



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 16th May, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Richard Beddoe (Chairman)  
David Boothroyd  
Susie Burbridge  
Tim Mitchell

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

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



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

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

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |  |                          |
|--|--------------------------|
| <b>1. DEVELOPMENT SITE AT 19-35 BAKER STREET, 88-110 GEORGE STREET, 69-71 BLANDFORD STREET AND 30 GLOUCESTER PLACE, LONDON</b> | <b>(Pages 7 - 60)</b>    |
| <b>2. WHITELEYS CENTRE, QUEENSWAY, LONDON, W2 4YH</b>  | <b>(Pages 61 - 152)</b>  |
| <b>3. 33-35 PRAED STREET, LONDON, W2 1NR</b>   | <b>(Pages 153 - 170)</b> |
| <b>4. 75 HARLEY STREET, LONDON, W1G 8QL</b>  | <b>(Pages 171 - 198)</b> |
| <b>5. 25 KENSINGTON GORE, LONDON, SW7 2ET</b>  | <b>(Pages 199 - 216)</b> |
| <b>6. NEW SCOTLAND YARD, 8-10 BROADWAY, LONDON, SW1H 0BG</b>   | <b>(Pages 217 - 274)</b> |
| <b>7. 15-19 BLENHEIM TERRACE, LONDON, NW8 0EH</b>  | <b>(Pages 275 -</b>      |

8. 39 WESTMORELAND TERRACE, LONDON, SW1V 4AQ

304)

(Pages 305 -  
326)

**Charlie Parker**  
**Chief Executive**  
**8 May 2017**

This page is intentionally left blank

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN NO(s) :</b> 16/11376/FULL 16/11377/LBC	Dev Site At 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street And 30 Gloucester Place London	Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. (Linked application 16/11377/LBC)	
<p><b>Recommendation</b></p> <p>1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> <li>i) provision of 10 affordable housing units at 30 Gloucester Place, including securing rent levels to be made ready for occupation prior to the occupation of the market housing on George Street.</li> <li>ii) a financial contribution of £5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)</li> <li>iii) costs relating to highways works around the site to facilitate the development</li> <li>iv) provision of unallocated residential parking</li> <li>v) lifetime car club membership (25 years) for each residential unit payable on first occupation</li> <li>vi) a lift management and maintenance plan</li> <li>vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development</li> <li>viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.</li> <li>ix) Crossrail payment of £ 2,696,155 (index linked) to be paid on commencement of development</li> <li>x) monitoring costs</li> </ul> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul> <p>3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country</p>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Planning Act 1990 for the stopping up of the highway required to enable the development to take place. 4. Grant conditional listed building consent 5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter			
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/12203/FULL 16/12204/LBC  Lancaster Gate	Whiteleys Centre Queensway London W2 4YH	Variation of Condition 1 of planning permission dated 27 April 2016 (RN:15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.	
<b>Recommendation</b> <ol style="list-style-type: none"> <li>1. Does Committee consider that the height, bulk and massing of the rear part of the development have been satisfactorily reduced and re-modelled so as to adequately mitigate the impact of the development on the character and appearance of the Bayswater Conservation Area, the setting of neighbouring listed buildings and the amenity of neighbouring residents?</li> <li>2. Subject to the Committee's agreement to 1. above, grant conditional planning permission subject to the completion of a Section 106 legal agreement to secure the following:                     <ol style="list-style-type: none"> <li>i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;</li> <li>ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);</li> <li>iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;</li> </ol> </li> </ol>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

- v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
  - vi. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
  - vii. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - viii. Provision of car parking for the residential flats on an unallocated basis;
  - ix. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
  - x. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
  - xi. Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
  - xii. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
  - xiii. Provision of measures to support employment, training and skills programmes;
  - xiv. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further changes of use within the centre;
  - xvii. Management strategy for the hotel use, including servicing and guest drop off arrangements;
  - xviii. Provision of S106 agreement monitoring costs.
3. If the S106 planning obligation has not been completed by 27 June 2016 then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. Grant conditional listed building consent.
5. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
6. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
7. That the City Commissioner for Transport be authorised to take all necessary procedural steps in conjunction with making of the stopping up order as proposed, if there are no unresolved objections to that draft order

Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/12277/FULL  Hyde Park	33-35 Praed Street London W2 1NR	Removal of Conditions 1, and 3 and variation of Condition 6 of planning permission dated 9 August 1993 (RN: 93/03674/FULL) for: Use of basement to third floors (inclusive) as a doctors group practice (Class D1) with basement car parking (6 spaces). Namely, to allow the use of the premises as a school (Class D1) for a temporary period of three years, allow use of the basement level parking area as a school hall and variation of the hours of use of the premises to allow the school use to operate between 07.45 and 18.00 hours Monday to Friday. (Application under Section 73 of the Town and Country Planning Act 1990)	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 17/00438/FULL 17/00439/LBC  Marylebone High Street	75 Harley Street London W1G 8QL	Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)	
<p><b>Recommendation</b> For Committee's consideration:</p> <p>1. Does the Committee consider that:</p> <p>(i) The principle of a land use swap with 13-14 Park Crescent is acceptable?</p> <p>2. Subject to 1. above, grant conditional permission, subject to the completion of a legal agreement to secure:</p> <p>(i) To provide a minimum of 945m<sup>2</sup> (GEA) of residential floorspace at 13-14 Park Crescent, or an alternative site in the vicinity of the site, prior to first occupation of any part of the development</p> <p>(ii) The costs of monitoring the S106 agreement.</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 it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>4. Grant conditional listed building consent.</p> <p>5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 17/00401/FULL  Knightsbridge And Belgravia	25 Kensington Gore London SW7 2ET	Use of the property as a hotel (Class C1) providing 7 bedrooms.	
<p><b>Recommendation</b> For Committee's consideration:</p> <p>1. Does the Committee consider that the circumstances of this case outweigh the strong policy presumption to protect residential accommodation?</p> <p>2. Subject to 1. above, grant conditional permission.</p>				



CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/11027/FULL  St James's	New Scotland Yard 8-10 Broadway London SW1H 0BG	Variation of Condition 1 of planning permission dated 27th April 2016 (RN: 15/07497/FULL) for 'demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.' NAMELY, to allow for an increase in the number of residential units; omission of one basement level; reduction in car parking spaces; amendments to the parking, delivery and servicing strategy; reduction in retail area at ground and lower ground floor; reduction in size of ground floor pavilion building; building height and footprint changes, including both a reduction and increase in heights; and alterations to internal layouts and external elevations.	
Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/08357/FULL  Abbey Road	15-19 Blenheim Terrace London NW8 0EH	Variation of Conditions 1 and 20 of planning permission dated 26 April 2016 (RN: 14/12517/FULL) for demolition of existing buildings and erection of 3x5 bedroom five storey townhouses comprising basement, ground and three upper floors, formation of covered car parking area to rear and alterations to form a side access road; namely, to bring forward the front building line to align with the adjacent building to the south west, amend the detailed design of front and rear facades including revision of form of rear lightwell, addition of rooflights to the main roof and revision of internal layouts.	
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 16/12043/FULL	39 Westmoreland Terrace	Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor	

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB-COMMITTEE – 16th May 2017  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Churchill	London SW1V 4AQ	levels; infill extension to front lightwell and lowering of basement vault.	
<b>Recommendation</b> Grant conditional permission.				

# Agenda Item 1

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

1
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING SUB APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Marylebone High Street		
<b>Subject of Report</b>	<b>19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and 30, Gloucester Place, London</b>		
<b>Proposal</b>	Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Portman Investments (Baker Street) Limited		
<b>Registered Number</b>	16/11376/FULL 16/11377/LBC	<b>Date amended/ completed</b>	1 December 2016
<b>Date Application Received</b>	29 November 2016		
<b>Historic Building Grade</b>	30 Gloucester Place - Grade II listed. Other Buildings Unlisted		
<b>Conservation Area</b>	30 Gloucester Place- Portman Estate Other Buildings not within a Conservation Area.		

## 1. RECOMMENDATION

- |   |
|---|
| <p>1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:</p> <p>i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on</p> |
|---|

- George Street (building D)
- ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - iii) costs relating to highways works around the site to facilitate the development
  - iv) provision of unallocated residential parking
  - v) lifetime car club membership (25 years) for each residential unit payable on first occupation
  - vi) a lift management and maintenance plan
  - vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
  - viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
  - ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
  - x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
  - xi) monitoring costs

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:

- a. The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b. The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
  4. Grant conditional listed building consent
  5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

## 2 SUMMARY

The site covers the majority of a large street block bounded by Baker Street to the east, Gloucester Place to the west, George Street to the south and Blandford Street to the north. The scheme involves a

comprehensive redevelopment of the majority of the site to provide an office led mixed-use development including publically accessible space and retail in the centre of site, replacing an existing commercial car park.

Although the scheme is an office led development it would result in the provision of 51 residential units comprising 41 market units along with 10 affordable housing units. The application also includes a financial contribution of £5m towards the City Council's Affordable Housing Fund.

