsit accommodation will not normally be granted where the existing accommodation complies with or is capable of complying with, the requirements of the relevant Housing and Environmental Health legislation. The supporting text to policy H7 notes that HMO’s provide a source of less expensive market

housing within the City. The supporting text to policy H7 also notes that where a listed building is in use as an HMO, alterations to upgrade the HMO may have an impact on the fabric of the listed building. Where such alterations are detrimental to the listed building the City Council will consider an appropriate reduction or configuration of units to allow for some self-contained units to protect the listed building.

The applicant contends that the existing property is not an HMO as the City Council's Environmental Health Section have ceased licensing it and because it meets the 1991 Building Regulations and is therefore not an HMO for the purposes of the Housing Act 2004 (as amended). However, the Environmental Health Officer has confirmed that the existing property would still be classified as an HMO pursuant to Section 257 of the Housing Act 2004 (as amended) and that HMO's pursuant to that provision do not need to be licensed. It is also noted that at the time of the 1997 applications (see ref: 97/06452/FULL and 97/06453/LBC above) this property was classified as an HMO. Since that time, it appears that self-containment of the units has taken place without planning permission or listed building consent, culminating in the self-containment of a ground floor unit through the addition of a bathroom last year. Accordingly, the present state of the building is unlawful and in the absence of evidence to the contrary its lawful use is as a Sui Generis HMO.

The proposed change of use would result in the loss of this 18 unit HMO. Accordingly, the proposed change of use would result in the loss of a source of affordable accommodation, which would be contrary to policy S15 of the City Plan and policy H7 of the UDP. As set out below, the proposed change of use is also not justified by remedying harm to this listed building.

The applicant refers to approval of planning and listed building consent applications at 3 Lupus Street (ref: 15/04280/FULL & 15/04281/LBC) as precedent for the works proposed under these applications. The development at 3 Lupus Street involved the loss of 10 HMO units to create a single dwellinghouse.

Each application must be considered on its merits, having regard to the application site, the nature of the proposal and the relevant policy context at the time the application was decided. In the case of 3 Lupus Street, the Committee considered that the poor standard of accommodation, as indicated by the serving of "Suspended Prohibition Orders" and "Hazard Awareness Notices", justified the change of use and the consequential loss of the HMO use. In contrast, no such concern has been raised by the Environmental Health Officer and recent inspections by officers indicate that this HMO provides an acceptable standard of accommodation. Accordingly, the permission at 3 Lupus Street does not justify approval in this instance.

The applicant also contends that the proposed conversion would improve this listed building although, as set out later in the report, officers disagree. Notwithstanding, this is a different consideration to the test under Policy H7. Policy H7 allows self-containment where upgrading the HMO would be harmful to the listed building, not where any development would improve the listed building. No evidence has been provided to demonstrate that this HMO needs to be upgraded or that that upgrade would be harmful to this listed building.

Residential Units

Policies H3 of the UDP and S14 of the City Plan seek to encourage the creation of new residential units. Accordingly, and were the loss of the HMO otherwise acceptable, the provision of residential flats on this site is supported in principle.

Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, approximately only 17 % of the proposed units would be family sized. However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on the corner of Craven Road and Westbourne Terrace. Accordingly, the proposed mix would be consistent with policy H5 of the UDP in this instance.

Standard of Residential Accommodation

The proposed flats all exceed the relevant space standards for flats set out in the Nationally Described Space Standard (March 2015). The three bedroom duplex at ground and lower ground floors and the two bedroom flat on the first floor also exceed the relevant standard by a significant margin (i.e. over 20m²). Accordingly, the proposed flats would provide an appropriate standard of accommodation, consistent with Policy 3.5 of the London Plan (FALP 2015).

The Environmental Health Officer has noted that this site is subject to high noise levels by reason of its location on adjacent to two busy roads. Accordingly, they have recommended imposition of conditions requiring further details of noise insulation and ventilation. Were the development otherwise acceptable, conditions to this effect would be attached to the permission. Subject to this condition, the proposed flats would be consistent with policy ENV 6 of the UDP.

8.2 Townscape and Design

Lift Insertion and Associated Plan Form Alterations

The application proposes to insert a new lift rising from ground to fourth floor levels, with a lift pit structure beneath lower ground floor. To ground floor level, this area of the building appears likely to have been open to the hallway, though this has since been enclosed by a later enclosure. At first to second floor levels this area appears to have been originally designed to provide a well-lit lobby style area off the staircase in a manner not uncommon for mid-Victorian properties. To third floor level a small bathroom area has been created in what may be an alteration of the original open lobby, and to fourth floor level this area remains within a room at the rear of the building.

To lower ground floor level, given the significant alterations to this part of the building, the works are not considered harmful in themselves. However, above this level the works would be harmful to the character of the building. The installation of a lift structure set directly into the ground floor level hallway, with modern lift car doors opening out onto this

area would be a retrograde step from the existing situation. To first and second floor levels the panelled reveals to the openings would be removed with consequent loss of original fabric and an attractive feature of the interior. To first floor level, the lift structure would step out into and partly enclose the space within the reveal. At second floor level, the lift would step out beyond the line of the infill and cuts directly through the rising steps of the staircase and at third floor level it would cut directly through the landing. To fourth floor level the lift would cut into the rear of a room. The impact upon the staircase through the encroachment onto these areas would be harmful due to the narrowing of what was originally intended to be an open and generous space and through removal of original fabric in the form of original stone steps and landing structures and panelled reveals to several of the openings.

No clear information has also been given of the structural implications of the works with regards to the staircase landing structures at first, second and third floor levels although there is a suggestion in the engineering statement that significant internal steelwork could be used. The lift cuts through a number of areas which would typically be formed by a single stone landing or step structure and the truncation of it could put the staircase at extreme risk of collapse, cause harmful cracking of stone or require provision of further supporting structures to mitigate the loss of its attachment to the rear elevation. This would harm the originally intended and still remaining slenderness of steps/landing which are a key feature of its appearance and grandeur.

Provision of the lift would also require additional partitioning at first, second, third and fourth floor levels. This new arrangement would truncate the still discernible original internal layout of the building, partly converting a number of rooms into circulation spaces. This would harm the character of the interior by the creation of new corridors through important internal spaces and would fundamentally alter the appreciation of the building as one with a single staircase circulation route to one where a new and entirely separate modern lift and corridor route would be created. This would wholly alter the original floor plan harming the character of the interior.

Given the above, the lift and associated alterations to the internal plan form would be harmful to the character of the building and are considered unacceptable.

Staircases to Ground Floor Rooms

Two new staircases are proposed to descend down from rooms at ground floor level into lower ground floor, one to the western room facing onto Westbourne Terrace and one from the eastern room which faces onto Craven Road.

The applicants have submitted evidence that the western room to ground floor level had a staircase in this location down to lower ground floor level installed in 1923 and that it remained in place until the 1970's. There would therefore be no loss of fabric associated with this change. In addition, the later subdivisions to the room are largely removed, with only a small bathroom remaining as an intervention into the space. Whilst the installation of this staircase is regrettable a refusal on this basis would not be sustainable in these circumstances.

With regards to the new staircase in the eastern room, this room would have been one of the grandest in the house when originally constructed and would have been one of the

largest. The Heritage Report submitted states that it appears to have late Victorian skirting in place, but otherwise modern finishes, and it also appears to retain a framed niche to the north wall which is likely to be original. This room largely retains a clear sense of its original volume and proportions without any permanent intervention breaking into the clarity of the space. There is no evidence of any staircase having been present in this room as is the case with the western room to this floor level. Accordingly, the staircase would be a wholly inappropriate intervention into the space, removing historic fabric in the form of the floor structure to be cut away, creating a circulation route from one of the grandest rooms within this mid-19th century property directly to lower ground floor level in a manner wholly out of character with the clear separation between such grand rooms and service spaces in such houses, and converting a section of a grand reception room into circulation space. The void would also provide a notable break in the appreciation of the volume of the room. This work would be harmful to the character of the building and is considered unacceptable.

The alterations to the plan form associated with these works at lower ground floor level are not considered as reasons for refusal given the greater alterations to the building at this level and therefore the lesser sensitivity.

Extension of Staircase from Third to Fourth Floor Level

The application seeks to remove the existing secondary staircase which rises from third to fourth floor levels and to replace it with a new timber staircase rising from third to fourth floor levels as a continuation of the existing main grand staircase rising from ground floor. This building was originally designed with a grand staircase rising from ground to third floor levels and there was also originally a much simpler secondary staircase rising from third floor level to fourth floor level as a distinct and separate structure from the main staircase.

It is noted that the secondary staircase from third to fourth floor levels is clearly a more modern staircase. However, for a grand Victorian town house such as this it appears highly unlikely that what would have been servants accommodation to fourth floor level would have been accessed by a continuation of the grand staircase, nor by any form of 'differently designed' staircase as a continuation of the grand staircase. There is a clear pattern in Victorian townhouses throughout this part of Bayswater of secondary staircases being clearly distinct and separate structures, reflecting the social distinction between the owners of the building and their servants.

The treads are shown to a much thicker depth than the than the stone steps to the existing main staircase, and appear inelegantly thick in section. The balustrading to the staircase would be mounted off the ends of each of the treads which is a constructional approach and detailing which is characteristic of stone staircases but is not traditional for timber staircases to such terraced properties. The new staircase would not appear as a seamless addition to the main staircase, but instead as a visually jarring addition above.

The secondary staircase proposed would therefore harm the special architectural and historic interest of this listed building.

Replacement Windows to Lower Ground and Ground Floor Levels

There are currently a series of windows to ground floor level on the Craven Road and Westbourne Terrace elevation, none of which are likely to be wholly original to the building. Most are in a one over one arrangement and appear later replacements. One window on the Craven Road frontage has a three over one arrangement and the top sash (subdivided into three glazing bars) is almost certainly original as it matches others to such locations in the street and would have originally had a matching lower sash subdivided into three panes of glass. The applicant seeks removal of two of the windows to ground floor to each street elevation and their replacement with new three over one sash windows. This arrangement is without precedent for such mid Victorian buildings and it takes an unfortunate change to one Craven Road window and repeats it across much of the ground floor. Having a top sash subdivided into three with a single pane of glass below gives an unbalanced arrangement which is wholly inappropriate for this building, is at odds with the arrangement of glazing bars elsewhere in the building and terrace generally and would be unacceptable.

Replacement Windows to Lower Ground Floor on Westbourne Terrace

To lower ground floor level on the Westbourne Terrace elevation, the two six over six sash windows are likely to be original to the building. The applicant proposes removing these windows and replacing them with doors. Removal of these windows would result in loss historically appropriate and possibly original windows from the building. The new doors would not be an appropriate feature set into the front elevation to lower ground floor level and the consequent enlargement of the opening to accommodate them unbalances the proportioning of the composition. Accordingly, removal of these windows and their replacement with doors would harm the special architectural and historic interest of this listed building.

Glass Balustrading to Roof Level

There is currently metal balustrading to roof level at present which extends along at parapet level to the Westbourne Terrace and Craven Road elevations. This takes the form of a relatively open arrangement of railings with horizontal bars and a regular rhythm of vertical bars mounted off the parapet. There is no planning history apparent for this structure and in the absence of any evidence to the contrary it would appear to be unauthorised. Nonetheless, the relative openness of the railings reduces their potential to clutter the roofscape. They also appear as black metal railings to a building which has such historically appropriate features in numerous locations to ground, first and second floor levels.

The glass balustrading proposed to these locations on the Westbourne Terrace and Craven Road parapets is designed as large sheets of glazing which would be highly prominent to roof level, and wholly out of character with this traditional, classically inspired building. The glazing would catch the sun in a reflective manner ensuring that it stood out markedly to roof level in views from both street level and surrounding buildings and in these views would be highly prominent to roof level. Access to roof level is possible through a staircase and narrow window, but nonetheless the glazing would not be anticipated to be cleaned on a regular basis to this narrow roof level area. Adjacent to these busy roads and with numerous trees in the surrounding area, it is likely that these glass balustrades would become dirty and more prominent over time. The impression of large prominent glass panels projecting from a parapet, which was originally designed to

be seen against the sky without structure above or behind, would break an important part of the classical character of the building. Accordingly, the proposed balustrades would be particularly harmful to the character and appearance of this listed building and the surrounding conservation area.

Dormers to Roof Level

The building currently has five dormers to roof level, three to the Craven Road elevation, one to the rear elevation and one to the Westbourne Terrace elevation. These are later additions to the building, though of uncertain age. The three dormers to the Craven Road elevation remain unchanged as part of this application. The dormer on the rear elevation is to be extended up to the inside edge of the parapet and the dormer facing Westbourne Terrace is proposed to be extended onto the front parapet and both widened and repositioned to the north.

The extension of the dormer closer to the rear parapet is undesirable. However, it would be discreetly located and positioned on the more austere rear elevation where the grand classical detailing has stopped. Accordingly, a reason for refusal on this basis would not be sustainable.

However, the front dormer would be unacceptable. The building occupies a prominent corner site on Westbourne Terrace which is one of the principal routes through Bayswater. The terraces to Westbourne Terrace were originally designed with, and still retain, a clear impression of being seen as palace fronted compositions with the end bays and central bays having sheer elevations to their top floor level, with visually subservient mansard top floors between these principal central and end bays. To a street junction such as this, each of the four terraces terminating at the junction has its end bays rising to a sheer top and giving a distinct grandeur to the townscape, with their roof structures deliberately kept very low in profile so as not to break the strong, sheer classical composition of the buildings and terrace as a whole to ensure they read clearly as the end blocks to each palace fronted composition. There is some limited variety now to the designs of these top floors on the junction, but the original design conception is still clearly apparent.

The existing front dormer is visible from the west side of the street and from further west down Craven Road though it is relatively low profile to the roof. The extension of the dormer forward onto the front parapet and its increase in width would significantly increase its visual impact on the building. This would harm the character and appearance of this building, the architectural conception of this terrace as having end bays and the classical character of the building. When seen above this composition, the enlarged and more prominent dormer would have a wholly inappropriate and cluttering impression, harmful to the character and appearance of the building, terrace and conservation area as a whole.

The front dormer is also relocated adjacent to the north party wall, which also serves as an inappropriate alteration. In this position it would be markedly set off line with the windows below, further serving to highlight its inappropriateness and lack of integration with the special architectural and historic interest of this listed building and the character and appearance of the area.

Other Works

The other works proposed are acceptable in townscape and design terms. The works to the doorway between the ground floor hallway and the main central room and the main western room to this floor level are of particular note. These doorways are currently balanced either side of the hallway and may have original doors and/or door surrounds. It would be acceptable in principle to move the door openings given the altered nature of the rooms behind without unacceptable harm to the building provided any original fabric was retained and re-used. As such an informative is attached advising that provided the fabric was reused this work would be considered acceptable.

The other works that have been considered, are more minor in scope, and are not considered as reasons for refusal as part of these applications.

Overall, the proposed development would harm the special architectural and historic interest of this listed building and the wider Bayswater Conservation Area. Accordingly the proposed development would be contrary to policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

Aside from the dormer extensions proposed, no other extensions are proposed that would be capable of causing loss of light or sense of enclosure. The dormer extensions are also located at main roof level and are not of such a scale to result in unacceptable loss of light or sense of enclosure.

The fenestration alterations proposed, by virtue of its modest scale and location on the Craven Road and Westbourne Terrace elevations, would not result in unacceptable loss of privacy through overlooking.

No mechanical plant is proposed as part of this application. Accordingly, the proposed development would not give rise to unacceptable noise disturbance for the occupiers of neighbouring properties.

The proposed flats would result in less people living on the site. As the proposal would result in less intensive use of the site, it would result in less potential noise and disturbance for the occupiers of neighbouring properties from the occupants of the development.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policies ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

Parking

The Highways Planning Manager has reviewed the application. The residents of the existing HMO would have been eligible to purchase an on-street residential car parking permit, which would increase the demand for on-street car parking in the area. As there would be a decrease in the number of residents, the proposed development would decrease on-street parking demand.

The applicant also has three parking spaces available. Given the decrease in parking demand, these three spaces would be acceptable for the six units proposed, in accordance with policies TRANS21 and TRANS23 of the UDP.

Cycle Parking

Policy 6.9 of the London Plan (FALP 2015) requires provision of a minimum of 12 cycle parking spaces for the new residential units. However, the submitted drawings only indicate 6 cycle parking spaces, resulting in a shortfall of 6 spaces. There appears to be no reason why these spaces could not be provided on-site. Were the development otherwise acceptable, a condition would be imposed requiring the provision of these spaces on-site. Subject to this condition, the proposal would be consistent with policy 6.9 of the London Plan.

Waste

The Cleansing Manager notes that sufficient refuse and recycling storage would be provided on-site. Were the development otherwise acceptable, a condition would be imposed requiring the ongoing provision and maintenance of this storage.

8.5 Economic Considerations

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

8.6 Access

The proposal would include a lift, which would improve disabled access to this building. However, the provision of this lift would not be a public benefit that would outweigh the harm to this heritage asset, as identified above.

8.7 Other UDP/Westminster Policy Considerations

None.

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.

The estimated CIL payment would be zero.

8.11 Environmental Impact Assessment

The EIA regulations are not applicable to development of this scale.

8.12 Other Issues

Construction Impact

Objections have been raised to the construction impact of the proposed development. However, it is a longstanding principle that planning permission cannot be refused due to the construction impact of development. This is because of the short term nature of these impacts and the ability to control them via condition. Were the development otherwise acceptable, a condition would be imposed to limit construction hours.