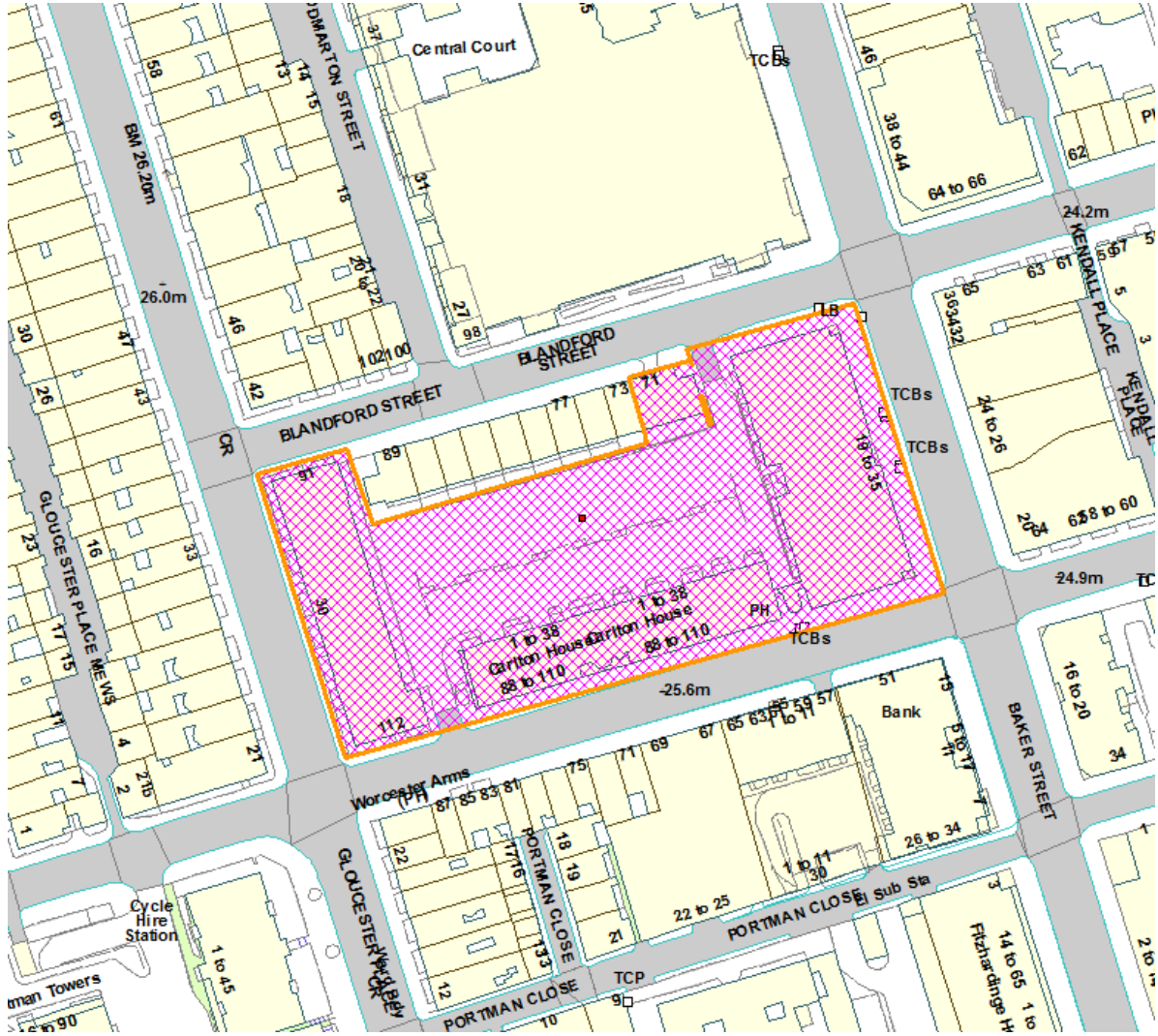
The existing buildings on Baker Street and George Street are both 1960s buildings. The Baker Street building is 7 storeys George Street is part 4 part 5 storeys. The redevelopment scheme would result in significantly larger new buildings. On Baker Street the new building is 10 storeys (11 if one includes the mezzanine) with recessed roof level plant. The new George Street building rises from 5 storeys to 7 storeys. Objections have been received from adjacent residents that the new buildings would result in an overdevelopment of the site, that the significant increase in height and bulk and mass would be result in substantial harm to the townscape and a loss of amenity. Objections are also made on a number of other grounds including that the scheme is contrary to the Council's land use policies and would adversely impact upon the highway.

The key issues for consideration are:

- The acceptability of the scheme in land use terms;
- The impact of the proposed buildings on the townscape, the setting of the Portman Estate Conservation Area and the settings of adjacent listed buildings;
- The impact on the amenity of adjacent residents particularly those residing on Blandford Street, located within the street block but are not part of the application site;
- Highway issues primarily proposed servicing arrangements.

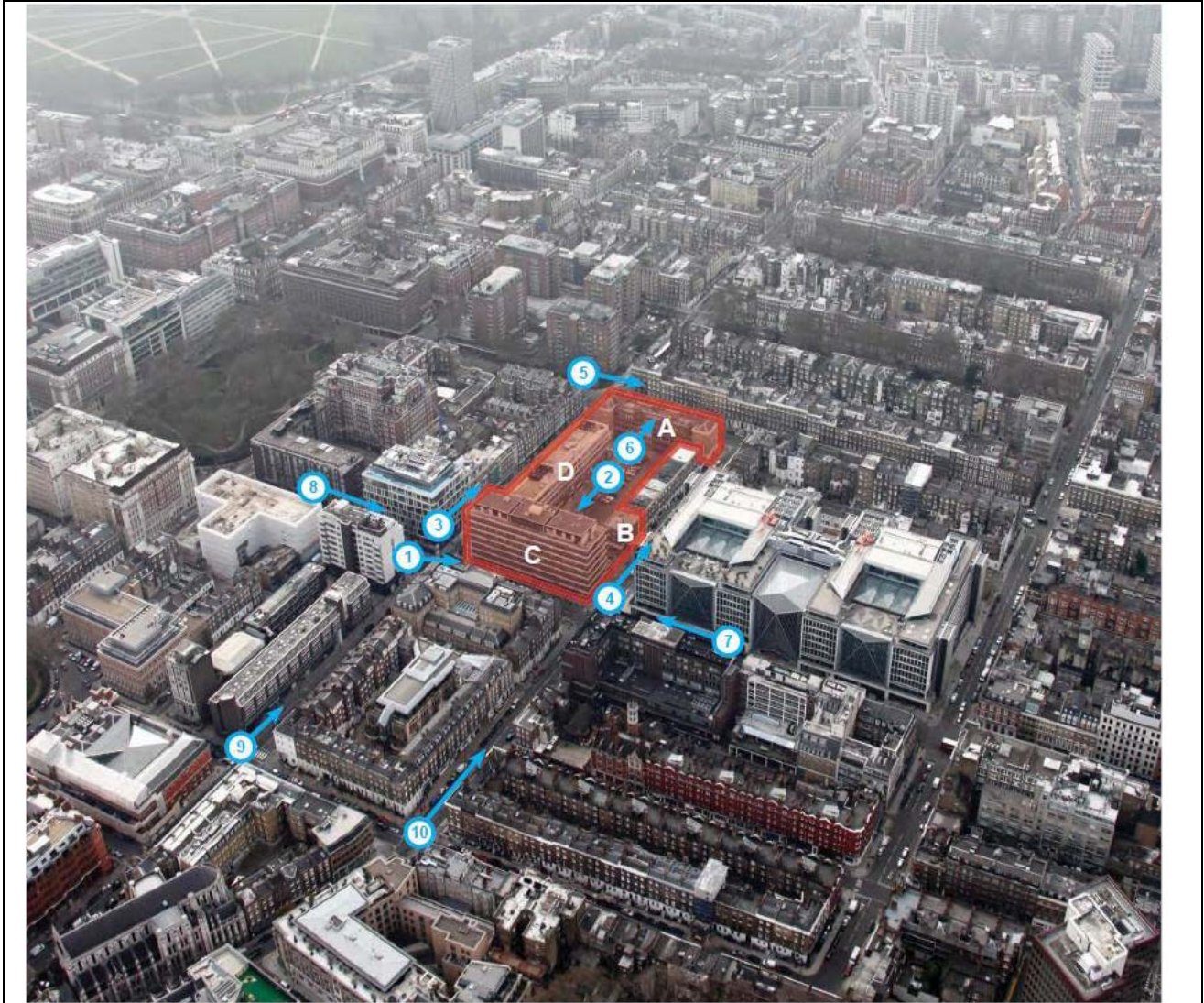
Redevelopment of the site is supported in principle. The significant increase in height and bulk of the buildings would result in some harm to the townscape in certain views including from the Portman Estate Conservation Area. This harm is considered to be less than substantial and the public benefits in providing a high quality design, which would optimise a commercial led development providing significant employment opportunities, are considered, on balance, to outweigh harm to the townscape and heritage assets. Subject to a number of safeguarding conditions the applications are considered acceptable in other respects. The application is recommended for approval subject to referral back to the Greater London Authority and subject to the completion of a legal agreement.