9. BACKGROUND PAPERS

1. Application form.
2. Response from South East Bayswater Residents Association dated 6 June 2016.
3. Email from Historic England dated 16 May 2016.
4. Memo from the Cleansing Manager dated 20 May 2016.
5. Memo from the Highways Planning Manager dated 26 May 2016.
6. Emails from the Response from EH Consultation dated 2 June 2016 and 27 July 2016.
7. Letter from occupier of 33 Westbourne Terrace dated 22 May 2016.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

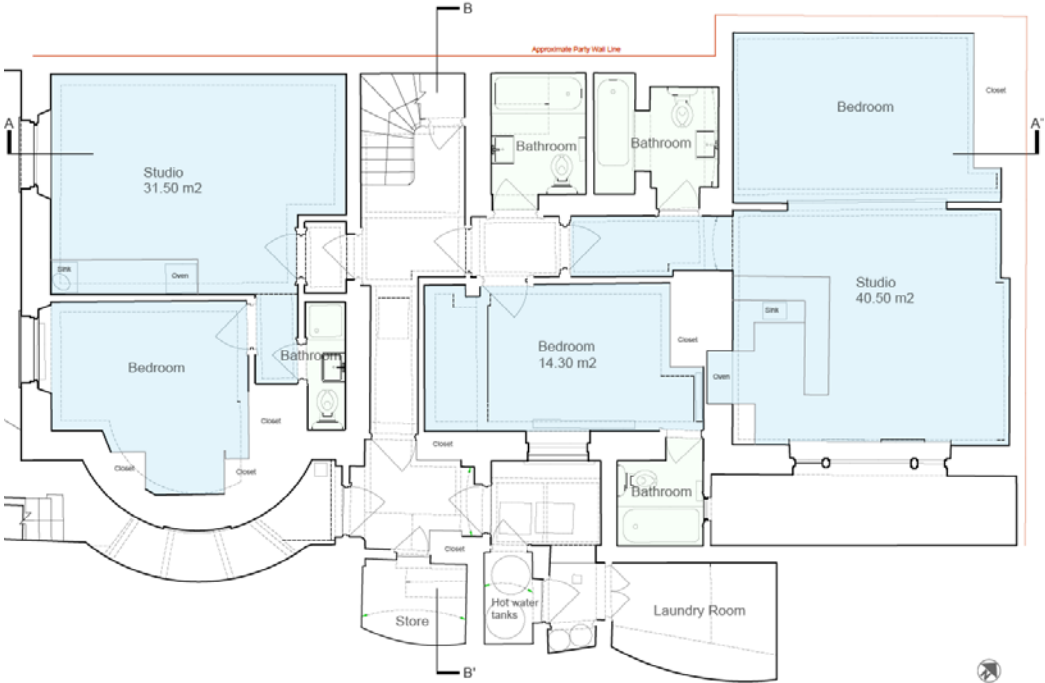
Existing South Elevation



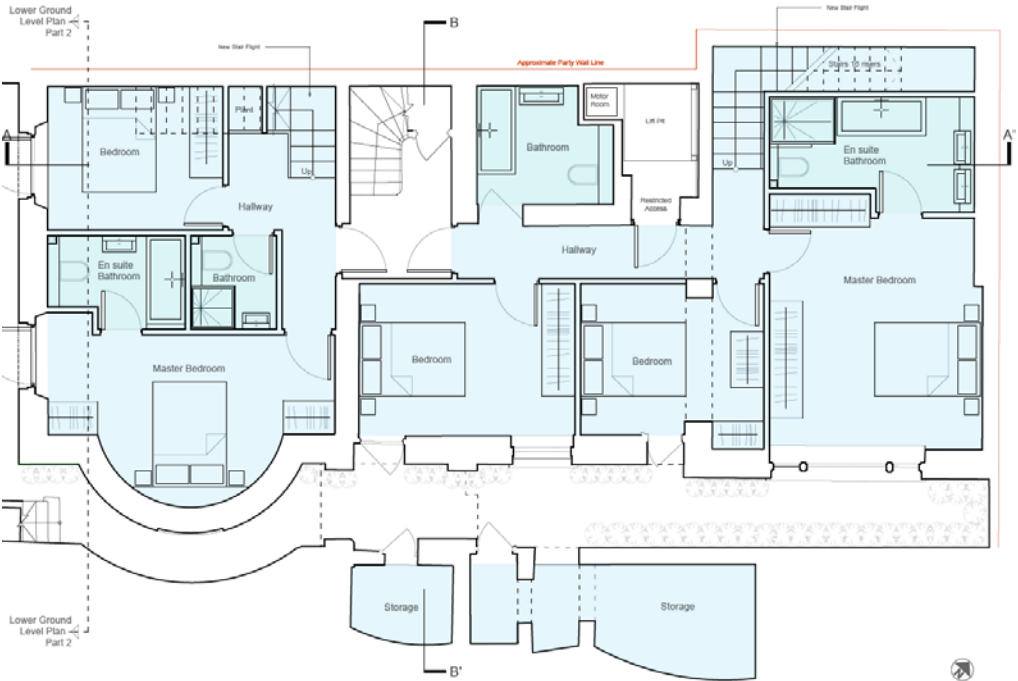
Proposed South Elevation



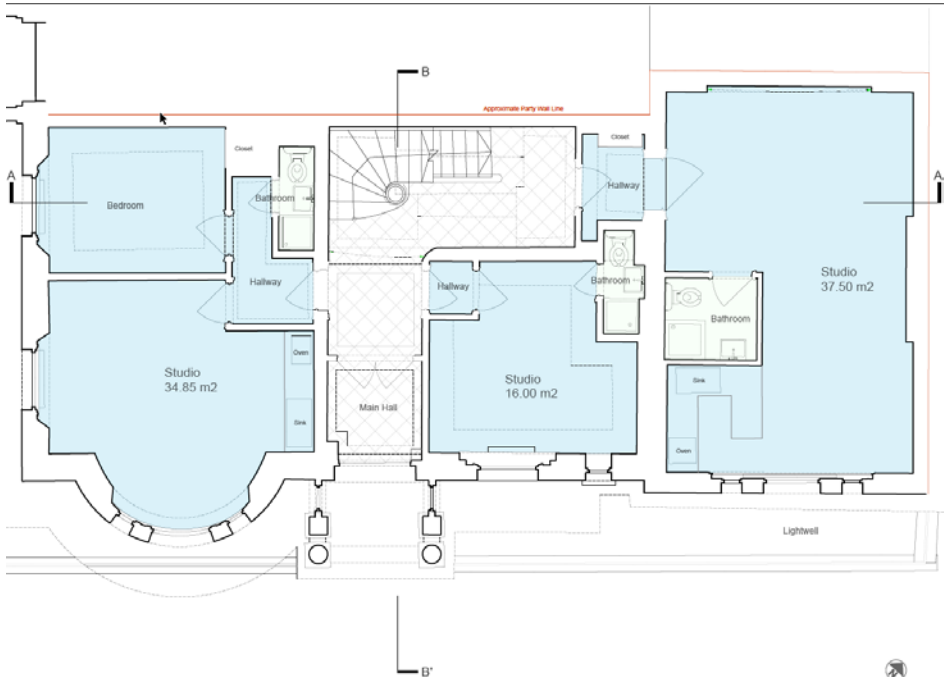
Existing Lower Ground Floor



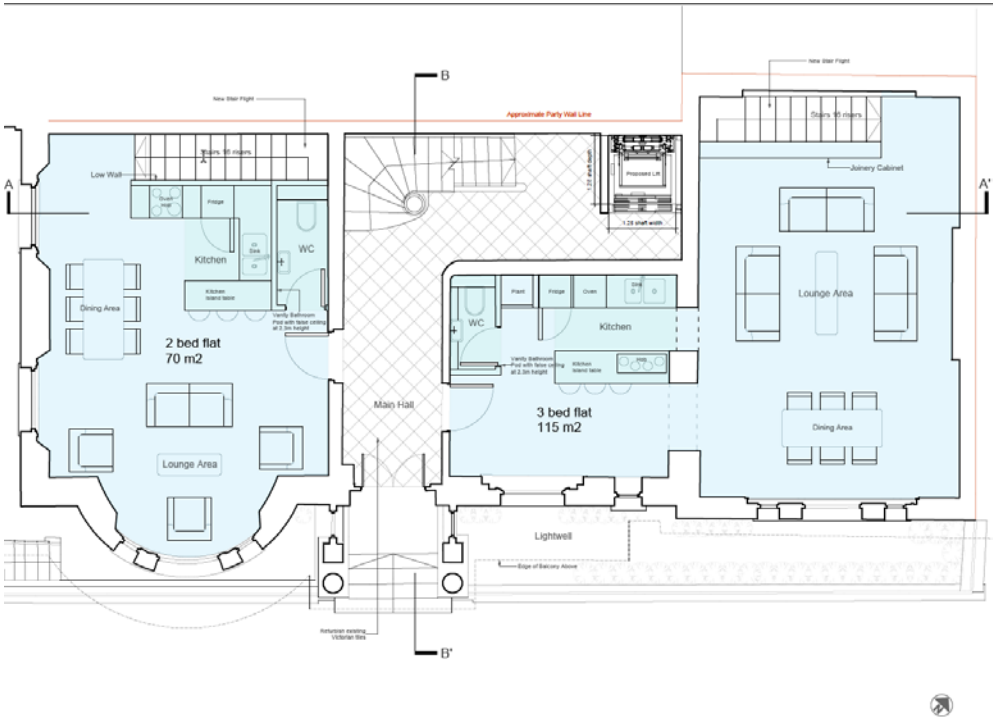
Proposed Lower Ground Floor



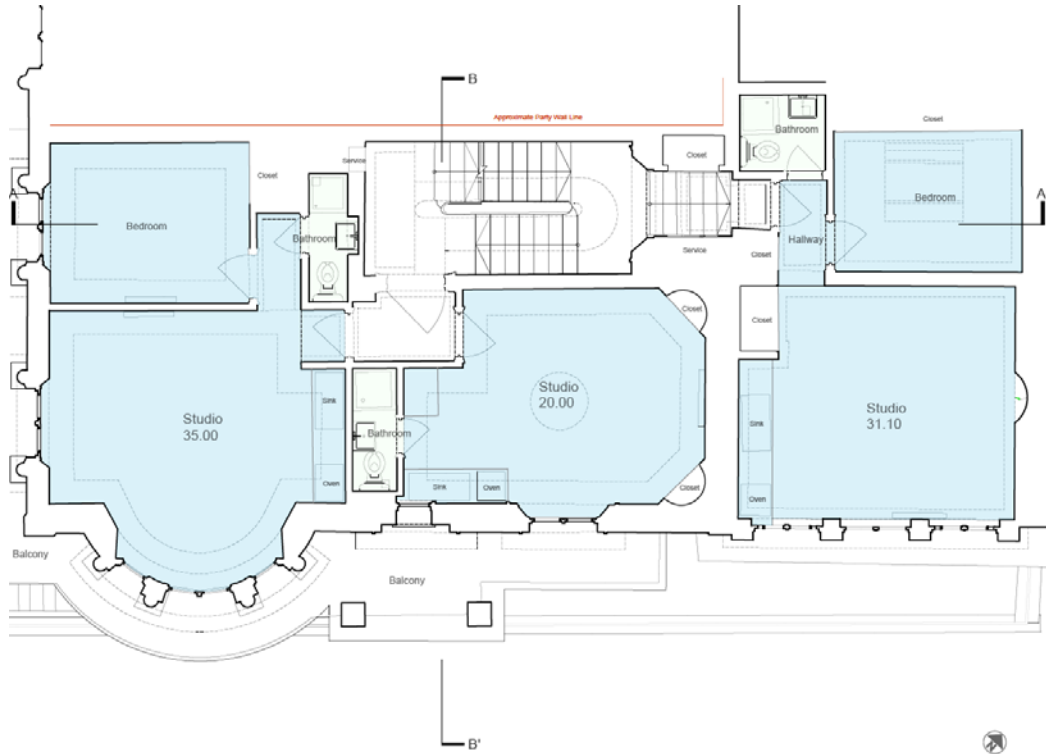
Existing Ground Floor



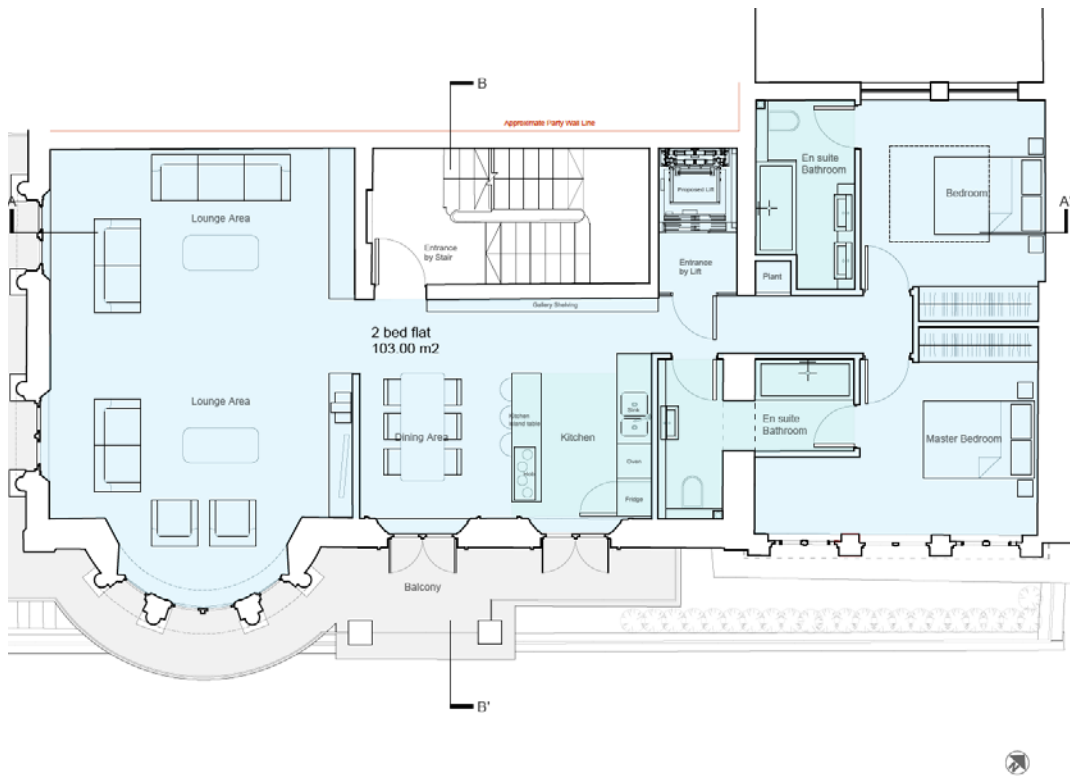
Proposed Ground Floor



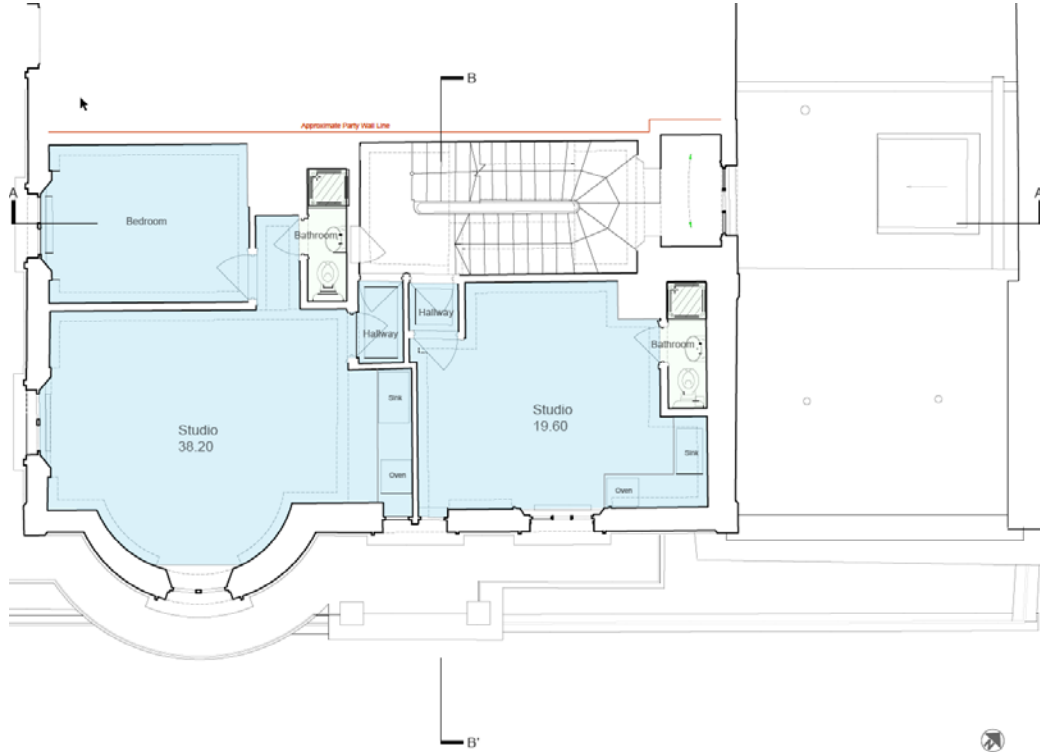
Existing First Floor



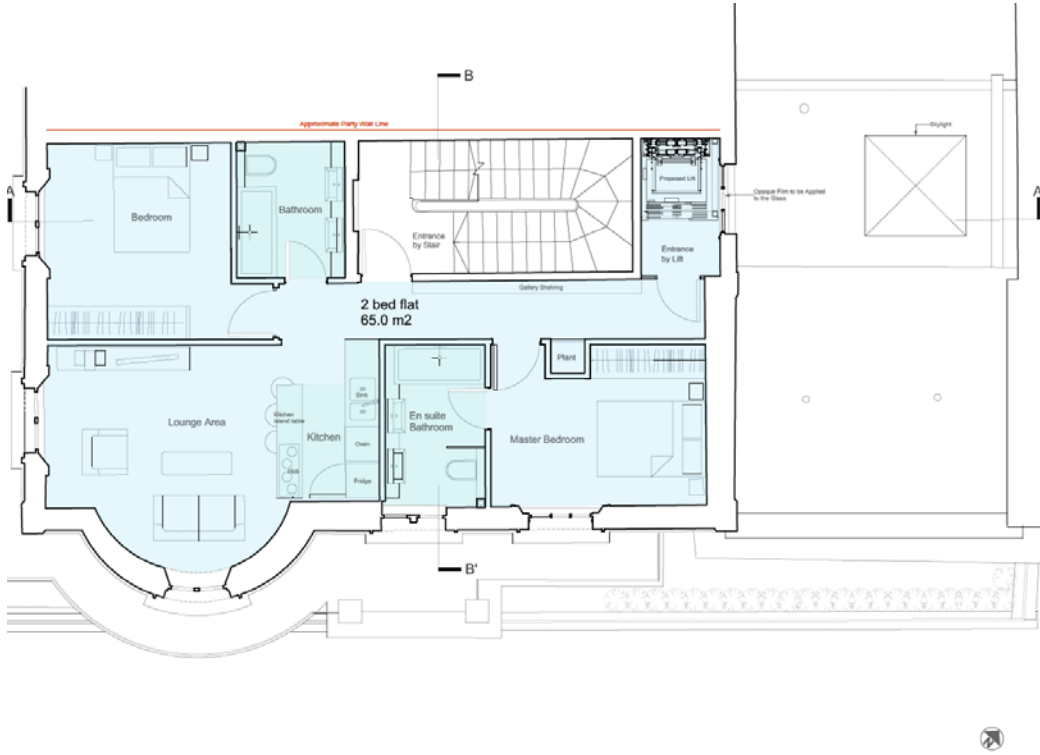
Proposed First Floor



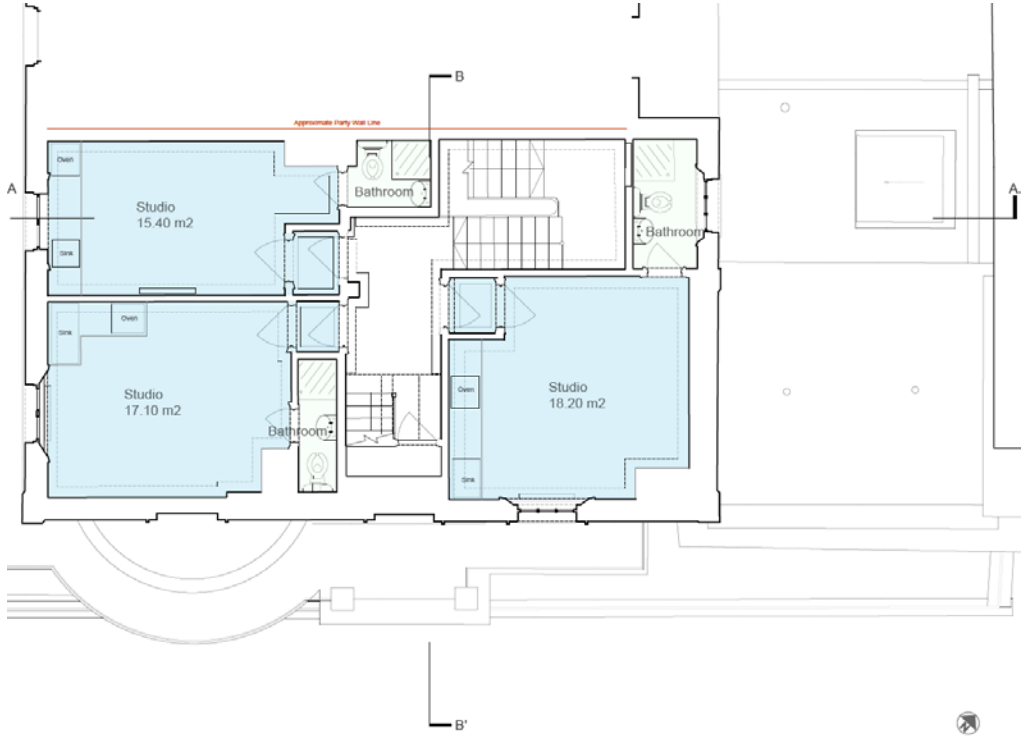
Existing Second Floor



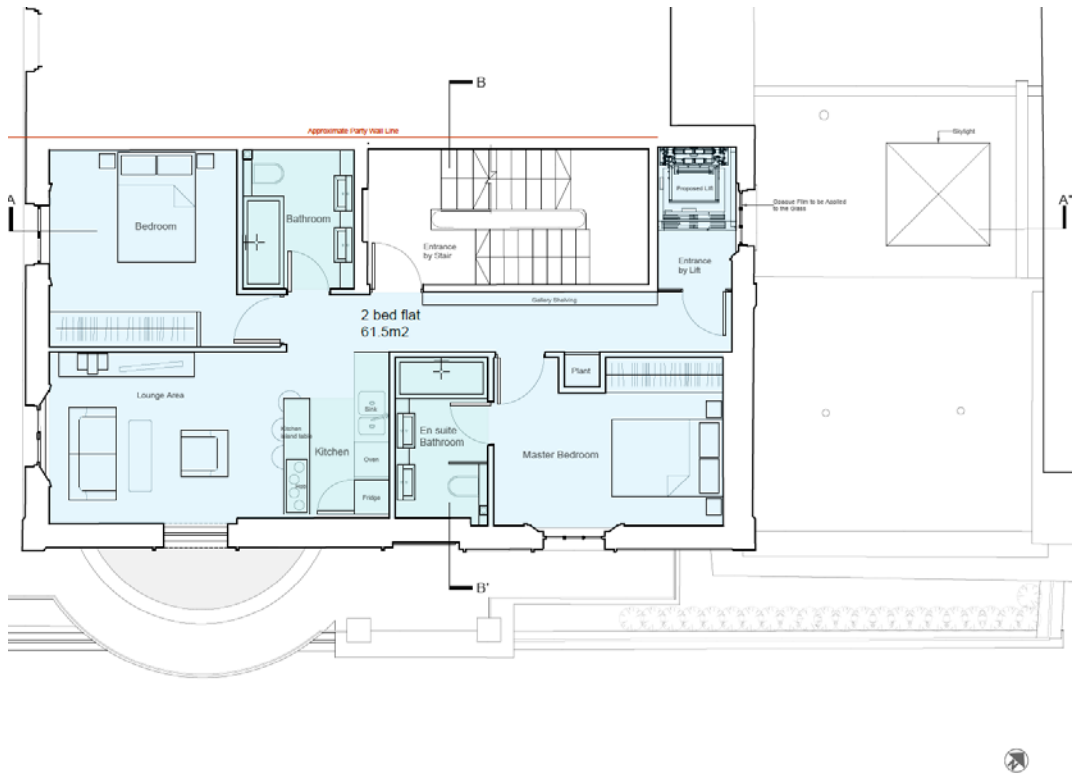
Proposed Second Floor



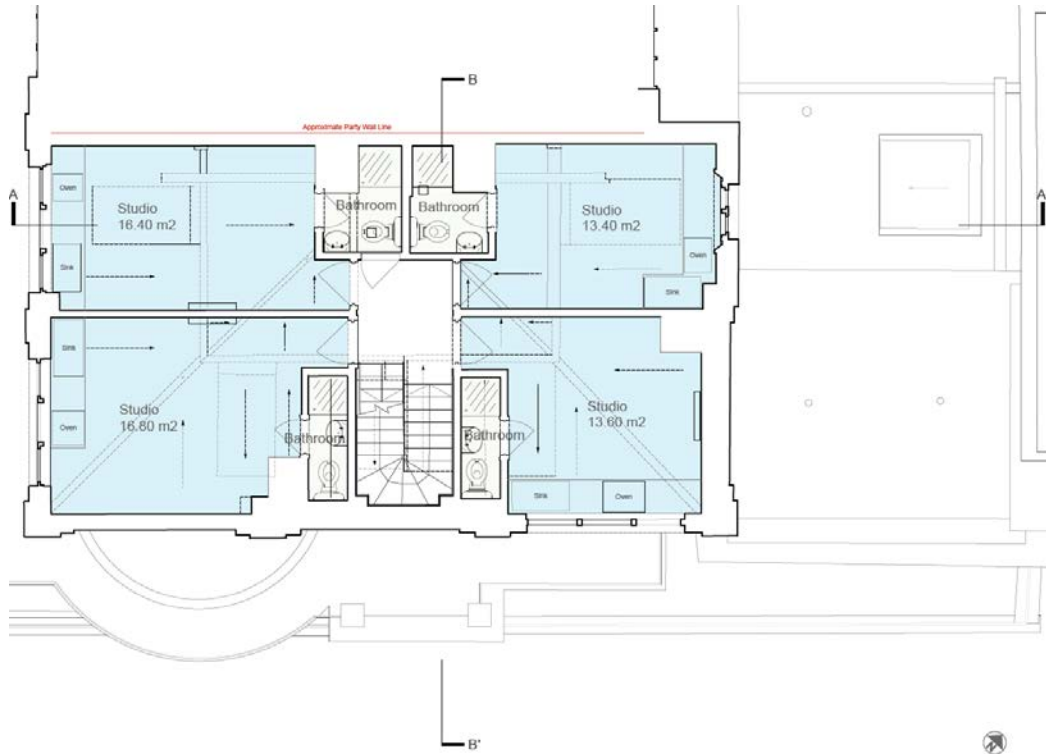
Existing Third Floor



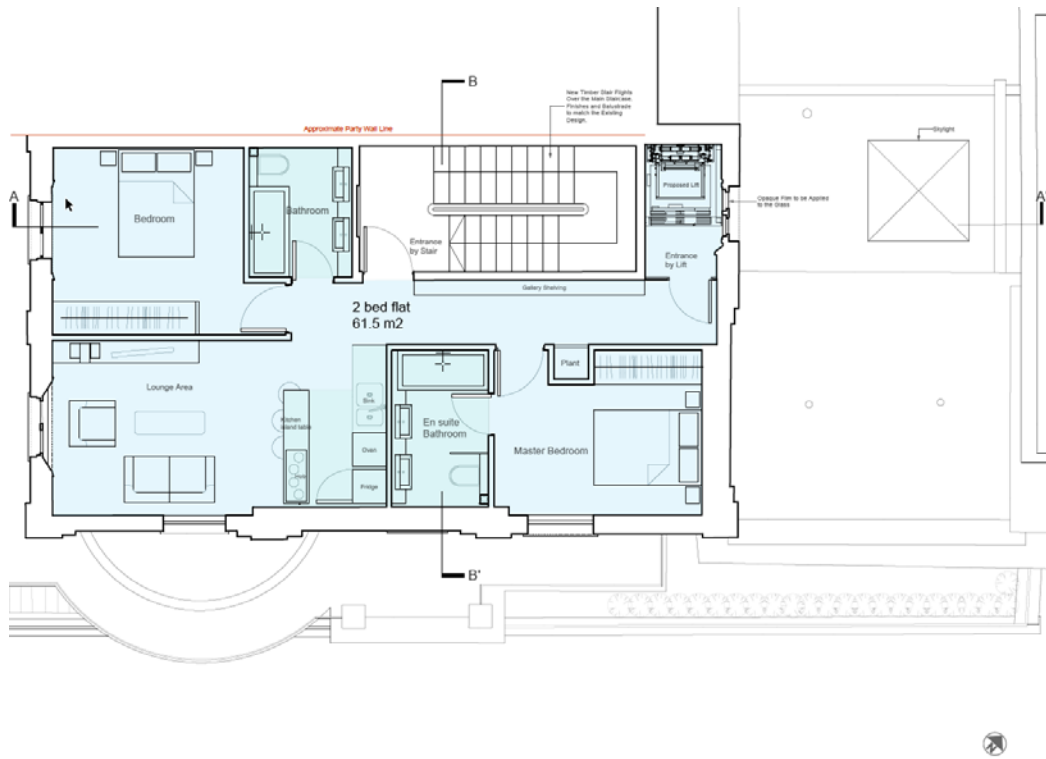
Proposed Third Floor



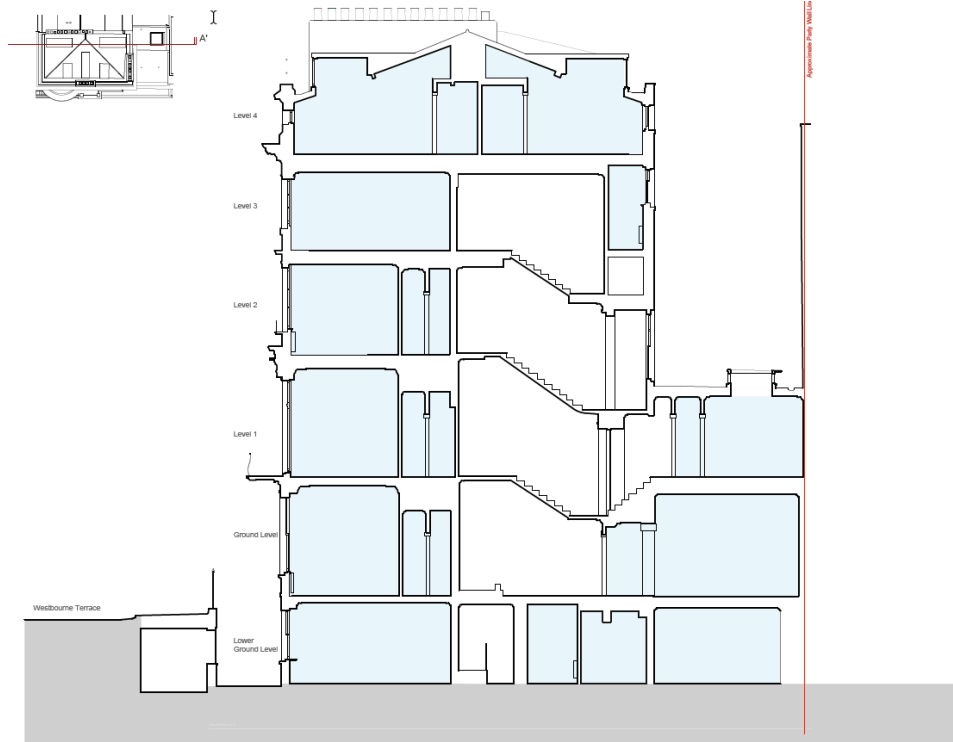
Existing Fourth Floor



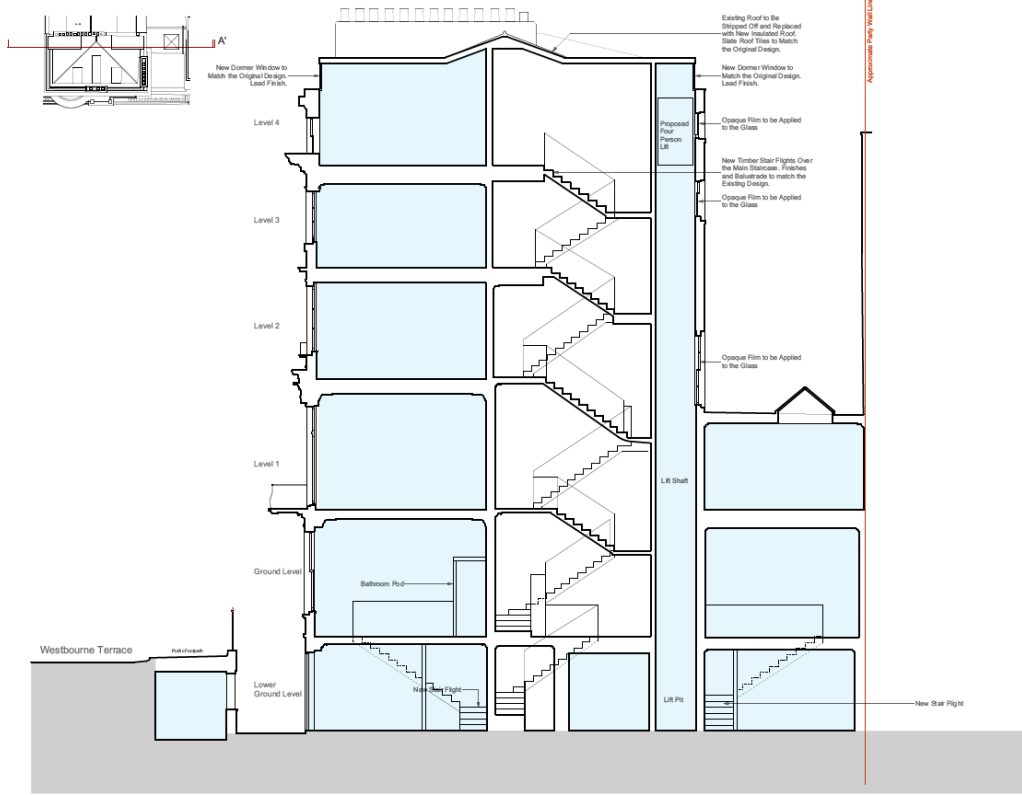
Proposed Fourth Floor



Existing Section



Proposed Section



DRAFT DECISION LETTER

- Address:** 33 Westbourne Terrace, London, W2 3UR,
- Proposal:** Internal works to the building including the installation of a new lift associated with the reconfiguration of the existing residential accommodation to provide six residential dwellings. External works to include the replacement of windows, new windows, secondary glazing, works at roof level, provision of cycle and car parking spaces and associated refuse areas.
- Reference:** 16/03029/FULL
- Plan Nos:** A0001 Rev F, A0001b Rev F, A1000b Rev F, A0003 Rev F, A0003b Rev F, A1000 Rev F, A1001 Rev F, A1001b Rev F, A1002 Rev F, A1002b Rev F, A1003 Rev F, A1004 Rev F, A1005 Rev F, A1006 Rev F, A1007 Rev F, A1101 Rev F, A1101b Rev F, A1102 Rev F, A1103 Rev F, A1104 Rev F, A1105 Rev F, A1106 Rev F, A1107 Rev F, A1200 Rev F, A1201 Rev F, A1202 Rev F, A1210 Rev F, A1211 Rev F, A1212 Rev F, A1300 Rev F, A1300 Rev F, A1311 Rev F, A2101 Rev F, A2101b Rev F, A2102 Rev F, A2102b Rev F, A2103 Rev F, A2104 Rev F, A2105 Rev F, A2106 Rev F, A2107 Rev F, A3000 Rev F, A3001 Rev F, A3002 Rev F, A3100 Rev F, A3101 Rev F, A5000 Rev F, A0001d Rev F, A3201 Rev F, A3202 Rev F, A3203 Rev F, A3204 Rev F, A3205 Rev F, A3206 Rev F; Design and Access Statement by Stephan Reinke Architects Limited; Heritage Statement by Donald Insall Associates, Structural Survey by Structa; Planning Statement by DP9; Transport Assessment by JMP Consultants Limited.