### 3 LOCATION PLAN

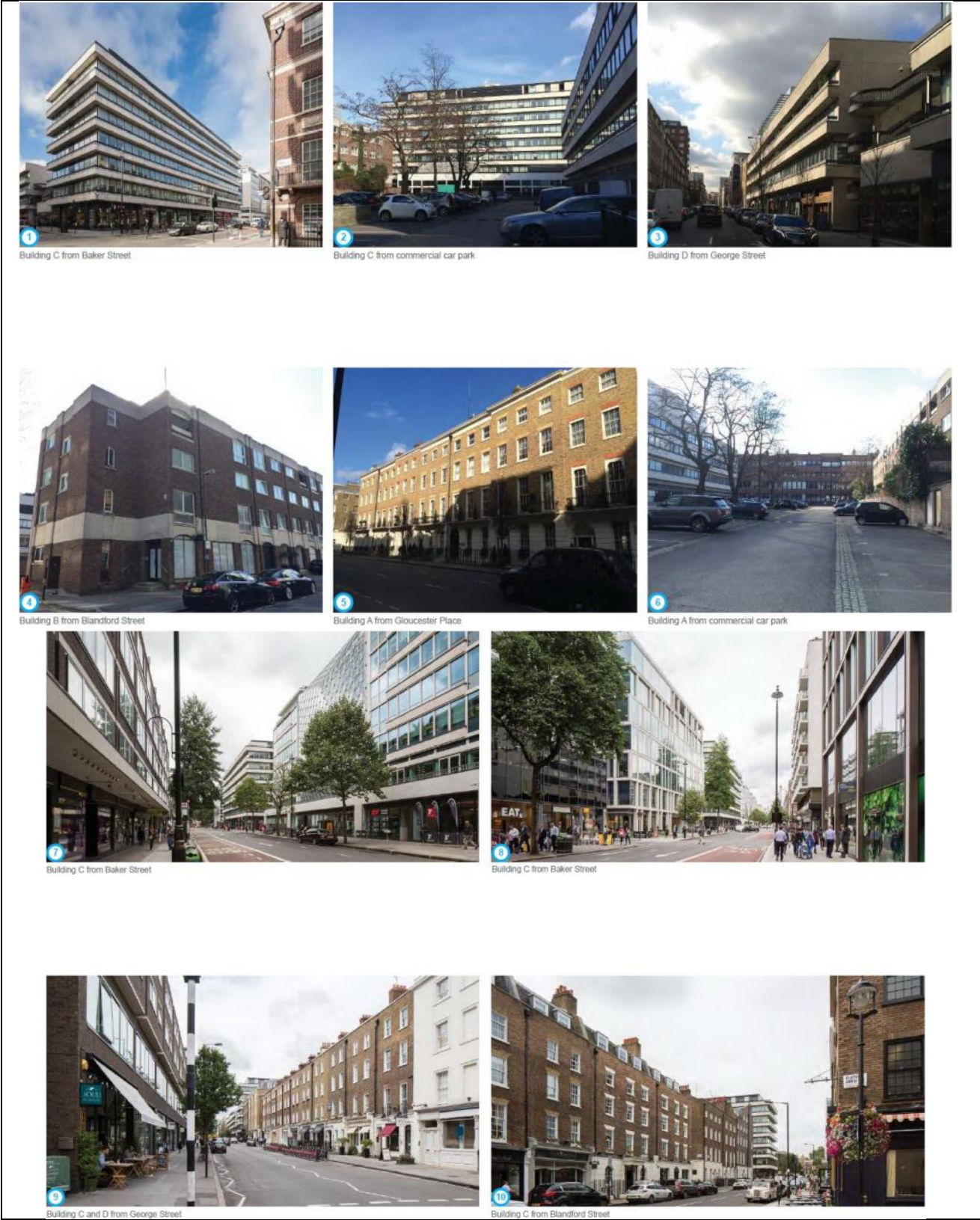


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

#### 4 PHOTOGRAPHS



Aerial photograph showing view locations of surrounding context





## 5 CONSULTATIONS

### GREATER LONDON AUTHORITY:

Stage 1 response

Mixed use and employment: Subject to confirmation that the affordable housing provision and payment in lieu are acceptable through the viability assessment the residential provision is acceptable. Office uplift and increase in employment is strongly supported.

Retail: supported

Affordable housing: should be secured via S106 agreement

Urban Design: The height, layout, massing and architecture are supported, the residential quality is good

Historic Environment: No harm will be caused to the listed Gloucester Place building or to the Portman Estate Conservation Area

Trees: Meets the requirements of London Plan Policy 7.21

Inclusive design: Acceptable

Transport: Car parking should be reduced and short stay cycle parking increased. A financial contribution of £54k is requested through a S106 agreement to secure the extension of a Cycle Hire docking station. A travel plan, delivery and servicing plan and construction logistics plan (CLP) should all be secured by condition

Climate change: Shortfall in CO2 emissions for non- domestic buildings should be met off-site. Further detail should be provided on the applicant's overheating analysis for building D and the site heat network.

### MARYLEBONE ASSOCIATION:

Creation of new public space and pedestrian links through the site is welcomed.

Comment that the entrance from Baker Street with glazed sliding doors flanked by office receptions may not appear open to the public.

Residential amenity should be protected; the Society recommend a robust Construction Management Plan, site Waste Management Plan, and Operational Management Plan (setting out mix of retail uses, hours of operation).

Number/ ratio of independent operators should be controlled

Baker Street building C is bordering on being oversized in terms of height and depth.

Building lines appear excessive beyond the adopted highway boundary and the existing building facades.

Deficiency in short term cycle parking (shortfall of 66 spaces)

Less than 20% affordable housing provided contrary to policy.

### HISTORIC ENGLAND

Authorisation to determine listed building application

Concerns regarding the bulk, scale and design of the Baker Street building

The building is considerably taller and bulkier than most buildings within the local context which results in it being visible in many townscape views within the Portman Estate Conservation Area. The use of contrasting materials and large bay windows adds to the dominance. The building is harmful to the setting of the Portman Estate Conservation Area and the setting of a number of listed terrace houses with the conservation area. The height should be reduced.

**TRANSPORT FOR LONDON**

Car parking provision (25 spaces for 59 residential flats) is excessive, development should be car free.

Electric vehicle charging 20% active – 20% passive should be secured via a S106 agreement

Type of cycle parking (short stay/ long stay should be clarified)

A Cycle hire docking station could potentially be extended

Construction Logistics Plan is welcomed

Provision of a facilities management and draft delivery and servicing management plan is welcomed

Travel plan is welcomed

Crossrail payment should be secured as part of the S106 agreement

**ENVIRONMENTAL HEALTH**

No objection subject to conditions

**AFFORDABLE HOUSING SUPPLY MANAGER**

Welcomes the provision of on- site affordable housing, but is disappointed that the level of affordable homes proposed is 17 % of the net increase in residential which is less than Council policy. Comment that the Financial Viability Assessment (FVA) concludes that this is the maximum number of affordable homes that could be delivered and the provision of social housing would undermine the viability and lead to an overall reduction in the number of affordable homes proposed and a reduction in the payment provided.

The rent levels of the intermediate homes should be secured as part of the S106, and tenants should come from the City Council's intermediate housing waiting list

**DESIGNING OUT CRIME**

Any response to be reported verbally

**ARBORICULTURAL OFFICER**

Objection, to the removal of trees as the replacement trees are considered to be inadequate replacements:

Birch tree on Blandford Street is an attractive specimen that should be retained;

Pear Tree on Gloucester Place, a replacement tree is unlikely to have sufficient soil depth;

Further details of trees surrounding the site are required to ensure their retention;

Replacement trees within the site (2 x cherries and 4 x silver birches) are inadequate replacements, new trees should provide equal or greater canopy cover than existing;.

Further details of landscaping, including soil depth and irrigation is required;

**HIGHWAYS PLANNING MANAGER:**

No objection subject to appropriate conditions including a delivery and servicing management plan (SMP).

**CLEANSING:**

Objection, but could be overcome by conditions

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

No. Consulted: 358

Total No. of replies: 12

No. in support: 1

Baker Street Quarter Partnership Improvement District (BID)

Regeneration of the site will provide more jobs and growth and commercial space within the wider Baker Street area consistent with the ambitions of the Central Activities Zone.

The provision of a new sustainable building with more greening and a publically accessible space will help improve air quality and contribute to the success of the Marylebone low emissions neighbourhood.

No. of objections: 11 (including an objection on behalf of 7 individual residential properties) raising some or all of the following issues

#### Land Use

Increase in Baker Street office building extends beyond designated CAZ frontage / Named Street

Increase in office floorspace is not justified

Retail use of central car park area outside Core CAZ is contrary to policy

Additional retail is not required

'Publically accessible space' is commercial floorspace and not meaningful 'open space'

Overconcentration of Class A3 units (potentially 10 in total)

Poor quality housing/single aspect north facing, lack of outdoor amenity space, play space shortfall in family sized residential units

#### Design

##### Overdevelopment

Scale of development on George Street is excessive

Proposed retail courtyard is alien to the existing established street pattern

The mass, height and footprint of the Baker Street building is unacceptable

Adverse impact on skyline

Alterations to the listed façade of 30 Gloucester Place are unnecessary

##### Amenity

Loss of daylight

Loss of sunlight

Increased sense of enclosure,

Loss of privacy/overlooking

Noise pollution

Use of courtyard for retail Class A1/A3 uses would result in late evening noise nuisance

Potential for further applications for external seating

##### Highways

Inappropriate servicing which is unworkable

Servicing should be located on the commercial George Street frontage

Loss of on street car parking

Adverse impact on car parking

##### Other

Lack of meaningful consultation and engagement with residents

Inaccurate information and misrepresentations within the application documents

Loss of trees, inadequate replacements

Inconvenience during construction and length of construction programme  
Adverse impact on property values

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6 BACKGROUND INFORMATION

### 6.1 The Application Site

The site covers a large street block flanked by Baker Street to the east, Gloucester Place to the west, George Street to the south and Blandford Street to the north. The site comprises four buildings in office (Class B1) retail (Class A) and residential (Class C3) uses.

The eastern portion of the site is occupied by a seven storey building, with roof top plant (19-35 Baker Street building C). The southern side of the site contains a part four part five storey building (88-110 George Street building D). The length of the western boundary is occupied by a four storey building (30 Gloucester Place building A). The northern end of the site is partially occupied by a four storey building (69-71 Blandford Street building B). The northern part of the street block is also partially bounded by private residential properties (No's 73-89 Blandford Street) which are outside the application site. The centre of the site is open and in use as a surface level commercial car park.

The mixes of uses are as follows:

- i) 30 Gloucester Place (Building A) ground and 1<sup>st</sup> floors are office use (Class B1), 2<sup>nd</sup> and 3<sup>rd</sup> floors are residential (Class C3);
- ii) 69-71 Blandford Street (Building B) is a restaurant (Class A3) at basement, ground and first floor levels with two one-bedroom residential (Class C3) units above on second and third floor levels;
- iii) 19-35 Baker Street (Building C) comprises retail uses at ground floor level (Class A1) with offices (Class B1) above;
- iv) 88-110 George Street (Building D) comprises a mix of commercial uses at ground floor level with including a bar (Class A4) and estate agents (Class A2) with offices (Class B1) at 1<sup>st</sup> and 4<sup>th</sup> floors and 38 residential flats (Class C3) at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels.

The central surface level car park provides 96 car parking spaces, bicycle parking, servicing and refuse storage. The car park is accessed from George Street and Blandford Street.

The eastern side of the site No 19-35 Baker Street (Building C) is on a Central Activities Zone (CAZ) frontage, the site as a whole lies outside the designated Core CAZ but is within the wider CAZ. No 30 Gloucester Place is Grade II listed and is within the Portman Estate Conservation Area. The remainder of the site is not within a Conservation Area. The wider context contains a variety of building styles, uses and heights.

### 6.2 Recent Relevant History

The original permissions for existing buildings B, C, and D are:

Planning permission (ref: TP/1779) was granted on 22 December 1959 for:

'The redevelopment of the site bounded by George Street, Baker Street, Blandford Street and Blandford Place, by the erection of a building of Basement, ground and seven floors for use as shops on the basement and ground floors, offices over Baker Street and flat over George Street with car-parking on the basement and ground floors and a public-house on the corner of George Street and Baker Street.'

Planning permission (ref: TP/1779) was also granted on 25 April 1969 for:

"Erection of thirteen four storey houses, a four storey block comprising shops and public house with storage beneath, offices and flats, and a multi-level underground carpark on the site bounded by George Street, Blandford Street, the rear of Nos. 19-35 Baker Street and the rear of Nos 24-40 Gloucester Place, W1."

The multi-level underground car park was never built.

Planning permission (ref: TP/1779) was granted on 18 September 1970 for:

"Alterations to the building in the course of erection on the southern section of the site bounded by George Street, Blandford Street, rear of 19- 35 Baker Street and rear of 24-40 Gloucester Place, involving the addition of a fourth floor for use as two self-contained flats."

A number of change of use and minor planning applications have also been granted for Buildings A, C and D including:

Building A – 30 Gloucester Place (including 91 Blandford Street and 112 George Street)

The building was listed, Grade II on 14 Jan 1970 (formerly listed as Nos 24 to 40 even), and sits within the Portman Estate Conservation Area.

The Grade II listing was then amended on 1 December 1987 to reflect that the listing now related to a 1972-73 facsimile rebuild of c.1790 Portman Estate terraced houses, which remained listed for group value only (with the wider Gloucester Place area).

There have been a number of subsequent minor planning and listed building consent applications.

Building C 19-35 Baker Street

On 29 October 1986 permission was granted for 'change of use ground floor and basement to office and restaurant accommodation with changes to elevations (ref: 86/03973/FULL)'.

On 14 November 1991 permission was granted for 'use of ground floor & part basement as offices" (ref: 91/02675/FULL).

On 25 August 1998 permission was granted for 'use of the basement of 19-33 Baker Street as offices (Class B1)" (ref: 98/00831/FULL)'.

On 6 May 2004 permission was granted for 'use of ground floors of Nos. 19-23, part 25 and 31-33 Baker Street for Class A1 retail purposes. Use of part ground floor of No. 25 and ground floor of No. 29 to provide enlarged office reception facilities for the Class B1 office accommodation in remainder of building. Associated external alterations" (ref: 03/08347/FULL).

On 10 June 2008 permission was granted for 'retention of ground floor as sandwich bar/ café (sui generis) use' (ref 08/03709/FULL).

#### Building D – 88-110 George Street

98-100 George Street; on 30 December 1993 permission was granted for 'change of use from retail shop to estate agents' (ref 93/05947/FULL).

98-100 George Street; on 27 July 1999 permission was granted for 'use of ground floor for Class A2 (Financial and Professional services) purposes (ref: 99/03989/FULL).

94-66 George Street on 28 May 2002 permission was granted for 'use of basement at No. 94 and ground floor at Nos. 94-96 for the hire of tools and equipment to members of the public and trade (sui generis) and installation of new shopfront (ref 02/01765/FULL).

92 George Street on 14 November 2005 permission was granted for 'change of use from car showroom (sui generis use) to retail (Class A1) at ground floor level for (ref 05/07660/FULL).

104 and 106 George Street on 8 September 2005 permission was granted on for 'use of basement and ground floor for retail purposes (Class A1)' (ref: 05/03714/FULL).

104 and 106 George Street on 3 June 2009 permission was granted on 3 June 2009 for "creation of two individual units at 104 and 106 George Street for the dual/alternative use of the ground floor for retail (Class A1) and/or financial and professional service purposes (Class A2) (ref: 09/02397/FULL).

94 George Street on 31 March 2009 a certificate of lawful development was granted for 'use of ground floor and basement as retail (Class A1)' ref: 09/00923/CLEUD).

96 George Street on 13 April 2009 permission was granted for 'use of the basement as retail I (Class A1)' ref 09/00552/FULL).

92 George Street on 20 March 2009 permission was granted for use of ground floor for retail purposes (Class A1)" (ref: 09/00618/FULL).

## **7 THE PROPOSAL**

The application has been submitted as part of a joint venture between Derwent London and the Portman Estate. Planning permission is sought to demolish the northern (69-71 Blandford Street building B), eastern (19-35 Baker Street building C) and southern (88-110 George Street building D) parts of the site and redevelopment to provide two new buildings fronting onto Baker Street and George Street.

The scheme is an office led development which would provide circa 28,012 m2 offices GIA, but will include up to 51 residential dwellings with 41 market housing units on George Street and intermediate affordable housing on the 1<sup>st</sup> floor of 30 Gloucester Place. The scheme also includes restaurant and retail uses on the Baker Street and George Street frontages and a retail courtyard within the centre of the site. The retail courtyard be accessed via new pedestrian routes east west

from Baker Street to Gloucester Place and north south between Blandford Street and George Street.

The new buildings C and D are linked by a new basement with access from Blandford Street and George Street providing car and cycle parking, refuse, and delivery access to each building.

The new building on Baker Street (building C) is 11 storeys high. The 8<sup>th</sup> to 10<sup>th</sup> floors are set back. The building has four disengaged stone and precast elevations with large double height openings and recessed corners. The roof profile of the plant room is chamfered. The ground floor will provide retail (Class A) units with offices (Class B1) on the upper floors.

The new building on George Street (building D) steps up from 5 storeys at the west to 7 storeys to the east. The facades are brick with a regular pattern of windows. As with the Baker Street building the ground floor will be retail (Class A) units with up to 41 market housing units (Class C3) on the upper floors. The new retail (Class A) units will extend further into the existing car park to the rear at ground floor level than existing. Single storey retail (Class A1) units are proposed on the northern side of the site to create a new retail/ leisure courtyard. The retail units include perimeter planting, landscaping and an arbour crossing.

At 30 Gloucester Place (building A) new openings are proposed in the façade at ground floor level to provide a new route through the centre of the street block. Listed building consent is sought for these works and the internal alterations proposed in connection with the conversion the 1<sup>st</sup> floor from offices (Class B1) to 10 affordable housing units.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land use figures are set out in the table below:

Land Use	Existing m2 GIA	Proposed m2 GIA	Change
Office (Class B1)	10674	28012	+17338
Residential (Class C3)	4182	8772	+4590
Retail (Class A1)	3042 Including 1567 m2 at ground floor level	1919 ( minimum) Including 1649 m2 at ground floor level	-1123 (maximum) + 82m at ground floor level
Bar (Class A4)	302	0	-302
Estate Agents (Class A2)	80	0	-80
Restaurant (Class A3)	650	1904 ( maximum)	+952 (maximum)
Total	18930	40607	+21677

#### Offices

The proposed development is office led proposal and the provision of significant new office accommodation is one of the applicant's key drivers for the scheme.

The site is located within the Greater London Authority's (GLA) Central Activities Zone (CAZ) and the eastern frontage of the site 19 -35 Baker Street is on CAZ frontage and is a named street within Marylebone. As such commercial development is encouraged.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. New office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets and the North Westminster Economic Development Area...' As stated Baker Street is a named street within the adopted City Plan.

The supporting text of Policy S20 states:

'Westminster contributes approximately 9 million sq. m of office floorspace to London and the UK's stock; the largest and most diverse office agglomeration in the country and one of the most significantly globally. However, there were losses of office floorspace since 2010/11, a trend that will take some time to reverse due to the significant number of office losses granted permission between 2010/11 and September 2015...After employment capacity has recovered in line with the employment targets and an appropriate balance of uses is re-established, commercial floorspace will still be the priority in the Core CAZ, Named Streets and Opportunity Areas ... We are working and will continue to work with partners to significantly increase office floorspace, from a position of annual net losses...New offices are encouraged within these locations to retain and enhance Westminster's strategic role in London's office sector, and support London's global competitiveness...'