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s):

- Reason:
- 1 The proposal would result in the loss of a House in Multiple Occupation which would not meet Policy S15 of Westminster's City Plan (July 2016) and Policy H7 of our Unitary Development Plan that we adopted in January 2007.

- Reason:
- 2 Because of its height, location and materials, the glass balustrade would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 6, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC)

- Reason:
- 3 Because of their design/arrangement of glazing bars, the new windows to the Craven Road and Westbourne Terrace elevations at ground floor level would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 9, DES 10 (A) and paras

10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC)

Reason:

- 4 Because of the loss of the existing windows and the design of the doors, the removal of windows and replacement of doors to lower ground floor level on the Westbourne Terrace elevation would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC)

Reason:

- 5 Because of its size, design and location, the enlarged dormer window to the Westbourne Terrace elevation would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 6, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 You are advised that, had the applications been considered acceptable, further details and/or a condition would be imposed requiring the new windows to be single glazed

DRAFT DECISION LETTER

- Address:** 33 Westbourne Terrace, London, W2 3UR,
- Proposal:** Internal works to the building including the installation of a new lift associated with the reconfiguration of the existing residential accommodation to provide six new residential dwellings. External works to include the replacement of windows, new windows, secondary glazing, works at roof level, provision of cycle and car parking spaces and associated refuse areas.
- Reference:** 16/03030/LBC
- Plan Nos:** A0001 Rev F, A0001b Rev F, A1000b Rev F, A0003 Rev F, A0003b Rev F, A1000 Rev F, A1001 Rev F, A1001b Rev F, A1002 Rev F, A1002b Rev F, A1003 Rev F, A1004 Rev F, A1005 Rev F, A1006 Rev F, A1007 Rev F, A1101 Rev F, A1101b Rev F, A1102 Rev F, A1103 Rev F, A1104 Rev F, A1105 Rev F, A1106 Rev F, A1107 Rev F, A1200 Rev F, A1201 Rev F, A1202 Rev F, A1210 Rev F, A1211 Rev F, A1212 Rev F, A1300 Rev F, A1300 Rev F, A1311 Rev F, A2101 Rev F, A2101b Rev F, A2102 Rev F, A2102b Rev F, A2103 Rev F, A2104 Rev F, A2105 Rev F, A2106 Rev F, A2107 Rev F, A3000 Rev F, A3001 Rev F, A3002 Rev F, A3100 Rev F, A3101 Rev F, A5000 Rev F, A0001d Rev F, A3201 Rev F, A3202 Rev F, A3203 Rev F, A3204 Rev F, A3205 Rev F, A3206 Rev F; Design and Access Statement by Stephan Reinke Architects Limited; Heritage Statement by Donald Insall Associates, Structural Survey by Structa; Planning Statement by DP9

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s):

- Reason:
- 1 Because of its height, location and materials, the glass balustrade would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

- Reason:
- 2 Because of their design/arrangement of glazing bars, the new windows to the Craven Road and Westbourne Terrace elevations at ground floor level would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

- Reason:
- 3 Because of the loss of the existing windows and the design of the doors, the removal of windows

and replacement of doors to lower ground floor level on the Westbourne Terrace elevation would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

Reason:

- 4 Because of its size, design and location, the enlarged dormer window to the Westbourne Terrace elevation would harm the 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 Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)

Reason:

- 5 Because of the loss of historic fabric, the harm to the character of the staircase space, the impact upon the layout and circulation space to the building and the lack of structural justification, the insertion of a lift between ground and fourth floor levels and corridor partitions associated with the creation of the circulation routes for the lift would harm the character of this grade 2 listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraphs 6.18, 6.19, 6.20, 6.23, 6.27, 6.33 and 6.34 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

- 6 Because of the loss of historic plan form and impact on the character of the existing ground to third floor level staircase, the creation of a new timber staircase from third to fourth floor levels would harm the character and appearance of this grade 2 listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraphs 6.18, 6.19 and 6.23 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

- 7 Because of the impact upon the ground floor eastern room including its plan form and volume/character, the new staircase from the ground floor eastern room into lower ground floor level would harm the character of this grade 2 listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraphs 6.18, 6.19, 6.20 and 6.23 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Informative(s):

- 1 You are advised that, had the applications been considered acceptable, further details and/or a condition would be imposed requiring the new windows to be single glazed. You are further advised that, had the applications been considered acceptable further clarification would have been sought on whether or not the fabric to the doorways between the ground floor hallway and both the main central room and the main western room to ground floor level were original or of historic interest, and if so any approval of listed building consent would have been conditioned to be re-used to the new doors and door surrounds to the new openings.

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

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Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	North Carriage Drive, London, W2 2LP,		
Proposal	Creation of a segregated cycle route running through North Carriage Drive in Hyde Park as part of the East - West Cycle Superhighway and associated works.		
Agent	Abigail Kos		
On behalf of	TfL		
Registered Number	16/02814/FULL	Date amended/ completed	30 March 2016
Date Application Received	30 March 2016		
Historic Building Grade	Hyde Park Grade I registered landscape.		
Conservation Area	Royal Parks		

1. RECOMMENDATION

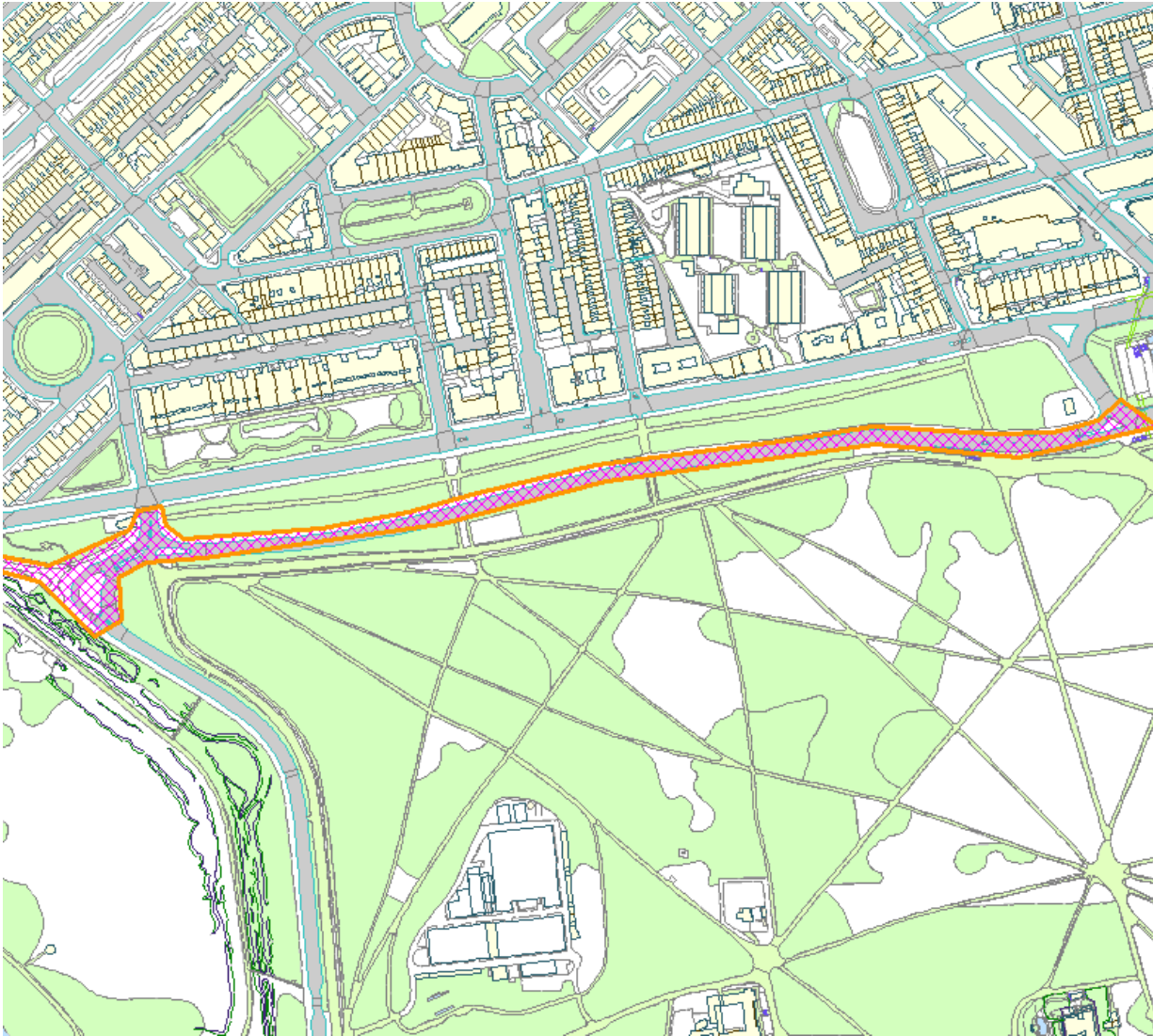
Grant conditional permission.

2. SUMMARY

<p>The application is for works to North Carriage Drive within Hyde Park, to form part of the East-West cycle superhighway (EWCSH). It is proposed to create a segregated cycle route running adjacent to the southbound carriageway, separated from vehicles by a raised kerb.</p>

<p>The application is supported in planning terms given the wider benefits of the proposed cycle superhighway, subject to the conditions set out in the draft decision letter.</p>
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3. LOCATION PLAN



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4. PHOTOGRAPHS



North Carriage Drive (looking east)

5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation received to determine in line with national and local guidance.

THE KNIGHTSBRIDGE ASSOCIATION

No objection.

FRIENDS OF HYDE PARK AND KENSINGTON GARDENS

Any response to be reported verbally.

LONDON HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally.

THE LICENCED TAXI DRIVERS ASSOCIATION

Any response to be reported verbally.

ARBORICULTURAL MANAGER

No objection.

HIGHWAYS PLANNING MANAGER

No objection – subject to TfL response on the pedestrian/cycle crossing point between North Carriage Drive and West Carriage Drive.

ADJOINING OWNERS/OCCUPIERS

Number consulted: 0

Number of responses: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site runs west from West Carriage Drive along North Carriage Drive, meeting Bayswater Road at Cumberland Gate.

6.2 Recent Relevant History

12 April 2016 – Permission granted for a 'segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive'.

17 May 2016 – Permission granted for the construction of the cycle superhighway and associated works in the following locations

1. South Carriage Drive (16/01965/FULL)
2. Constitution Hill (16/00090/FULL)
3. Spur Road/Birdcage Walk (16/00250/FULL)

7. THE PROPOSAL

This proposal forms part of the East-West Cycle Superhighway Scheme currently being implemented by Transport for London on behalf of the Mayor. The East-West superhighway runs from Tower Hill to Paddington (with TfL consulting on extending the route beyond Paddington). A large section of the route proposed runs through the Royal Parks within Westminster, incorporating a route through St James's Park, Green Park and Hyde Park. This application comprises North Carriage Drive, running between West Carriage Drive and Cumberland Gate.

The proposed cycle route runs to the south side of the carriageway and is separated from vehicles by a raised kerb. The section joining West Carriage Drive with North Carriage Drive requires the removal of 3 trees (2 limes and a maple). The segregated path then runs alongside the north side of the carriageway until it meets Cumberland Gate, at which point it rejoins public highway.

TfL do not consider that the works require planning permission as they believe that the construction of the cycle superhighway falls within 'permitted development' rights for highway authorities under Section 55 of the Town and Country Planning Act.

The maintenance and improvement of the public highway are generally exempt from the need for planning permission if undertaken by a local highway authority pursuant to s55 of the Act. In this instance however TfL is not the local highway authority for the Royal Parks, nor are the roads in question public highway, and as a consequence the City Council takes the view that planning permission is required. On land outside the Royal Parks, the council is satisfied that the normal s55 rights can apply to TfL and to other local highway authorities such as the City Council, acting as its agent.

Although TfL do not agree with the City Council's view that permission is required for the Cycle Superhighway within the boundaries of the Royal Parks, they agreed to submit applications for planning permission where the works are on land owned by the Royal Parks.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change of use is proposed as such there are no land use issues to consider.

8.2 Townscape and Design

The palette of materials proposed for the works to the footway, highway and proposed cycle route is a combination of asphalt, bauxite, granite setts and bonded gravel. These are considered appropriate to the surroundings and wider Conservation Areas. The works are not considered to have any impact upon the setting of any listed structure near the proposed route within the Royal Parks.

The finish of the asphalt to the cycle superhighway is generally blue, however, given the sensitivities of the surrounding environment, a scheme more consistent with the Royal Parks roads is considered preferable in this location.

The works are acceptable in design and conservation terms, in line with policies S25 and S28 of the City Plan and DES1, DES9, DES10 and DES12 of the UDP.

8.3 Residential Amenity

The route is well away from any residential properties and it is not considered the proposal has any potential to have a negative impact on the amenity of local residents.

8.4 Transportation/Parking

Policy S41 relates to pedestrian movement and sustainable transport, aiming to support walking and other sustainable transport modes, including cycling. UDP policy TRANS 9 aims to make cycling safer and to promote cycling as an alternative to the private car. Part A(1) of this policy states that the City Council will implement traffic management measures to aid cyclists and improve safety such as cycle lanes or advance stop lines. TRANS 2 (road safety) and TRANS 3 (pedestrians) are also of relevance.

There will be no loss of on street parking as a result of the proposals.

While there are no physical works proposed to Westminster's own highway and the proposals to aid cyclists may not be controversial in themselves, the overall scheme makes North Carriage Drive (NCD) one-way eastbound for general traffic, which will inevitably divert traffic that currently uses it westbound onto Westminster highway - Bayswater Road in particular.

The application does not appear to mention this, other than to show it on the plans and there is no assessment of the effects of doing it included with the application. The highways planning manager comments that the road is often closed when events are occurring in Hyde Park, and that in any event, NCD could be made one way without requiring the City Council's permission under any planning or highways legislation.

An issue that the City Council raised when consulted by TfL on the potential changes to North Carriage Drive, was with the operation of the pedestrian and cycle crossing facility at the junction of West Carriage Drive (WCD) with NCD, with the potential for traffic queueing back onto Bayswater Road. The highways planning manager does not consider that this has been fully addressed in this application – at the time of writing officers are still awaiting TfL's clarification on this point and this will be reported verbally.

Given the specific policies with the London Plan and Westminster's statutory development plans in relation to cycling and segregated routes, the proposed cycle route is welcomed and is supported by the highways planning manager.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

It is not considered that the proposed cycle superhighway will prevent people accessing the parks or travelling through them, and the proposals are in line with S29 Health, Safety and Wellbeing.

8.7 Other UDP/Westminster Policy Considerations

Trees

Consent has already been given by the City Council to replace the 3 trees affected by the proposed superhighway.

Biodiversity

Again, given that new surfacing generally replaces existing hard standing, it is not considered that there will be any undue impact on the biodiversity found in the parks. The main impact is likely to be during construction works, which will only be temporary.

8.8 London Plan

Of particular relevance in the consideration of this application are policies 6.1 and 6.9. Policy 6.1 encourages close integration between transport and development, part b aims to "improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand". Policy 6.9 relates specifically to cycling, stating that the Mayor will "identify, promote and implement a network of cycle routes across London which will include Cycle Superhighways and Quietways". Paragraph 6.36 states that the aim of the Mayor is to enhance the conditions for cycling by improving the quality of the cycling network and improving the safety of, priority for and access to cycling"

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The applicant has provided an 'environmental evaluation report' covering issues including biodiversity, cultural heritage, townscape, noise and vibration, emissions and water resources.

The principal impacts not already discussed in this report are noise/ vibration and air quality.

In terms of noise, an assessment for impacts along the whole East-West route was carried out. In this park location, the report concludes that there would be a very slight decrease in noise levels from this road after the works are completed.

In terms of air quality, there is projected to be a slight improvement following the completion of works. There will be a short term potential increase in noise, vibration and diminution in air quality during construction work, however this is a temporary effect.