The applicant has submitted an economic statement (by Volerra Parnters) in support of the application which sets out an economic case for the substantial increase in office floorspace on the site. This analysis indicates that there has been a 25 % reduction in office floorspace in the Baker Street area in the last 10 years. The applicant argues that the office led development which would result in the provision of 28012 m2 (GIA) of Grade A office floorspace will make a major contribution towards the identified need in the Core CAZ/Named Streets and the west end countering the historic losses in the Baker Street area. Furthermore that the economic benefits of the development are substantial with between 1,660 and 2,465 net additional full time equivalent jobs being created.

Objections on behalf of and from Blandford Street residents' are made on the grounds that the significant increase in offices is directly contrary to Westminster City Plan policies S20 and S18. Furthermore that the applicant's justification for the significant increase in office floorspace is fundamentally flawed as the figures they refer to regarding losses in office floorspace in the Baker Street area are inaccurate.

With regards to the principle of a substantial increase in offices, as set out in the preceding paragraphs, there is a clear economic reasoning why the substantial increase in offices is supported in land use terms.

Although the objector's acknowledge that the principle of new office accommodation on the Baker Street frontage is acceptable, their objection is to the substantial increase in the footprint of the replacement office building, which will extend back into the site along Blandford Street and George Street frontages which are outside the Core Caz and are not named streets. The



objector's contend that the proposal is therefore contrary to Westminster City Plan policies S20 and S18 which direct commercial office development to the Core CAZ and named streets.

The exiting CAZ frontage boundary covers the whole of existing commercial properties which form the frontage. As buildings which comprise this frontage are redeveloped the boundary will move geographically. This has happened at other sites along Baker Street where deeper footprints have been approved.

The objection also refers to the increase in offices being contrary to London Plan policy 2.12 which states that LPAs should identify, protect and enhance predominantly residential neighbourhoods within CAZ. The objector's consider that the policy is applicable because aside from the Baker Street frontage the primary use to the west is residential with a large proportion of family dwellings. Furthermore, that the positioning of such a large commercial development deeper into the site would have a very demonstrable negative impact on existing residents.

Although residential properties comprise a significant part of the street block, in addition to the commercial offices and retail units at 19-35 Baker Street (building C) there are a number of other commercial uses on the site. Namely retail units (Class A1 and A2) , a restaurant ( Class A3) and bar (Class A4) on George Street, a restaurant (Class A3) on Blandford Street, commercial offices (Class B1) on the lower ground to 1<sup>st</sup> floors of 30 Gloucester Place and the central part of the site is a commercial car park (Sui Generis).The site therefore comprises a mix of uses.

Whether the site is described as being part of a predominantly residential neighbourhood, or mixed use in character is not germane to consideration of the scheme, as residential amenity is given the same degree of protection on sites both within and outside the Core Caz. The impact of the development on residential amenity is discussed in detail in section 8.3 of this report. The provision of a larger office block on Baker Street which extends deeper into the site is however considered acceptable in land use terms policy terms.

In their stage 1 response the GLA advise that the proposed office-led mixed use development would support the strategic functions of the CAZ and other London Plan policies and is supported.

The provision of a significant quantum of commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ/Named Streets being a competitive business location. The significant increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a substantial benefit.

### Mixed Use

Policy S1 (2) is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. As the net additional floorspace (for all uses) is more than i) 50 % of the existing building and ii) more than 400 m2 residential floorspace, or an equivalent payment in lieu is required equivalent to the net additional B1 office floorspace, less 30% of the existing building floorspace.

The existing building is 18,930 m2 GIA. The net additional floorspace (of all uses) proposed is 21,677 m2 GIA. The residential required therefore is equivalent to the net additional office (Class B1) floorspace less 30 % of the existing building floorspace. The net additional office B1 floorspace is 17,338 m2 GIA, 30 % of the existing building foorspace is 5,679 m2 GIA. Therefore

the residential floorspace required to accord with City Plan policy S1 is 11,659 m2 GIA. The total increase in residential proposed by the scheme is 4,590 m2 GIA, there is therefore a residential shortfall of 7,069 m2. This equates to a policy compliant financial payment of £12,320,796. An objection has been received that the scheme would result in 'a massive shortfall in residential'.

City Plan policy S1 C) is applicable as the increase in floorspace (of all uses) is more than 50 % of the existing building. The policy requires the quantum of residential set out above to be provided in accordance with the following cascade.

- i) on site or in the immediate site vicinity of the site;
- ii) off site, including by mixed use credits on a site in the vicinity of the development site;
- iii) off site, including mixed use credits elsewhere within the Central Activities Zone;
- iv) or an appropriate payment in lieu to the Affordable Housing Fund, which in this case would be £12,320,796.

The policy requires applicants to satisfactorily demonstrate that it is not appropriate or practicable to provide floorspace (in whole or part) at each step of the policy cascade before moving to the next step.

With regards to point i) the applicant argues that the scheme delivers the maximum amount of residential that can reasonably and viably be delivered on site. A total of 41 residential market dwellings will be provided in the new building on George Street (building D) with 10 affordable homes on Gloucester Place (building A). The new commercial building on Baker Street (building C) reflects the commercial activity of the street. The proposed residential on the first floor of Gloucester Place (building A) and within the new building on George Street (building D) are considered to be the most appropriate locations for residential.

The applicant's argument that there are practical difficulties in providing more residential on site within all the buildings and the central courtyard comprising the site are accepted. Baker Street being a busier commercial street is not considered to be the optimum location for residential. The provision of residential would require the introduction of additional circulation cores, and would require design changes as the structural grid and floor to ceiling height requirements differ between commercial offices and residential.

The George Street new building could not be increased in height or depth to provide additional residential without harm to the townscape and/or residential amenity. The proposed building is 18m deep and any increase in depth would compromise the floorplans and would encroach on the proposed retail courtyard. The height of the building is influenced by the surrounding townscape and a requirement to not adversely impact upon daylight and sunlight levels to Blandford Street residential properties to the north.

With regards to points ii) and iii) above the applicant advises that Derwent London and the Portman Estate have no other sites within the vicinity of the site that would be available within the required timescales. The applicant advises that they cannot commit with certainty to provide residential off site in accordance with parts ii) or iii) of the policy.

The final part of the cascade requires a payment in lieu of the residential floorspace. A policy compliant payment would be £12,320,796. The applicants are offering a financial contribution of £5million. This is £7,320,796 less than required by the Council's mixed use policy. The applicant

has submitted a Financial Viability Assessment (FVA) that this is the maximum level of financial contribution that can be made in order to achieve a potentially viable scheme.

The FVA has been assessed by GVA acting as independent consultants for the Council. They advise that the scheme could not support a greater level of affordable housing contribution than that offered by the applicant. This is predominantly due to the high existing land use value of the site. They also advise that the viability is likely to be further compromised due to reduced floor area efficiency and impact on yield of a mixed use residential building. A policy compliant scheme in which there is no residential shortfall would also not be viable. In the light of this advice and the weight that should be given to the fact that the scheme will deliver new modern office floorspace the quantum of residential is considered acceptable. The quality of the proposed residential and affordable housing offer are discussed below.

### Residential

Housing is a priority outside of the Core CAZ, Named Streets and Opportunity Areas. In the London Plan policy 3.3 sets an annual target of 1,068 homes a year to be provided within Westminster between 2015 and 2025. City Plan policy S14 states that residential use is the priority across Westminster except where specifically stated and that the number of residential units on development sites will be optimised.

There are currently 40 flats on site made up of 19 x studio flats and 21 x one-bedroom flats. The scheme proposes 8722 m2 (GIA) of residential comprising up to 51 new residential dwellings, with 41 market housing units along George Street and 10 intermediate affordable housing units on the 1<sup>st</sup> floor of 30 Gloucester Place. This represents an increase in the number of residential units on site of 11 and an increase in residential floorspace of 4,590m2. The provision of new residential is supported by policies H3 of the UDP and S14 of the City Plan.

### Housing Mix

The mix of the proposed market housing is as set out in the table below:

Units	Number	Percentage %	Area range GIA m2
1	18	44	52-61
2	14	34	100-113
3	9	22	149-79
Total	41	100	

As stated City Plan policy S14 requires the number of residential units on development sites to be optimised. Policy S15 requires an appropriate mix of unit size and type to be provided. UDP policy H5 states that the City Council will normally require at least 33% of units to be family sized.

The objection from residents living on Blandford Street is made on the grounds that the quality of the proposed residential units has been significantly undermined as a result of the focus to overdevelop the site for commercial floorspace (particularly in the central courtyard).

Specific points of objection are as follows:

- i) The proposed mix of family housing is only 18 % which is below the policy requirement of 33%, in addition the scheme would result in a loss of amenity to existing family housing on Blandford Street thus having further impacts on protecting Westminster's family housing stock;

- ii) the scheme does not comply with standard 29 of the Housing SPG which states that single aspect north facing units should be avoided;
- iii) the vast majority of the proposed dwellings do not have any private amenity space;
- iv) all single aspect dwellings have no amenity space which will result in poor quality accommodation;
- v) no play space has been provided for the development in conflict with London Plan policy 3.6 and the site is in an area of 'Open Space Deficiency'.

These points are addressed in turn:

- i) *Residential mix:* As set out in the table the scheme will result in the provision of 9 x 3 bedroom (22 %) family sized units. The policy application advises that the requirement to provide 33% family sized units will be applied flexibly and that a lesser proportion of family sized units may be acceptable in busy areas. Whilst the area is mixed use in character and Baker Street is a busy location it is considered that the applicant has not fully justified the shortfall in family sized accommodation. This shortfall is considered to be disappointing but, given the overall quantum and quality of residential that will be provided and the current lack of any family-sized units on site, it is considered that permission should not be withheld due to a shortfall in the expected number of family sized units.
- ii) *and iv) Standard of housing and compliance with London Plan:* The London Plan states that care should be taken with creating single aspect north facing flats but that this is sometimes difficult to avoid in large floorplate developments. The scheme would result in the provision of 5 single aspect north facing units. These are all one-bedroom flats. The remaining 36 flats are proposed to be dual aspect. All the flats meet the Mayor's dwelling space standards as set out in London Plan Policy 3.5. They have been designed in accordance with Lifetime Homes Standards and 10% of the units have been designed to be easily adaptable to wheelchair accessibility standards.
- iii) *Amenity space:* Roof terraces are proposed at levels 5 -7. The terraces have timber decking and perimeter evergreen hedging. All (9) of the 3 x bedroom units have access to terraces.
- iv) *No play space and Open Space Deficiency:* London Plan policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals include suitable provision for play and recreation. Further details are provided in the Mayor's 'Shaping Neighbourhoods : Play and Informal recreation SPG which sets out a benchmark of 10 m2 of useable child playspace to be provided per child with under 5's child playspace to be provided on-site as a minimum. The scheme results in a requirement to provide 51 m2 play space. Given the proposed mix of accommodation the child yield for the scheme is very low, with only three children under the age of 5 expected. It is regrettable that the scheme does not include open space with child play facilities, however the development is close to Paddington Street Park, Hyde Park and Regent's Park. In their stage 1 response the Mayor has confirmed that the lack of on- site play space is acceptable in this case.

### Quality of Housing

All the proposed accommodation would receive good standards of daylight and are capable of natural ventilation. UDP policy ENV6 requires new residential developments to provide adequate protection from existing background noise as well as from noise within the development itself, in this case office, retail and restaurant uses. The redevelopment will incorporate double glazed windows and sufficiently high specification building fabric necessary to meet modern performance standards. The design will ensure that satisfactory noise levels are achieved within the flats.

The scheme would result in a 4 star home quality Mark rating (which has replaced the Code of Sustainable Homes). Achieving this mark means that the home is designed to have very low running costs, with a positive impact on health and wellbeing, all with an extremely low impact upon the environment.

It is considered that the proposed residential units would provide a good quality of accommodation within an appropriately designed and sustainable building

### Affordable Housing

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant to consideration of the application. In new housing developments of either 10 or more additional units, or where over 1000m<sup>2</sup> of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

Given the increase in new residential floorspace of 4590 m<sup>2</sup> GIA the scheme would be expected to deliver 1280 m<sup>2</sup> of affordable housing. This equates to 16 affordable housing units (based upon a unit size of 80 m<sup>2</sup>).

The scheme would result in the provision of 835 m<sup>2</sup> (17%) of affordable housing in the form of 10 intermediate rented homes on the 1<sup>st</sup> floor of Gloucester Place (Building A) above offices. The new affordable housing units will have their own separate access from the south elevation.

The affordable housing comprises a 50/50 split of 1 and 2 bed units, with 5 x 1 bed and 5 x 2 x bed units. The applicant's argument that it would be difficult to reconfigure the floor to provide 3 bedroom units is accepted.

The proposed mix of the 10 intermediate rented homes is as follows:

Dwelling size	No of Homes	Floor Area m <sup>2</sup>
1 bed ( 2 person)	5	51-59
2 bed (3 person)	4	67-68
2 bed (4 person)	1	84

The objection on behalf of the Blandford Street residents is made on the grounds that the 17 % affordable housing provision is not policy compliant, being below the 30% policy requirement. Furthermore that Westminster Council's affordable housing policy and London Plan policy 3.11 require a 60:40 split for social and intermediate provision respectively. The proposal would breach this requirement as the scheme would deliver 100% intermediate housing.

The City Council's Housing Supply Manager welcomes provision of on-site affordable housing but comments that the level of affordable housing, 17 % (of the net increase in overall residential floorspace) is disappointing.

A Financial Viability Appraisal (FVA) has been submitted in support of the application. The FVA concludes that the proposed development would deliver the maximum financial contribution in lieu of the mixed use policy (as discussed above) and that the proposed 10 on site affordable housing units are the maximum that could be provided without impacting on the viability of the scheme.

As already stated the viability report has been reviewed by consultants acting on behalf of the City Council. Their advice is that the scheme could not support the provision of further affordable housing units or an additional financial contribution towards the affordable housing fund whilst ensuring that the scheme remains viable. In the light of this advice the level of affordable housing proposed is considered to be acceptable.

The applicant was asked to consider the introduction of a mixture of both social housing and intermediate housing into the scheme. However the applicant has advised that the introduction of social housing would undermine the viability of the scheme and lead to an overall reduction in the number of affordable homes proposed and a reduction in the proposed payment to the affordable housing fund.

With regards to the proposed housing tenure the Housing Supply Manager advises that in the absence of social housing provision, the intermediate rented homes proposed should have rents that are set at moderate levels so that the affordability of these units is a genuine alternative to social housing. Therefore, all 10 intermediate rented homes proposed will need to be made affordable to Westminster intermediate households whose incomes do not exceed the median Westminster intermediate household income. Which at the present time for a 1 x bed household is £33,560 per annum, equating to a rent of £180.71 per week and for 2 x beds is £38,575 per annum, equating to £201.71 per week (inclusive of service charges). The applicant has factored these rent levels into their viability assessment. The Housing Supply Manager also advises that allocation of the units should come from the City Council's intermediate housing waiting list.

It is recommended that the delivery of the 10 affordable housing units, rent levels and nomination rights will be secured as part of a S106 agreement.

### Retail and Courtyard Development

The existing site includes 4074 m<sup>2</sup> of Class A floorspace. This comprises primarily retail (Class A1) with retail units on Baker Street and George Street. As set out in the land use table the total retail (Class A1) floorspace is 3042 m<sup>2</sup>. In addition to the existing retail units (Class A1) the site includes two restaurants (Class A3), one on Blandford Street and one on George Street. There is also an Estate Agents (Class A2) and a bar (Class A4) on George street.

The scheme seeks to provide a mix of retail (Class A1) and restaurant (Class A3). The Class A units are to be located on Baker Street and George Street as existing. In addition to this the scheme also proposes to use the central courtyard as a new retail location.

The proposed retail units on Baker Street (building C) are double height spaces which could accommodate a mezzanine floor. The retail units on George Street are single storey and are

designed to be through units facing onto the courtyard. New retail on the northern side of the courtyard would also be single storey units. The new publically accessible routes through the courtyard will therefore be flanked by retail units. The applicants' supporting statement refers to the aim to provide a retail cluster which would provide an oasis in the courtyard away from the nearby busier streets of Oxford Street and Baker Street. The intention is to provide some tables and chairs. The applicant refers to this having a similar character and feel to Heddon Street and St Christopher's Place.

Strong objections have been received from Blandford Street residents that use of the existing car park for commercial floorspace (Class A1/A3) is in direct contravention to City Plan Policies S8 and S21. Furthermore, to locate such units within the 'courtyard area' would harm the amenity of existing and future residents by creating a thoroughfare directly through the middle of the development linking Baker Street and Gloucester Place under the banner of 'new high quality publically accessible space'.

City Plan policy S8 relates to developments in Marylebone and Fitzrovia. The policy states that the named streets including Baker Street are appropriate locations for residential and a range of commercial uses. Retail and other appropriate town centre uses will also be directed to Marylebone High Street and Local Shopping Centres. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.

City Plan Policy S21 relates specifically to retail and states that new retail will be directed to designated shopping centres and existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable as demonstrated by long term vacancy despite reasonable attempts to let.

The balance between retail (Class A1) and restaurant (Class A3) uses and the impact of development within the car park on residents' amenities are considered elsewhere in this report. Notwithstanding these issues, given that this part of the site is currently in use as a commercial car park which would be developed to provide commercial uses including some public seating and greening, the principle of development of this space (as part of a single comprehensive redevelopment of the majority of a street block) is considered acceptable as the proposal would result in service uses that would support the local community.

#### Retail (Class A1)

The ground floor retail space has the potential for 17 units. The applicant is seeking flexibility in the occupation of the units and has identified 7 units which would be used for retail Class A1 space only but a further 10 units that could be either retail (Class A1) or restaurant (Class A3). The proposed single storey pavilion units on the north side of the courtyard will be Class A1 use only. Flexibility is sought for the remaining 10 units fronting onto George Street and Baker Street.

In terms of the overall retail within the development there could potentially be a loss of 1123 m<sup>2</sup> of Class A1 floorspace. The loss of retail (Class A1) floorspace would be contrary to City Plan policy S21 referred to above. The applicant argues that the losses would be primarily storage space at basement level. The total existing retail floorspace is 3042 m<sup>2</sup> which comprises 1567 m<sup>2</sup> at ground floor level and 1475 m<sup>2</sup> at basement level. The scheme would result in the provision of a minimum of 1919 m<sup>2</sup> retail Class A1 floorspace which would include 1649 m<sup>2</sup> at ground floor level which is an increase of 82 m<sup>2</sup> in comparison with existing. As the ground floor trading area is increased it could be argued that the retail Class A1 provision would be improved.