9. BACKGROUND PAPERS

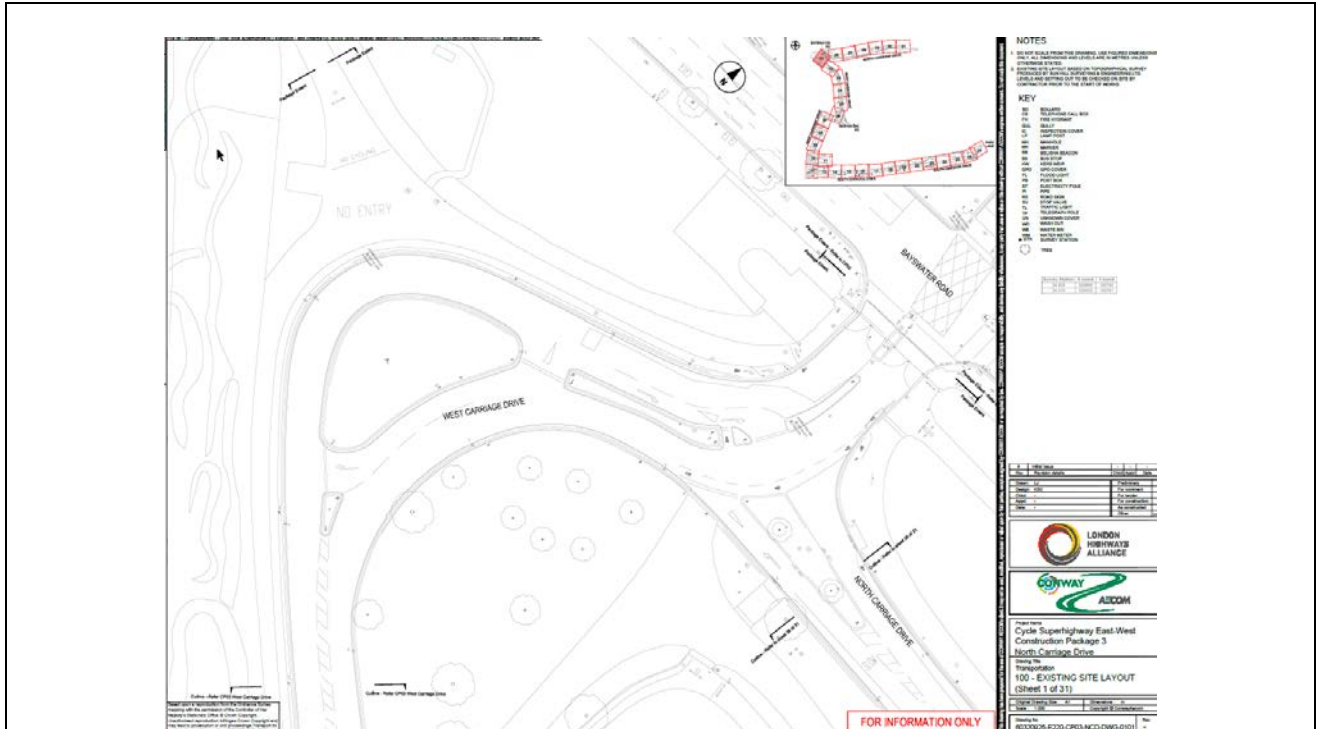
1. Application form.
2. Response from Knightsbridge Association, dated 21 April and 5 August 2016.
3. Response from Historic England (Listed Builds/Con Areas), dated 26 April 2016.
4. Memorandum from the Highways Planning Manager dated 28 July 2016.
5. Memorandum from the Arboricultural manager dated 17 May 2016.

Selected relevant drawings

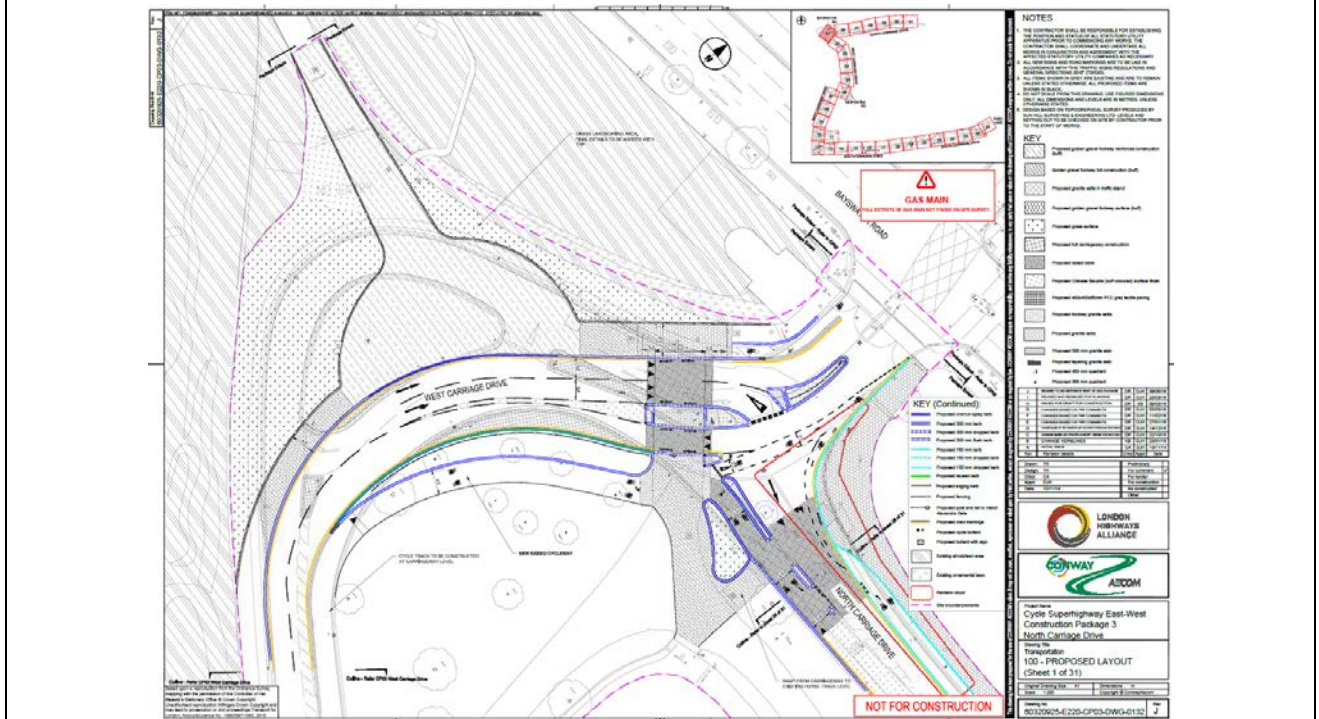
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS



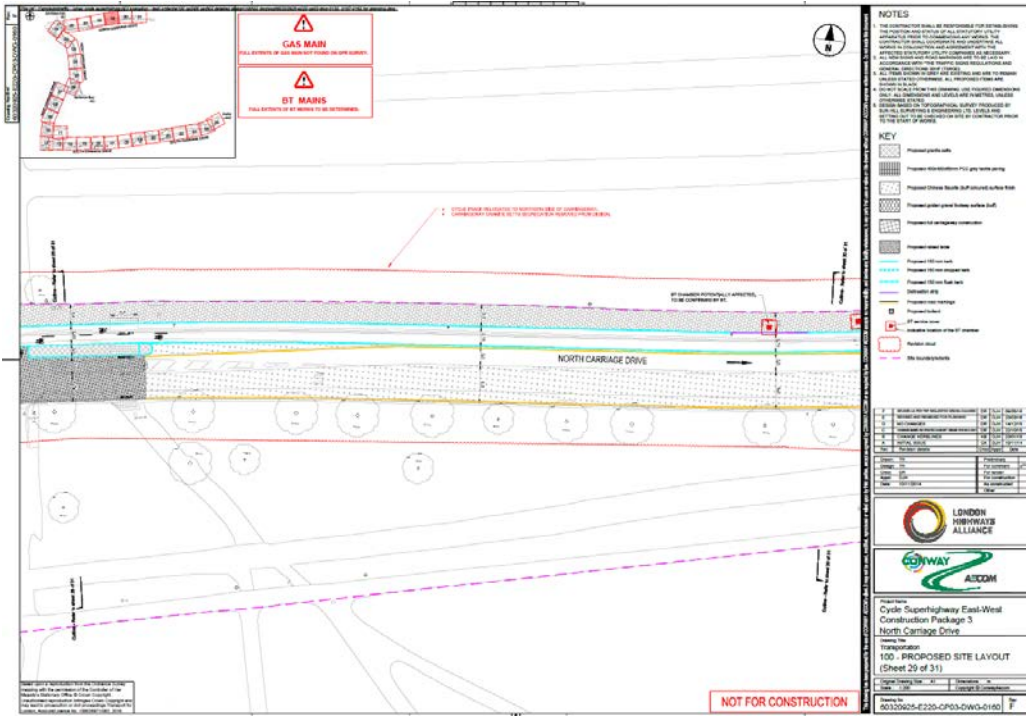
Existing Victoria Gate (junction of North Carriage Drive and West Carriage Drive)



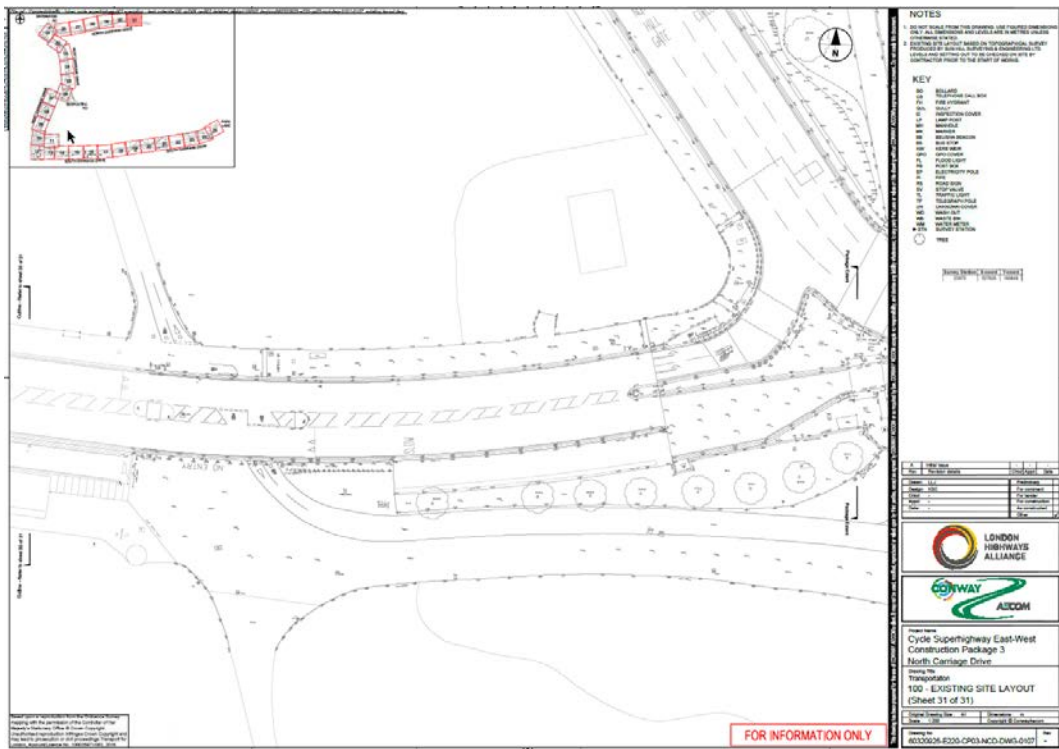
Proposed Victoria Gate junction



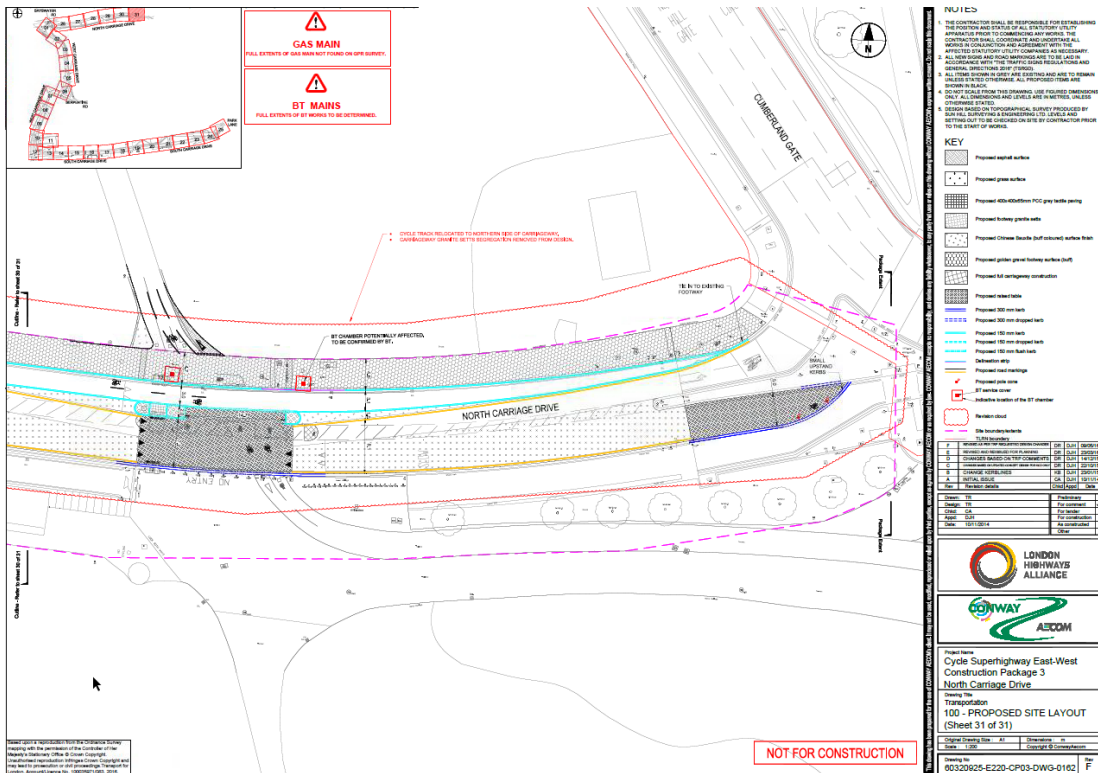
Existing North Carriage Drive



Proposed typical layout of North Carriage Drive



Existing Cumberland Gate layout



Proposed Cumberland Gate layout (where NCD meets Marble Arch)

DRAFT DECISION LETTER

Address: North Carriage Drive, London, W2 2LP,

Proposal: Creation of a segregated cycle route running through North Carriage Drive in Hyde Park as part of the East - West Cycle Superhighway and associated works.

Reference: 16/02814/FULL

Plan Nos: location plan; 60320925-E220-CP03-NCD-DWG-0101; 0102; 0103; 0104; 0105; 0106; 0107; 0132 rev I; 0157rev E; 0158 rev E; 0159 rev E; 0160 rev E; 0161 rev E; 0162 rev E; Environmental Evaluation Report dated December 2015.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Knightsbridge, London, SW1X 7LY,		
Proposal	Erection of glazed canopies and screens and public art installation to the front elevation.		
Agent	RPS CgMs		
On behalf of	Rhimesong Corporation NV		
Registered Number	16/04932/FULL	Date amended/ completed	1 June 2016
Date Application Received	25 May 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Refuse permission – design/townscape impact.

2. SUMMARY

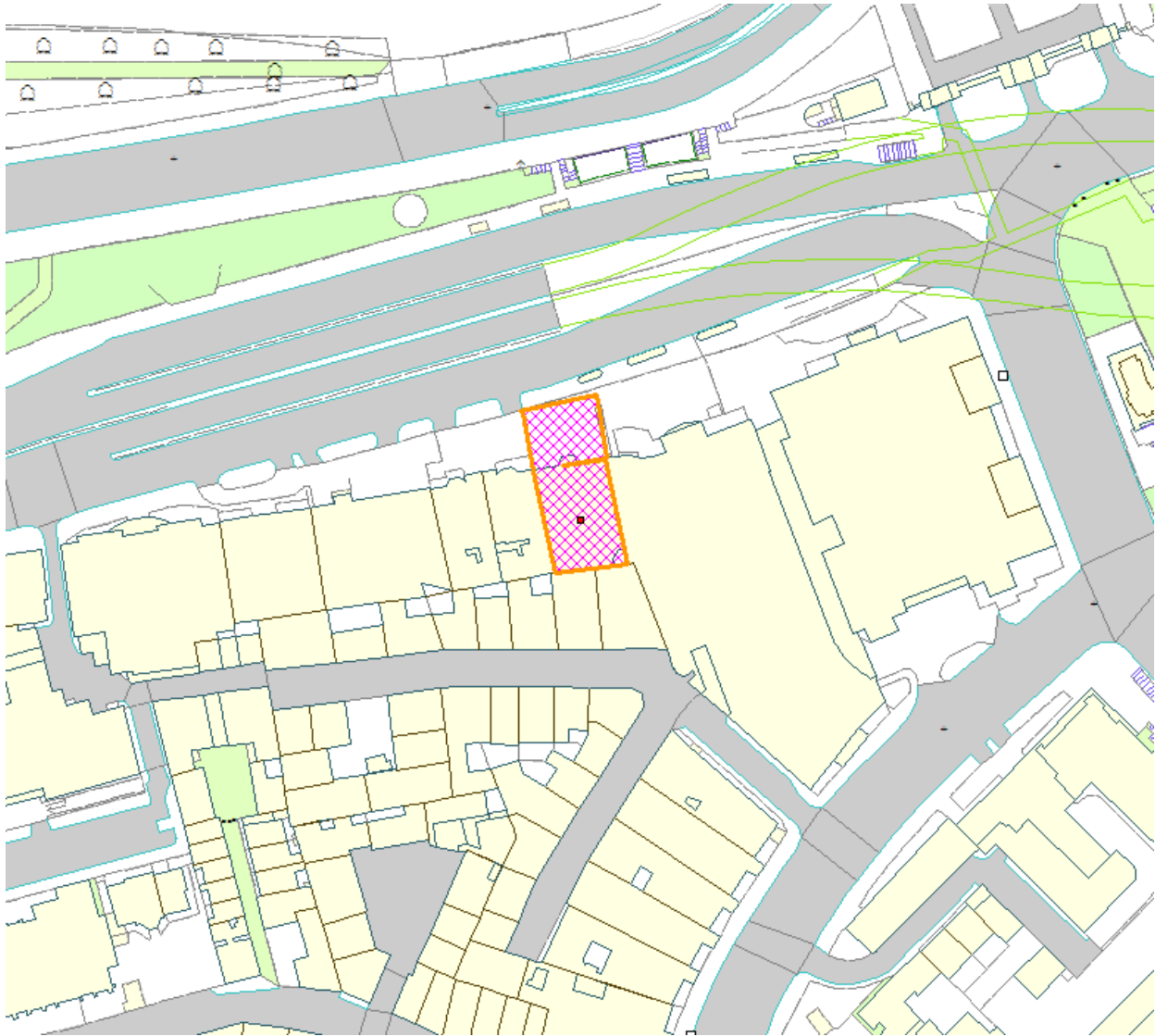
No. 11-13 Knightsbridge, The Wellesley Hotel, is located on the south side of Knightsbridge, opposite Hyde Park Corner. The site is an unlisted building of merit within the Knightsbridge Conservation Area.