Although the reduction in retail Class A1 floorspace is somewhat regrettable the fact that there would be no loss at ground floor level is considered to be a significant factor. In the circumstances it is considered that there would be no harm to the overall retail offer and this aspect of the application is considered to be acceptable

### Restaurants (Class A3)

As stated at present the site includes a bar, and two restaurants comprising a total of 952 m<sup>2</sup>. The Union Bar at 88-90 George Street is not a traditional pub and is not recognised as an Asset of Community Value. The loss of the bar is considered acceptable and would not be harmful to the character and function of the area.

The ground floor retail space (Class A) has the potential for 17 units. The applicant has identified 7 units, including all 5 units on the northern side of the site which would solely be used for retail (Class A1) purposes. These units are directly to the rear of the Blandford Street houses. The applicant is seeking flexibility with regards to how the remaining 10 units would be used, as either retail (Class A1) or restaurant (Class A3) uses. The restaurant floorspace would be restricted to a maximum of 1904 m<sup>2</sup> (GIA ) which would equate to approximately 6 units. Not all 10 of the units would be used for restaurant purposes (Class A3). The proposal would however allow flexibility in the location of the restaurants and would result in a 50 % increase to the entertainment floorspace that currently exists on site.

To accommodate the restaurants across the site two extract ducts are proposed within the George Street building (D) and three extract ducts within the Baker Street building (C). The ducts will run through internal risers and terminate at roof level.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m<sup>2</sup>) is applicable 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 concentrations of entertainment uses and the 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 proposal states that new large scale entertainment uses of over 500 m<sup>2</sup> floorspace 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 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.

The objection on behalf of the Blandford Street residents is made on the grounds that the increase in restaurant/ entertainment floorspace would result in high concentration of restaurants/cafés and the resultant increase in evening and night time activity would have a significant adverse impact on residential amenity. Noise and disturbance would potentially increase as a direct result of increased activity from customers and increased servicing. The activity would have a negative



impact on both the existing residential properties on Blandford Street and on the amenity of future occupants of the new residential on George Street (within building D).

The objection is makes the following points:

- i) that the vast majority of the flexible Class A1/ Class A3 uses would have access onto a central walkway fronting onto the rear of properties on Blandford Street;
- ii) the acoustic noise report makes no accurate assessment of noise outbreak associated with the location of commercial floorspace;
- iii) ductwork and ventilation associated with restaurant uses can cause noise with significant detriment to residents;
- iv) and the units are likely to be occupied by tenants who will more than likely to place tables and chairs in the public open space which would further exacerbate the noise levels for surrounding residents.

How the courtyard would be used by both the retail and restaurant uses can be controlled by an Operational Management Plan (OMP). This will include the extent and hours of use of the courtyard and maintenance and security/surveillance and opening hours of the retail units. The acoustic report submitted is considered to be robust and details noise limits for mechanical and electrical plant associated with the proposed development and the specification of new build to enable compliance with noise conditions. Ductwork and plant would be located at roof level of the George Street and Baker Street buildings in dedicated plant areas and not on the roof of the single storey retail units. In both instances this will be a substantial distance away from the existing residential properties. The roof level plant would include air handling units, generators, condensers, and fan units enclosed by acoustic louvre. Environmental Health raise no objection to this aspect of the development. With regards to the provision of tables and chairs in the public open space this would be controlled in the OMP.

Although the proposal would result in potentially a 50 % increase in restaurant floorsapce it would result in the removal of an existing bar (Class A4) at 88-90 George Street which is licenced until 12 midnight. The proposed restaurants would result in the provision of service uses that are not considered out of context for the size of the site. The proposed hours would be restricted to the normal core hours for licensed premises, with evening opening rather than night time use. Subject to appropriate conditions including a requirement for all the individual units to operate in accordance with an approved Operational Management Plan (OMP) the overall restaurant provision is considered to be acceptable.

Compliance with an OMP would safeguard amenity and to ensure the restaurants and retail units are properly run to minimise their environmental impact it is considered that the uses would be acceptable.

## **8.2 Townscape and Design**

### **A. The site**

The site comprises most of the street block defined by Baker Street, Blandford Street, George Street and Gloucester Place. It lies outside the Portman Estate Conservation Area, except for the buildings on Gloucester Place. The Portman Estate Conservation Area also lies immediately to the south and east of the site.

The existing buildings within the site are:

a. Gloucester Place (referred to as Building A in the planning application)

These is a grade 2 listed building, listed in 1970 but rebuilt as an office block in 1972-73, as a facsimile rebuild of c.1790 Portman Estate terraced houses. It is listed for 'group value' only. It forms an important part of the townscape of Gloucester Place, reflecting the appearance of the original Georgian house which dominate. Its interior is modern and not of special architectural and historic interest.

b. Blandford Street (Building B)

This forms the eastern end of the four storey terrace of post-war town houses. The majority of the houses (nos. 73-89) lie outside the site.

c. Baker Street (Building C)

This is a 1960's building with a strong horizontal emphasis, of limited architectural merit. It is the largest building on the site, comprising seven floors above street level, with a recessed plant room at roof level. The facade is approximately 26 metres above street level; the top of the roof plant is at 31 metres. On plan it is quite narrow, with a floor plate depth (above ground floor level) of around 18 metres.

d. George Street (Building D)

This is another post-war building, with a strong horizontal emphasis, but significantly lower than the Baker Street building. It is four storeys high, with a recessed top floor, which was added 10 years ago. The main parapet height is about 15 m above street level; the top of the building is about 20 m above street level.

## B. Context – Building heights

The surrounding context is dominated by four to five storey buildings (mainly Georgian) towards the west end of the site, and taller buildings, up to seven and eight storeys, to the east on Baker Street. Further east, beyond Baker Street, the context is again four to five storey buildings. These domestic scale buildings typify the character and appearance of the Portman Estate Conservation Area.

### To the west

There are listed Georgian terraced houses adjacent on the south side of George Street (nos. 71-87). These are four storeys high with mansard roofs. Gloucester Place is characterised by listed Georgian houses of four or five storeys. The south side of Blandford Street comprises four storey post-war town houses.

### Baker Street and to the east

Looking north and south along Baker Street there appears to be a reasonably consistent parapet line, especially on the west side. North of the site (Building C) on Baker Street no.55 has facades seven storey high. Its height and bulk are similar to those of the existing Building C. No. 55 was refurbished and extended 10 years ago. The 1960's building opposite, Accurist House (no. 38-44), on the east side, has facades five storeys high, with a recessed floor above.

Directly opposite the site, on the east side of Baker Street, is a modern office development in a Georgian style (nos. 20-30). The street facades are 4 and 5 storeys high with a mansard roof. At the north end of this block are two late eighteenth century Georgian houses, listed grade 2.

South of the site the buildings are only slightly higher than those to the north. The building on the west side (no. 7-15) is recent, built in 2011. It is seven storeys high, with a recessed top floor. The massing of this new building was designed to relate closely to its neighbours, including Building C. Opposite this on the east side of the street is an undistinguished eight storey block (nos. 16-20) dating from the 1960's.

### C. The proposals – urban design and conservation issues

#### a. Demolition

All the existing buildings are to be demolished, with the exception of the Gloucester Place listed building (Building A). The loss of the buildings is not contentious and in any case, since they are outside the Portman Estate Conservation Area, they can be demolished without planning permission.

#### b. Plan form

The new buildings broadly follow the historic building lines on the main streets. On Baker Street the new building is slightly forward of the existing building line at street level, but the upper floors are on the same line as the existing building. The projection at ground floor level raises highways issues, more than urban design issues, and is dealt with elsewhere in the report.

New routes are proposed through the block. These routes are not on any clear pedestrian desire lines, and without the proposed uses in the courtyard, the routes would be unlikely to be heavily used. The routes are required to access a new semi-public space in the centre of the block from the surrounding streets. The new space is intended to enhance the attractiveness of this part of Baker Street, creating a new semi-public place for people to use and enjoy. The proposed space is considered an enhancement, compared with the existing car park, and is considered uncontroversial in principle in urban design terms. The amenity impacts of the courtyard are dealt with elsewhere in this report.

The route east to west is lined with restaurants / shops, and, under the main office building, by office entrances on the south side. The route northwards is relatively narrow and not lined with active frontages. The route south is wider and has restaurants / shops on both sides.

The retail / restaurant units on George Street also front onto the courtyard. This means they have two frontages, which are often difficult to make work successfully in practice. Retailers usually only want one entrance, and use the rear of the shop for back of house activities. This is a point made by objectors. (If they are restaurants then having two entrances – front and rear – is likely to be less of a problem). To be successful, with active frontages on both George Street and the courtyard, some form of management agreement would be necessary.

#### c. Massing

On Baker Street the new office building is 11 storeys high, with the 10<sup>th</sup>, 11<sup>th</sup> and roof level plant set back progressively. The total height is approximately 46 m above street level. This is to be compared with the existing building height of 31 m, an increase of approximately 15 metres, the equivalent of about 4 office storeys. The proposed main parapet level is at 37 m above street level, compared to 26 m existing. The office building is significantly deeper on plan than existing; it is approximately 46 m compared to 18 m existing. The increase in the depth of the plan coupled with the additional height means that the new building is very significantly more bulky than the existing building, and others in the surrounding area.

On George Street the residential buildings step down from 7 to 6, to 5 storeys (approximately 25 m to 18 m) from east to west. These are significantly higher than the buildings on the south side of the street.