Planning permission is sought for the replacement of unauthorised canopies/structures to the front elevation with glass canopies, glass screens and panels containing public art to create two enclosed cigar terraces.

The key issue in the determination of this application is the impact of the proposal on the character and appearance of the Knightsbridge Conservation Area.

The proposed glazed canopies, screens and public art are considered unacceptable in design and conservation terms, and are considered to be contrary to the City Council's design policies within Westminster's City Plan and the UDP.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 20

Total No. of replies: 2

No. of objections: 1

No. in support: 1

The Knightsbridge Association object on the grounds that the proposal would neither enhance or preserve the character or appearance of the Belgravia Conservation area and is detrimental to this 'unlisted building of merit' within the Belgravia Conservation Area Audit.

The Friends of Hyde Park and Kensington Gardens support the proposal on the grounds that the proposed screen blends discreetly into the street environment, while echoing aspects of the Park, particularly in the seed-like pods which make up the screen wall.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 11-13 Knightsbridge, The Wellesley Hotel, is located on the south side of Knightsbridge, opposite Hyde Park Corner. The site is an unlisted building of merit within the Knightsbridge Conservation Area.

6.2 Recent Relevant History

15/01009/FULL

Erection of glazed canopies and enclosures to the front elevation at ground floor level.
Application refused 19 May 2015 on design grounds.

11/04878/FULL

Erection of canopies over outdoor seating areas and minor works to the front elevation, forecourt treatment and boundaries.

Application Permitted 2 September 2011

7. THE PROPOSAL

The proposal seeks the erection of glazed canopies and screens and public art installation to the front elevation. These would replace the unauthorised solid canopies which

incorporate underside heaters and lighting, the glazed panels between the canopies of the entrance portico and the plastic green hedging within permanent planters.

The intention of the proposal is to enclose two terraces to the front of the property for use as cigar terraces.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the property is a hotel and there are no land use implications as a result of semi-enclosing the terraces.

8.2 Townscape and Design

The glass canopies would extend directly over the seating areas to the front of the premises which will be enclosed on all exposed sides by glass screens as well as vertical bronze fin panels on the flanking sides of the terraces. Directly to the front of the premises, two extensive pieces of public art will serve to partially conceal the glass screens and terraces behind.

Canopies:

The proposed canopies will be composed of five glass panes supported by four glass beam supports. Measuring approximately 6.69m x 4.7m the glass canopies are larger than those which have been installed, and are materially different from the retractable fabric awnings approved in 2011.

Screens:

Surrounding the exposed sides of the terraces, glass screens approximately 3m in height, serve to enclose the seating area, with only a modest gap of 1m between the canopies to provide ventilation (to enable their use for smoking/cigar terraces). On the flank sides of the terraces, vertical fins of bronze approximately 1.68m in height will provide additional screening and privacy.

Public Art:

Two panels of public art designed by artist Lee Simmons are proposed to be sited directly in front of the terraces and glass screens either side of the entrance portico, above a new granite dwarf wall. The screens will have an approximate height of 1.8m at their highest point.

Influenced by nature and Hyde Park, the art work comprises screens containing approximately 15,000 individual cast buds, which are a subtle reference to the Leslie Green façade, specifically the egg and dart detailing under the window arches. The buds could be capable of changing angles offering a potential for movement and will be cast in either bronze or aluminium to display neutral tones.

The City Council has repeatedly advised that the formalisation and enclosure of the terraces will be resisted in principle due to the concealment of the front facade of this building of merit and the introduction of visual townscape clutter.

Permission has previously been refused in May 2015 for unauthorised canopies and structures to the front elevation of the property. This included glass canopies and enclosures, which are comparable to that currently proposed, though incorporating retractable sun blinds. The scheme was refused due to its harmful impact on the character and appearance of the Knightsbridge Conservation Area.

Officers have consistently sought a scheme with less permanence, encouraging traditional retracting awnings and limited screening to provide a more exposed frontage and informal dining area. Whilst the public art appears to exhibit design quality, it is considered poorly placed on the hotel's forecourt which is often occupied by parked vehicles which would restrict public access.

8.3 Residential Amenity

The proposals raise no residential amenity concerns.

8.4 Transportation/Parking

Not relevant

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Proposals do not raise any access issues

8.7 Other UDP/Westminster Policy Considerations

The proposals are not considered to raise other UDP/Westminster policy issues.

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 Applicable

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

An enforcement notice has been issued requiring the removal of the existing unauthorised solid canopies, underside heaters and lighting, the glazed panels between the canopies of the entrance portico and the plastic green hedging within permanent planters. The time for compliance is nine months from the date the notice took effect on 16 August 2016.

9. BACKGROUND PAPERS

1. Application form.
2. Response from The Knightsbridge Association dated 9 June 2016
3. Response from Friends of Hyde Park and Kensington Gardens dated 20 June 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

10. KEY DRAWINGS

EXISTING ELEVATION
SCALE 1:50

0 1 2 3 4 5m

Gibberd

Gibberd Ltd		Architects of the Building & related Structures	
14, Clark Street, London, W1T 4JY	020 7533 1200	11 Bartsley Street, London, W1J 8DS	020 7533 1200
www.gibberd.co.uk	www.gibberd.co.uk		

make

FOR PLANNING

make
12 Cheekwood Street, London, W1T 4JY
Tel: +44 (0) 20 7533 1211
info@makearch.co.uk
www.makearch.co.uk

Arch Investments Ltd
11 Bartsley Street, London, W1J 8DS

Project:
The Walsley Hotel
Clipsh Terrace

Drawn by:
North Elevations

Scale:	1:50	Paper Size:	A1	Date:	23.01.15
Project No.:	1087	Draw No.:	A-7100	Rev No.:	01

General Notes:

1. Dimensions are in millimetres unless stated otherwise.
2. Levels are to normal AOD unless stated otherwise.
3. Dimensions given to the inside of opening.
4. All dimensions to be verified on site before proceeding.
5. All dimensions to be verified by setting to Mass Lines.

Notes in Blue Only

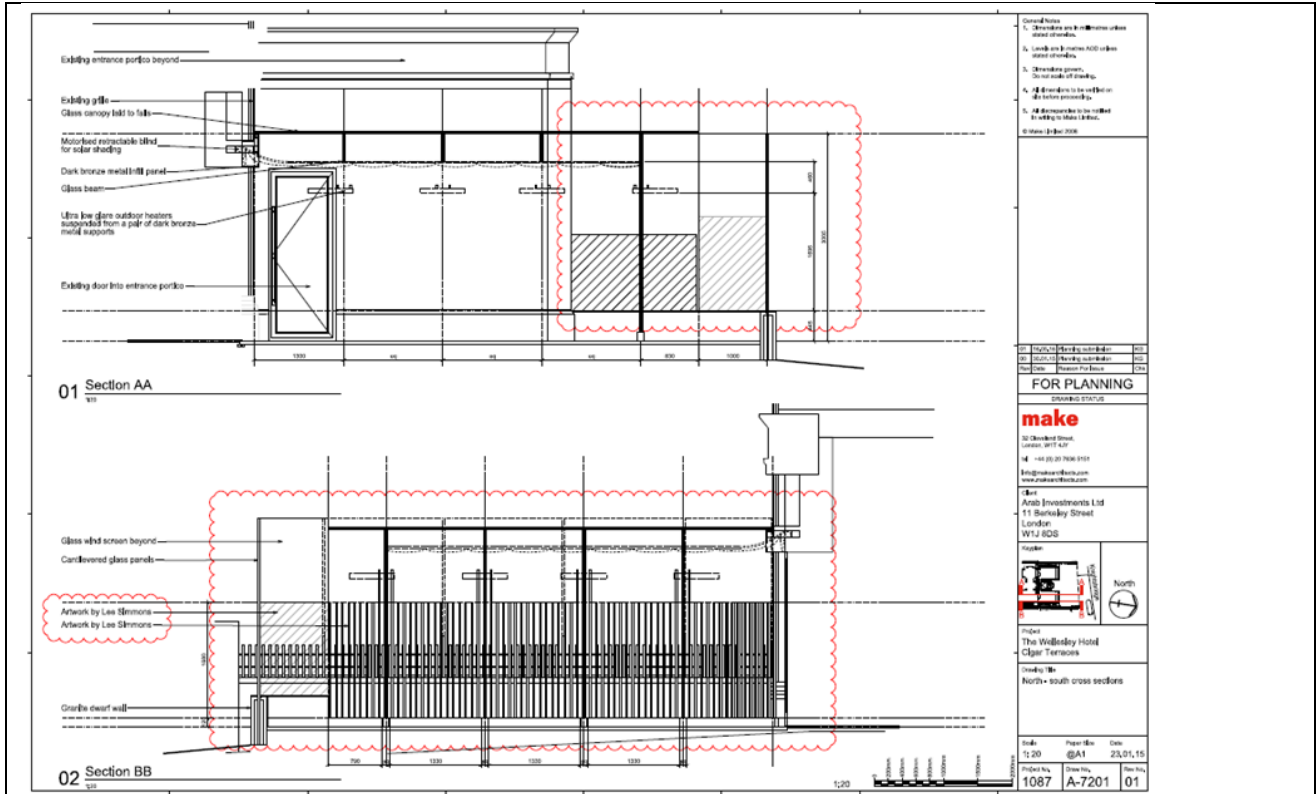
1. Confirm glass screen, Art screen by Lee Simmons

2. Hinged perspex door

3. Dark bronze post

4. Door fabricate to visually match granite dwarf wall

5. Granite dwarf wall



DRAFT DECISION LETTER

Address: 11 Knightsbridge, London, SW1X 7LY,

Proposal: Erection of glazed canopies and screens and public art installation to the front elevation.

Reference: 16/04932/FULL

Plan Nos: Site Location Plan; (PA)229; A-7200-01; A-7201-01; A-7100-01; A-7001-01; A-7000-01; LJS_WELL_19-05-16; LJS_WELL_20-05-16.
Design and Access Statement May 2016 Rev 02; The Wellesley Hotel Terraces Lee Simmons May 2016.

Case Officer: Jennie Humphrey

Direct Tel. No. 020 7641 4100

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

Because of their location, design and appearance the canopies, screens and public art would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES1, DES5, DES9 and DES7 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

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.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Vogue House, 1-2 Hanover Square, London, W1S 1JX,		
Proposal	Change of use of part ground and basement to office accommodation (Class B1) and relocation and expansion of the retail (Class A1) from St George Street to the corner of Hanover Square and St George Street and external alterations to facade.		
Agent	DP9		
On behalf of	CONDE NAST		
Registered Number	15/10420/FULL	Date amended/ completed	29 October 2015
Date Application Received	29 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse planning permission – loss of Class A2 floor space.

2. SUMMARY

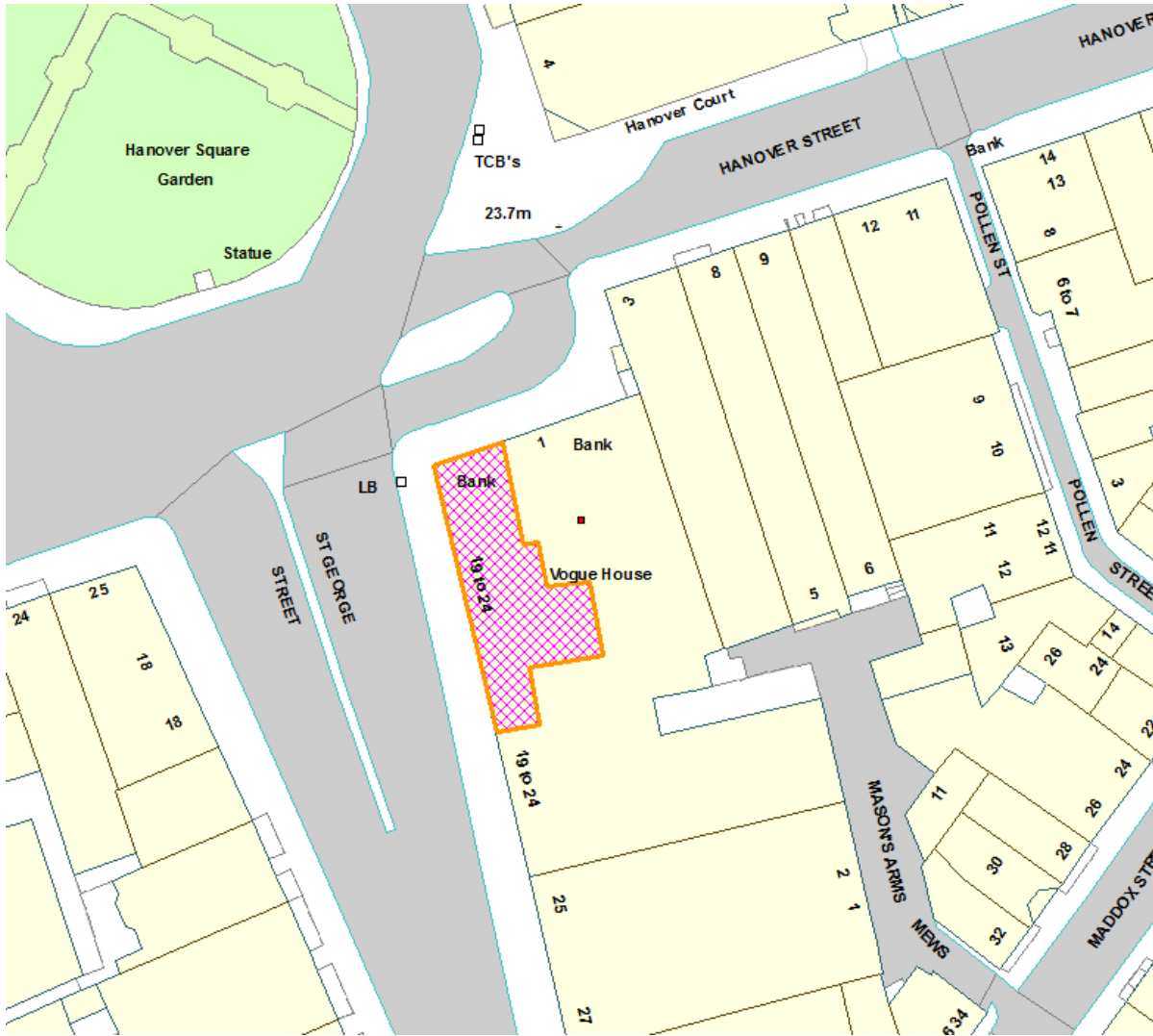
1-2 Hanover Square is an unlisted building in the Mayfair Conservation Area, located on the southern side of Hanover Square with a frontage to St. George Street to the west. The building is currently used primarily as office accommodation but there are two retail (Class A1) units at ground floor level and a bank (Class A2) at part basement and ground floor levels.

This application seeks permission for the change of use of the existing basement and ground floor bank floor space to office accommodation for use in association with the offices in the remainder of the property. The retail unit, which is currently on St. George Street is to be relocated north so it has frontages to Hanover Square and St. George Street.

The key issue for consideration in this case is the loss of Class A2 floor space.

Policies SS5 of the Unitary Development Plan (UDP) and S21 of the City Plan seek to protect non-A1 retail uses from changing to uses which do not serve visiting members of the public. No justification has been provided which might warrant a deviation from the policy requirement to protect this use. The application is therefore contrary to adopted UDP and City Plan Policies and accordingly is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection.

CROSSRAIL

Requests that an informative is attached to any permission.

CLEANSING

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Vogue House is an unlisted building located within the Mayfair Conservation Area and the Central Activities Zone. The property comprises of basement, ground and first to sixth floor levels. The upper floors of the building are used entirely as office accommodation (Class B1) and occupied by the publisher Conde Nast. At ground floor level there are two retail units (Class A1) and a bank (Class A2) as well as further office accommodation, whilst the basement is used partially as office accommodation and partially in association with the bank. One of the retail units at ground floor level fronting St George Street is used to sell magazines published by Conde Nast.

6.2 Recent Relevant History

A planning application was withdrawn on the 27th February 2015 for the; 'change of use from A2 (financial & professional services) to B1 (offices)' The application was withdrawn before determination following concerns being raised in relation to the loss of the shop-type use and compliance with the City Councils mixed use policies.

Planning permission was granted on the 20th September 2010 for the 'use of the ground floor as retail (Class A1) and associated alterations to the ground floor facade.'

7. THE PROPOSAL

Permission is sought for the change of use of the existing retail unit fronting St. George Street at ground floor and the HSBC bank premises at ground and basement floors into office accommodation, to be used in association with the offices in the remainder of the building. The existing ground floor retail unit is proposed to be relocated and expanded to the northern end of the site so it has frontages to both Hanover Square and St. George

Street. Associated external alterations are also proposed to the ground floor elevations on Hanover Square and St. George Street.

Floor space Schedule:-

Use	Existing	Proposed	+/- difference
Office	7,419m ²	7,869m ²	+450m ²
Retail	23m ²	47m ²	+24m ²
Bank	474m ²	0m ²	-474m ²

8. DETAILED CONSIDERATIONS

8.1 Land Use

Retail Accommodation

There is an existing retail unit measuring 23m² fronting St. George Street which sells Conde Nast magazine publications, this unit was granted planning permission on the 20th September 2010. Permission is sought for the relocation of the unit to the northern part of the site so that it has elevations to both St. George Street and Hanover Square. The proposed retail unit would measure 47m², which equates to an uplift in retail floor space of 24m².

Policy S6 of the City Plan states, with regard to the Core CAZ states that, '*retail use is encouraged throughout the area*'. The UDP is also supportive of retail floor space increases within the Core CAZ. Therefore the increase in retail accommodation and the relocation of the retail unit to a more prominent position within the site is welcomed and the application is considered acceptable in this regard.

Loss of bank (Class A2)

It is proposed to convert most of the current bank floor space to office accommodation which results in the overall loss of 450m² of Class A2 accommodation at ground and basement levels.

This part of the building has been vacant since September 2014 when HSBC vacated the premises. The applicant has commented on the fact they will be bringing a vacant premises back into productive use, however, no marketing information has been submitted to demonstrate that the premises has been marketed to other potential A2 occupiers. Indeed, this application is the second to be submitted for the re-configuration and change of use of the bank premises for use by Conde Nast with the first having been withdrawn in February 2015 and Conde Nast appear to be the long term leaseholders of the site and it is not clear whether any marketing for A2 use has been carried out. It is therefore not considered sufficient evidence has been submitted for the City Council to justify the loss of the A2 floor space due to the period of vacancy of the unit.

In the supporting text for Policy SS5 of the Unitary Development Plan which seeks to maintain an appropriate balance of town centre uses in the CAZ and CAZ frontages, paragraph 7.52 states that the, '*loss of A1, A2, A3, or sui-generis uses to uses which do not serve visiting members of the public, such as B1 office will not normally be permitted at*

ground floor or basement levels. Further paragraph 7.65 states that the *'loss of shops and service uses, to uses which do not serve visiting members of the public, e.g. B1 office, is considered to weaken the vitality of CAZ, threaten the viability of shops nearby, and to generally detract from the attractiveness of the CAZ.'*

Policy S21 of the City Plan states that *'existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shop fronts.'* The applicant contends that this policy is not applicable in this instance as they argue that the unit is not located within a 'designated shopping centre'. However, the applicant has misinterpreted the policy, the policy seeks to protect both existing non-A1 retail uses (as is the case with the current unit), and uses occupying shop-type premises within designated shopping centres. The policy does not require that existing non-A1 retail uses have to be located within a designated shopping centre to be protected.

In support of their application, the applicant also argues that their proposed office frontages would have an 'active frontage', with displays in the windows associated with the Conde Nast brand and magazine provision. An active frontage is described in the City Plan as *'a ground floor frontage which generates passing trade and provides a 'shop-type' window display with interest at street level'*. The applicant contends that the window displays will generate interest and increase trade to their relocated retail unit selling magazines. Whilst these vinyls in the window and displayed magazines may help to enliven the frontage, they would not generate 'passing trade for the unit itself (being office accommodation). The applicant claims these 'displays' in the office windows will help to generate trade and drive footfall to the relocated retail unit. Whilst this is noted, clearly window displays of this nature serving office accommodation cannot be accurately described as an active frontage.

The Highways Planning Manager has commented on the potential for the installation of moving images in the windows which could cause a distraction for drivers. All but one of the windows show the installation of 'contra vision' vinyl coloured images and displayed magazines. One of the windows involves a moving LED digital display. These installations would not require the benefit of planning permission and would benefit from deemed consent under the Advertisement Regulations (subject to the Council's powers of discontinuance action).

The loss of the large amount of floor space (450m²) serving visiting members of the public is contrary to the requirements of Policy SS5 of the UDP and S21 of the City Plan. Whilst the increase in the retail accommodation and its relocation to a more prominent location within the building is welcomed, it does not compensate for these losses and the proposal is therefore recommended for refusal on this basis.

Increase in office (Class B1)

The uplift in office accommodation amounts to 450m²

The site is located within the Core Central Activities Zone, where new offices are directed by City Plan Policy S18 and UDP Policy COM1. Therefore, an increase in office floorspace is acceptable in principle.

The application was submitted with a full viability assessment to assess the ability of the developer to afford the previously required affordable housing payment (£1,101,000) to off-set the provision of the required residential floor space on-site or off-site in the vicinity. Whilst the City Council sought to have this viability assessment independently reviewed the City Councils policies have since changed following adoption of the new City Plan in July 2016. Reviewing the floor space figures in relation to the amended policy context, as the proposed uplift in floor space is only 6% this falls below the 30% threshold within Policy S1 of the adopted City Plan and therefore the scheme does not result in a requirement to provide any residential floor space under the new mixed use policies.

8.2 Townscape and Design

Minor alterations to the existing ground floor windows are proposed. An existing door onto St Georges Street is also replaced with a window. These minor alterations are acceptable in design terms.

8.3 Residential Amenity

The proposal is unlikely to result in any adverse implications for the amenity of nearby residential occupiers.

8.4 Transportation/Parking

It is not considered that the proposal would result in any significant change in relation to the number of people visiting the premises and as the site is within a Controlled Parking Zone and anyone driving to the site would be subject to the on-street parking restrictions. It is also not considered the change of use would result in any increase in servicing requirements for the site and no significant changes to the use of the highway are likely to result from the proposal.

Whilst cycle parking has been shown within the basement for use in association with the office accommodation limited information has been provide on the capacity and layout. The Highways Planning manager requested if the application was recommended for approval that a condition be attached requiring the submission of further details to show adequate cycle parking in this area to be secured.

8.5 Economic Considerations

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

8.6 Access

Level access is current provided to the bank and this will be retained for the new retail unit. There is also currently level access to the office accommodation and this will provided access to the new office accommodation.

8.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager requested a condition requiring the submission of amended drawings to show the provision of waste and recycling storage facilities within the demise

of the premises. If the application had been recommended for approval this condition would have been proposed.

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

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

9. BACKGROUND PAPERS

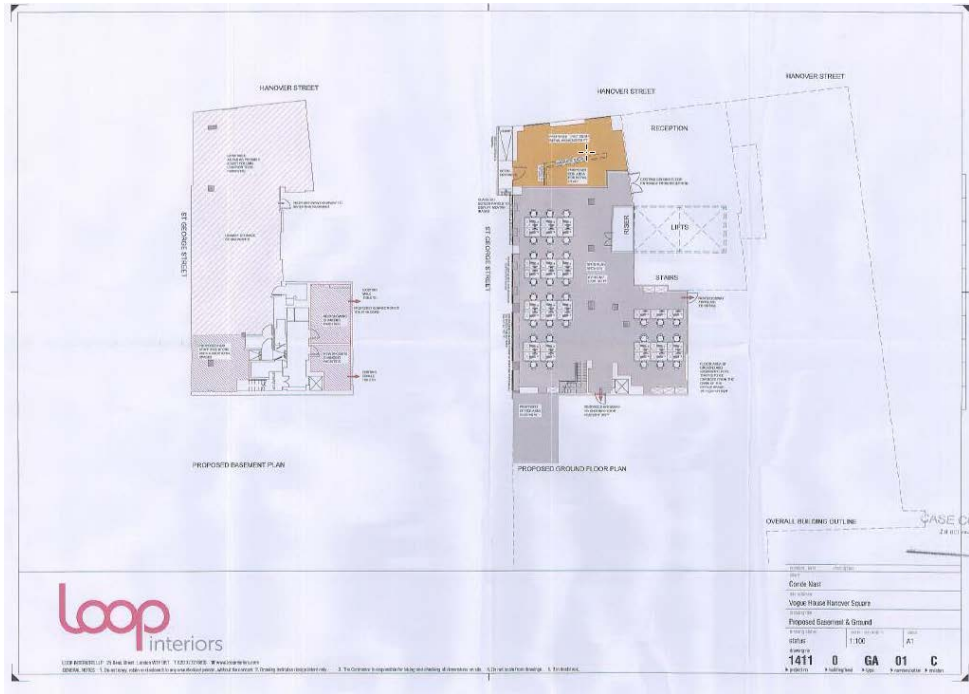
1. Application form.
2. Response from the Crossrail Safeguarding Team dated 13 November 2015.
3. Response from Residents Society of Mayfair & St. James's, dated 7 December 2015.
4. Response from Cleansing - Development Planning, dated 26 November 2015.
5. Response from the Highways Planning Manager, dated 5 January 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Vogue House, 1-2 Hanover Square, London, W1S 1JX,

Proposal: Change of use of part ground and basement to office accommodation (Class B1) and relocation and expansion of the retail (Class A1) from St George Street to the corner of Hanover Square and St George Street and external alterations to facade.

Reference: 15/10420/FULL

Plan Nos: Drawings: 1411 0 ELE 00 RevB, 1411 0 GA 01 RevC, 1411 00 ELE 01 RevC.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

Reason:

- 1 Your plans would lead to the loss of a substantial amount of Class A2 floor space which would harm the character and function of this part of the Central Activities Zone. This would not meet the requirements of Policies S21 of Westminster's City Plan adopted July 2016 and SS5 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), 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.

Item No.
12

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	7-11 Queensway, London, W2 4QJ,		
Proposal	Use of basement and ground floors as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.		
Agent	Montagu Evans		
On behalf of	Happybadge Limited		
Registered Number	16/01450/FULL	Date amended/ completed	11 March 2016
Date Application Received	18 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

Grant conditional permission.

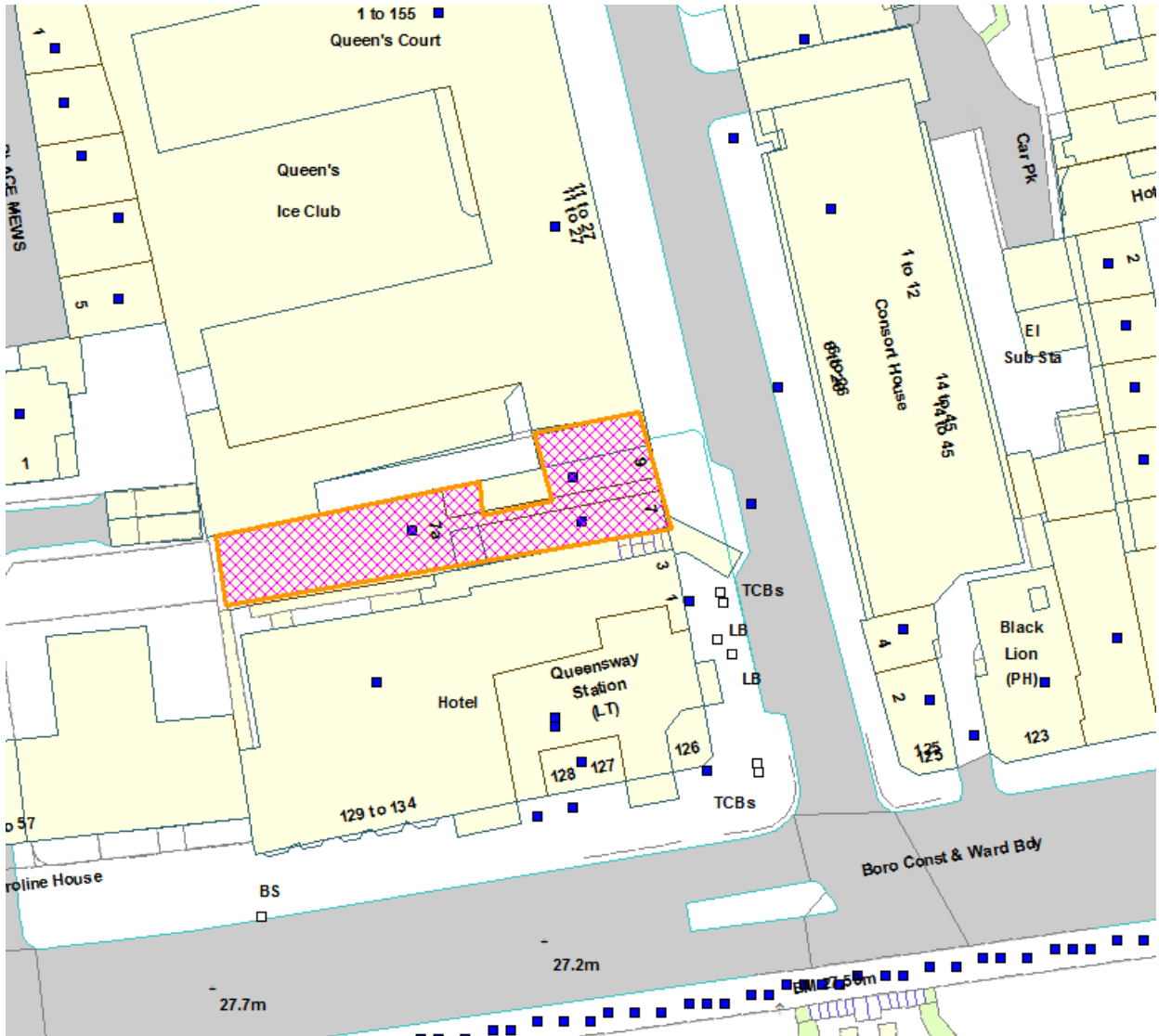
2. SUMMARY

This application was reported to the Planning Applications Committee on 19th July 2016, when committee resolved to grant conditional permission. However subsequent to committee's resolution and further consultation with environmental health it was considered that the noise condition as drafted required further rewording. The condition now recommended (No. 14) has been developed with environmental health and is now considered to be more robust to more effectively protect residents from noise and vibration. The application is therefore reported back to committee to consider the revised wording of proposed condition 14.

Furthermore, post committee an objector verbally questioned whether committee was fully aware of the servicing hours that were being recommended. Under condition 8 a servicing management plan is sought and restricts the servicing hours to between the hours of 07.00 and 21.00 Mondays to Friday, 08.00 to 18.00 Saturdays and 09.00 to 13.00 on Sundays and Bank Holidays. Customer hours of use of the retail shop units are restricted to between 07.00-23.30 daily (condition 12) and for the gym 07.00-23.00 daily (condition 13). The objector sought later servicing hours commencing 08.00, but no further amendments are recommended to condition 13.

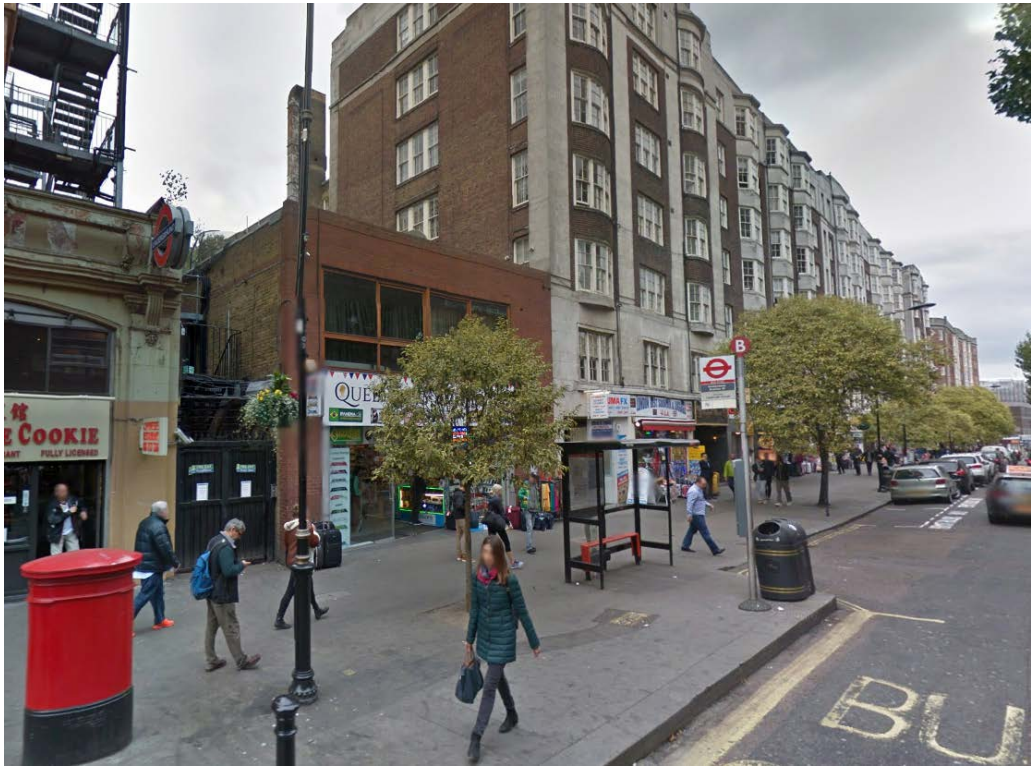
The proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter including the revisions to condition 14.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation from Queensway



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



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

5. CONSULTATIONS

Original representations as detailed in report to committee of 19.07.2016

Additional representations received after report of 19.07.2016 was published and circulated to members prior to the committee meeting (blues):-

- Letter and emails from Pinsent Masons on behalf of the owner/occupiers of 7a Queensway, setting out reasons why permission should not be granted and unless the conditions are tightened up indicating that a judicial review challenge may be made.
- Letters and emails from Planning Resolution on behalf of the occupiers of 7a Queensway commenting on the officers report and suggesting revised and additional conditions (8,14,/15)to protect the residential amenity of his client.
- Emails and letters from Montagu Evans on behalf of the applicant, comments on the objectors comments and generally agreeing to the officers recommended conditions, but requesting that condition 13 (operational hours of the gym) be reconsidered to allow opening from 6am

Late representations received after report of 19.07.2016 was published and circulated to members at the committee meeting (reds):-

- Councillor Smith - agrees with points raised by South East Bayswater Residents Association. With other supermarkets we have been successful in controlled the hours of delivery to reduce the impact on residents. Important that a high quality shopfront is secured with a stall riser and no excessive vinyl advertising.
- Emails and letters from Planning resolution on behalf of owner/occupies of 7a Queensway, making further comment on the proposal and requesting that the application be withdrawn from the agenda.
- Officers tabled a revised draft decision letter including revised and additional conditions (8, 11, 14, 15 and 16).

6. BACKGROUND PAPERS

1. Report and minutes of committee dated 19.07.2016, including original representations as detailed in report to committee of 19.07.2016.
2. Additional representations received after report of 19.07.2016 was published and circulated to members prior to the committee meeting (blues):-
 - Letter and emails from Pinsent Masons on behalf of the owner/occupiers of 7a Queensway dated 11.07.2016, 13.07.2016,
 - Letters and emails from Planning Resolution on behalf of the occupiers of 7a Queensway dated 13.07.2016,14.07.2016
 - Emails and letters from Montagu Evans on behalf of the applicant dated 14.07.2016, 15.07.2016, 02.06.2016.

Late representations received after report of 19.07.2016 was published and circulated to members at the committee meeting (reds):-

- Email from Councillor Smith dated 17.07.2016
- Emails and letters from planning resolution on behalf of owner/occupies of 7a Queensway dated 18.07.2016 and 19.07.2016
- Revised draft decision letter including revised and additional conditions dated 19.07.2016.

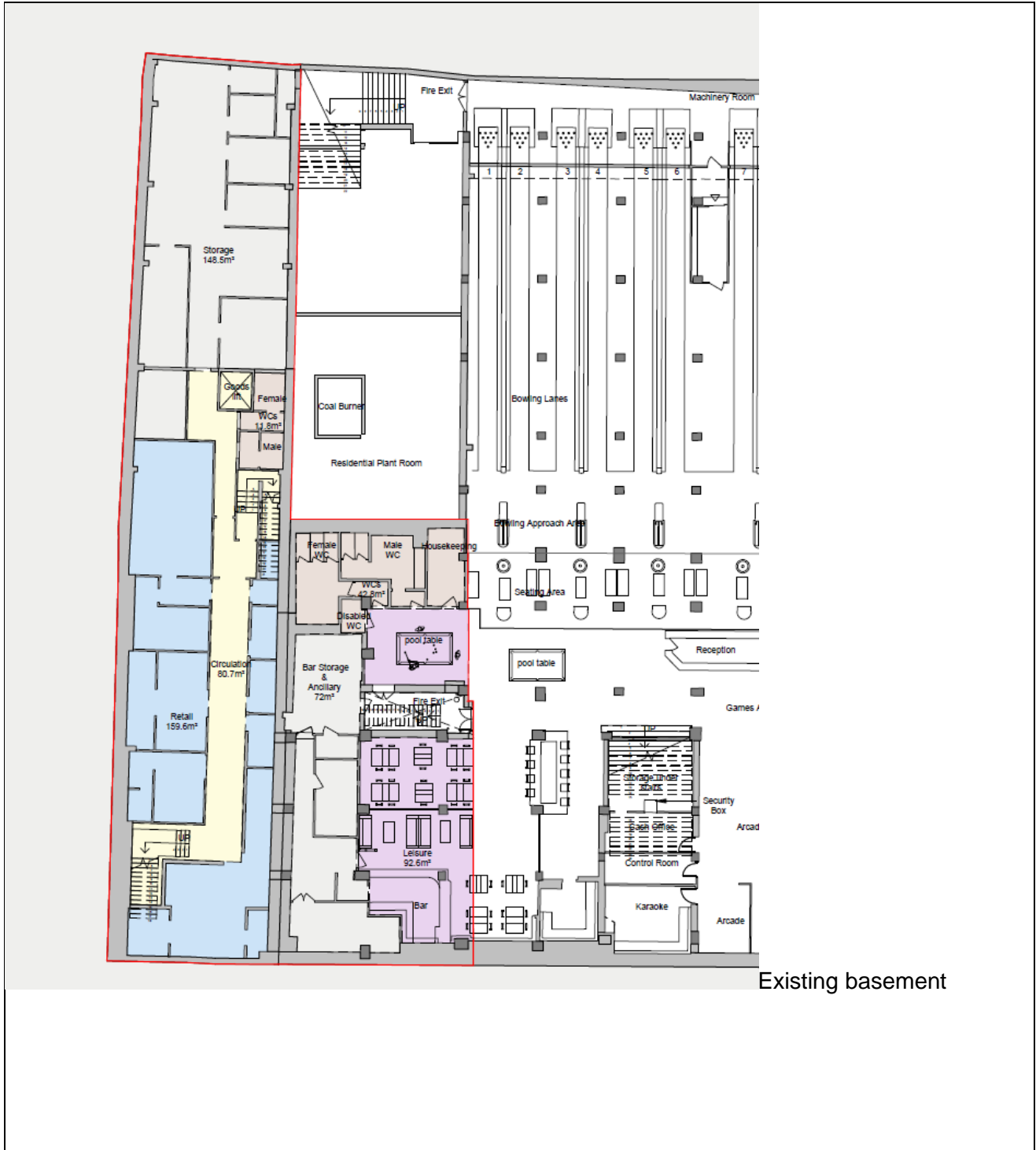
Selected Relevant Drawings

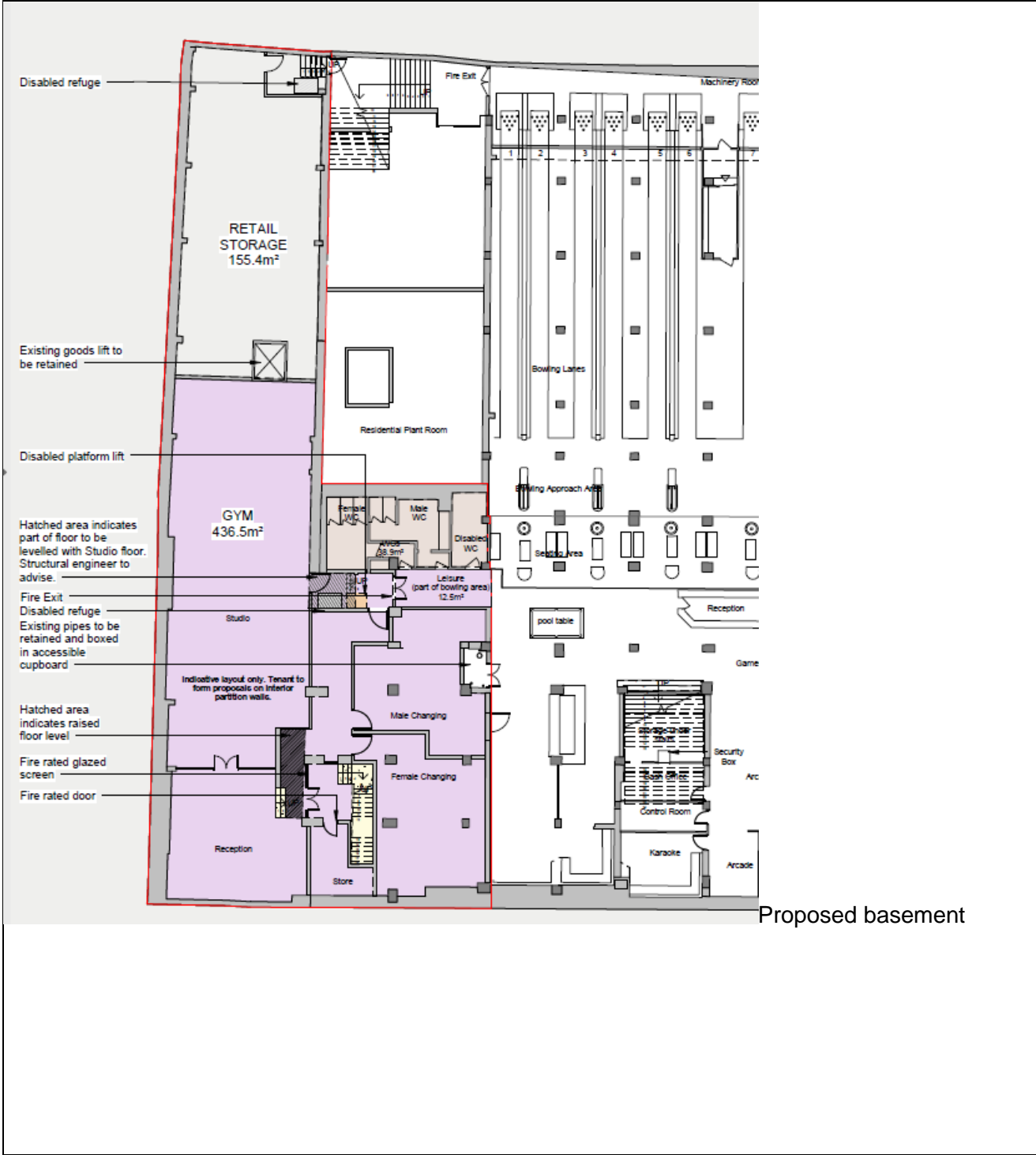
Existing and proposed plans and elevations.

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

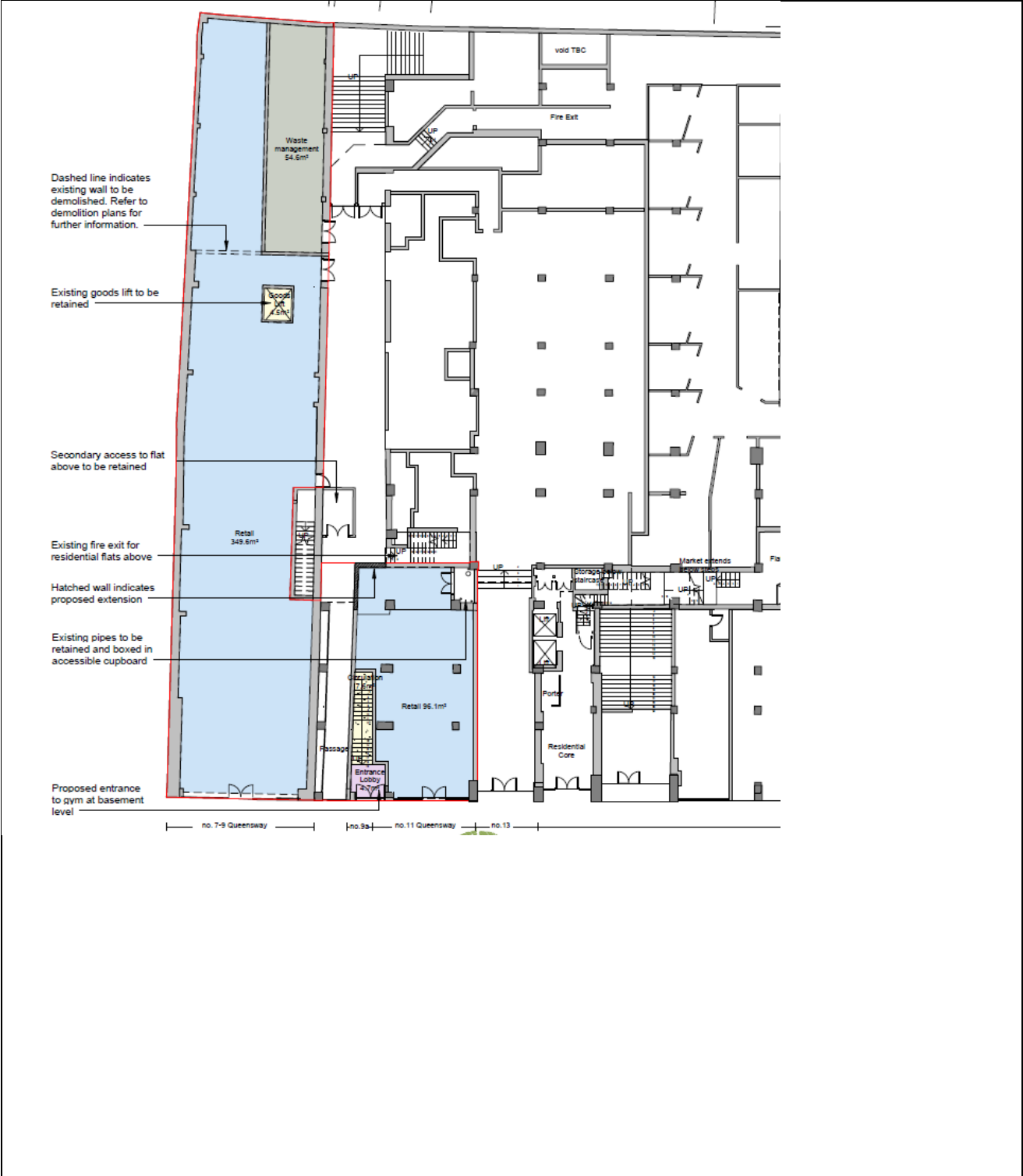
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT northplanningteam@westminster.gov.uk

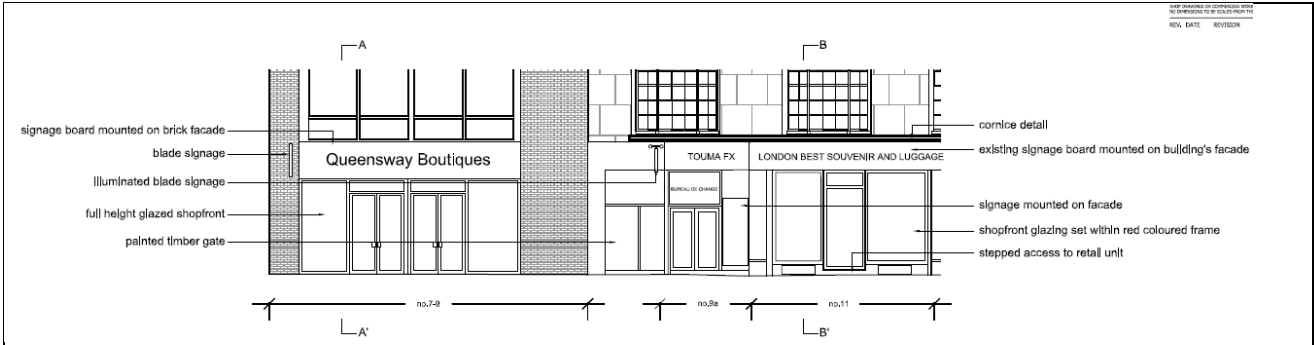
7. KEY DRAWINGS



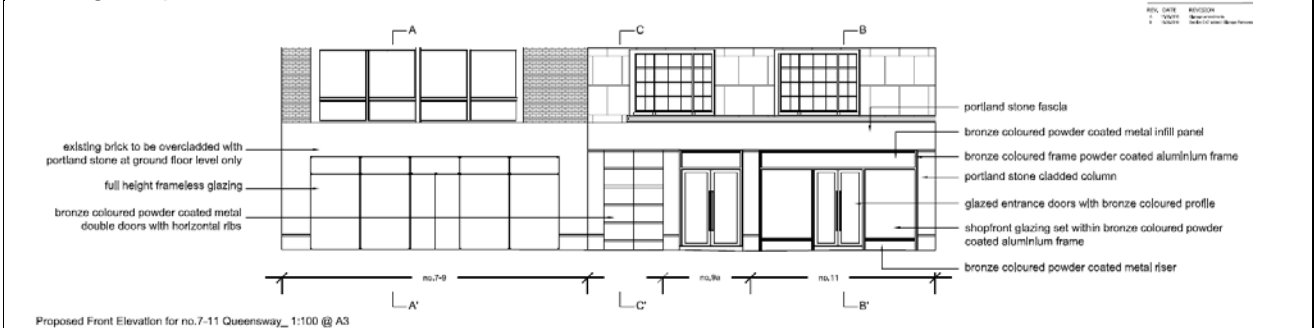








Existing shopfronts



Proposed shopfronts

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



DRAFT DECISION LETTER

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

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

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

Case Officer: Heather Sevicke-Jones

Direct Tel. No. 020 7641 6519

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

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 4 You must apply to us for approval of a sample of the Portland stone proposed for the new shop fronts to Queensway. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 5 You must apply to us for approval of details of the size of the individual Portland stone panels to be applied to the frontage, including details of the location of jointing between the panels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 6 You must use the basement unit coloured purple on the drawing E14-016/7-11/PRP0B1 Rev.C only as a gym. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

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

only be between the hours of 07.00 and 21.00 Mondays to Friday, 08.00 to 18.00 Saturdays and 0.900 to 13.00 on Sundays and Bank Holidays)

You must not open the two reconfigured retail shop premises to customers until we approve the SMP you send us.

You must then operate and manage the two retail shop premises and gym according to the Servicing Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6, SS6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

- 11 You must provide the waste store shown on drawing E14-016/7-11-PRP000 Rev D 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 all 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 and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

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

Reason:

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

- 14 You must not begin the uses (other than to carry out the post commissioning acoustic report required by condition) until you have applied in writing and we have approved a detailed scheme of noise attenuation for the retail and gym uses to show that existing residents within the same building or in adjoining buildings will not be affected by noise and vibration from the development; such that they are not exposed to:

- o airborne 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;
- o structure borne re-radiated noise of more than 35 dB LAeq (16 hour);
- o the LMax shall not exceed 45 dB at anytime;
- o for music noise, the design of the separating structures should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LMax in the octave bands of 63 Hz & 125 Hz; and
- o the vibration levels as set out in condition 16 shall not be exceeded.

The approved noise attenuation shall then be carried out and a post commissioning acoustic report provided to demonstrate compliance with this condition, which must be agreed in writing, before the uses are begun. The noise attenuation measures shall thereafter be retained in situ as long as the uses are in operation.

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.

- 15 You must not paint the window glass, obscure glaze it , attach vinyl or advertisement displays or block the shopfronts in any way. A shopfront display must be maintained at all times.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R261A)

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The new shop front units at Nos. 7-9, 9a and 11 would appear to require advertisement consent. You will need to make a separate advertisement consent application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property.
- 3 You are advised that should you require any new air conditioning or refrigeration plant to be installed on the outside of the buildings, this will require separate planning permission.
- 4 In respect of Condition 11, you are advised to indicate showing separate stores for waste and recyclable material.
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's

Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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.

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