#### d. Design of the new buildings .

##### Baker Street – Building C

The buildings facades take the form of stone and precast framed structures, separated by recessed glazed bays. The 8<sup>th</sup> and 9<sup>th</sup> floors are set back with terraces in front of the facade, and the top floor is taken up with the plant, and is surrounded by a flat bio-diverse roof.

The facades have wide stone piers, spanned by large pre-cast concrete lintels. Within each opening are double height glazed bays, each measuring 6.5 m by 6.5 m. This allows 8 storeys to be articulated as four. The upper floors, at roof level, are fully glazed, with clear and opaque glazing.

##### The Courtyard buildings

These are single storey structures, with glazed shopfronts and bio-diverse roofs.

##### George Street – Building D

The building is divided into 5 sections, each 4 bays wide. The facades are of brick, with arched window openings, and metalwork balconettes. Each section is separated by a recessed glazed bay, breaking down the massing and giving the façade a regular rhythm. Although not designed on Georgian principles, the facades do make some reference to the historic terraces in the area through the use of brickwork and a regular fenestration pattern, albeit without the vertical hierarchy found in Georgian facades. It is considered that close adherence to Georgian design principles is not essential in this context.

It is considered that the new buildings (C and D) are of high intrinsic design quality, setting aside the issue of height and the architectural relationship to the surrounding area.

##### Gloucester Place – Building A

Three new openings are proposed in the Gloucester Place facade at ground floor level to provide a new route into the middle of the street block. A ramp would be installed behind the railings on the south side of the entrance. Such openings are alien to the Georgian buildings in Gloucester Place. However, if the concept of the east-west route and the semi-public space is accepted, then the facade alterations have been designed in a way which respects the Georgian architecture, although alien to the domestic character of Gloucester Place, with its painted timber doors and sash windows at ground floor level. There is no loss of historic fabric as this is a 'replica' rebuild.

#### e. Impact on views

The main impact of the proposed scheme is from the increase in height of the office building and how this is seen in views from surrounding streets.

##### Baker Street

In views from the south, from the south east corner of Portman Square northwards, the new building is clearly visible, and appears significantly taller than the existing buildings, breaking through the relatively consistent parapet line. These are shown in Views 1, 2 and 3 in the planning application document, 'Townscape, Heritage and Visual Assessment'. The document describes the impacts as being enhancements to the views.

The applicants argument that this site is the middle of Baker Street and so justifies a prominent, landmark building, is not accepted. When one walks along Baker Street it is not at all apparent that the site is in the middle of the street. In any case, it is only in the middle of the street if Baker Street is regarded as running from Oxford Street to the Marylebone Road, taking in Orchard Street and Portman Square. The latter do not read as being part of Baker Street, which appears to end at the north side of Portman Square.

#### George Street and Blandford Street

It is the views eastwards and westwards, along George Street and Blandford Street, where the development is seen in conjunction with the Georgian terraces (some of which are listed buildings), that the visual impact is very significant. In these views the new building C looms above the small scale terraces and harms their settings. For example, Views 7, 8 and 12 on Blandford Street and 5 and 16 on George Street.

The submitted report describes these impacts as enhancements to the townscape. This is not accepted. It is considered that this juxtaposition of the new building C with the domestic scale of the Georgian houses is uncharacteristic of this part of Marylebone and the Portman Estate Conservation Area. The impacts are clearly harmful in urban design and conservation terms.

The proposed new buildings fail to preserve or enhance the setting of the adjacent Portman Estate Conservation Area, harm the setting of adjacent listed buildings and harm local views. This is contrary to some of the City Council's urban design and conservation policies, notably S25 and S28 of the City Plan and DES 1, DES 9 and DES 10 of the Unitary Development Plan.

#### D. Consultation responses with respect to urban design and conservation matters

A full and detailed townscape and heritage assessment has been submitted on behalf of the objectors in Blandford Street. This is a comprehensive report and is highly critical of the proposal and the documents submitted by the applicants. The report focuses on five aspects of the proposals which have a significant impact on townscape and heritage of the area. These are:

1. The scale of development in George Street
2. The proposed retail courtyard
3. The mass height and foot print of the proposed office building on Baker Street
4. The proposed service arrangements
5. Alleged inaccuracies and misrepresentations in the submitted documents

Many of the points raised by the objectors' report are dealt with in the urban design and conservation section above. It is considered that their objections to the height and bulk of the Baker Street building are particularly sustainable.

Historic England share officers' concerns about the height and bulk of Building C and its impact on the surrounding historic environment. They consider that the height should be reduced. The Marylebone Association is also concerned, but not as strongly; they consider that Building C is bordering on the oversized.

## E. Conclusion – Urban design and conservation issues

It is concluded that, setting aside the height and bulk of the Baker Street building (Building C), this is a high quality development. The proposals could be acceptable in urban design and conservation terms if the height and bulk of Building C was reduced, so that it related more closely to the existing buildings on Baker Street.

The height and bulk of the Baker Street building causes harm to the setting of the adjacent conservation area and listed buildings. This harm is considered less than substantial in terms of the NPPF. Planning permission should only be granted if that harm is outweighed by public benefits.

### 8.3 Residential Amenity

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

The objection from Blandford Street residents (7 houses No's 73,75,77,79,83,87 and 89) is made on the grounds of loss of daylight and sunlight, overlooking and loss of privacy and noise nuisance from external residential terraces.

#### Daylight and Sunlight

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. The properties tested are: 36 Baker Street, 32-34 Baker Street, 18 Baker Street, 55 George Street, 67-69 George Street, 71-87 George Street, 24 Gloucester Place, 30 Gloucester Place, 73-89 Blandford Street, and 98 Blandford Street.

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.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) *and* the loss is greater than 20% of the original sunlight hours either over the whole year or just 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 distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test, which analyses the daylight penetration within a room. The BRE guideline states that where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable. In all cases, testing need only be undertaken in the case of habitable rooms.

This objection on behalf of the Blandford Street residents' is made from Delva Patman Redler Chartered Surveyors. Their objection does not dispute the figures in the applicants Daylight and Sunlight report (by Point 2 surveyors) but concludes that the scheme fails the daylight and sunlight standards as set out by the British Research Establishment and the standards that the City Council should require. Delva Patman Redler advise that the principle cause for the reduction in sky visibility is the height and proximity of the taller proposed building on George Street exacerbated by the height and proximity of the building proposed on Baker Street. They conclude that a reduction in the height of the George Street block would greatly improve daylight to the Blandford Street houses.

The following section provides a summary of the daylight and sunlight report and the impact of the respective properties. Although there are a significant number of breaches to BRE guidelines (discussed in further detail below) the impact on any of the surrounding properties tested is not considered to be great enough that any losses to daylight and sunlight would result in a material and substantial loss of amenity. Any loss of amenity is not considered to be significant enough to outweigh the wider benefits of the scheme.

The properties assessed are:

i) 36 Baker Street:

All windows tested comply with guidelines.

ii) 32-34 Baker Street:

11 windows have been tested which shows that in the case of 8 windows the losses in VSC levels are greater than 20% which breaches in BRE guidelines. However all these breaches are marginal, ranging between 21- 24 %. This is not considered to have a significant adverse effect upon daylight to the buildings.

With regards to sunlight 7 out of the 11 windows comply with the guidelines. Where there are breaches the rooms have more than one window. When sunlight to the rooms are considered rather than individual windows each room meets the APSH criteria and the building will continue to receive good levels of sunlight.

iii) 18 Baker Street:

The property is located to the south east of the site. The analysis shows that 11 out of 14 windows meet the VSC criteria. The three windows that do not are all overhung by balconies on the floor above which restricts light, as the balcony cuts out the top part of the sky. All rooms tested meet the No skyline criteria.

There would be no breach in Sunlight guidelines

iv) 55 George Street

The proposed development would have the greatest impact on this property. The analysis shows that all the windows which face the site will breach BRE criteria.. The majority of the losses range between 37-53 %. The typical existing VSC levels are around 27 % which would be reduced to around 15 %.This indicates that the windows currently receive a good level of daylight and the loss of daylight would certainly be noticeable, but the retained values are still reasonable and not uncommon for typical values found at other premises in the surrounding area. The windows retain VSC values of between 11-21%.

Of 13 habitable rooms included in the NSL assessment, there would be an improvement to two rooms seven comply with the guidance, three would experience a modest breach of the BRE criteria (22% -26 %) and 1 ground floor window will experience a noticeable change 54%.

No 55 George Street faces onto the southern flank elevation of the new office building at 19-35 Baker Street. There is significant increase in height which would have a noticeable impact to the daylighting levels at flats at 55 George Street. However, it is not considered that the impact would be so great that permission should be withheld because of the breaches.

The property along with remaining properties on George Street are north facing and sunlight does not need to be tested.

v) 67-69 George Street

The building is in use as offices on the ground and 1st floors with residential on the 2<sup>nd</sup> to 4<sup>th</sup> floors. 14 out of 17 windows tested breach BRE guidelines, with reductions in VSC levels ranging between 30-41%. Although these figures appear significant the existing VSC levels are high the highest being 30%. The retained values range between 15% -20% which are typical of the area. Although there would be a noticeable impact on this property it is considered that the impact would be so significant that permission should be withheld.

vi) 71-87 George Street

These buildings comprise retail uses on the basement and ground floors with residential on the 1<sup>st</sup> to 4<sup>th</sup> floors. 37 out of 75 windows will meet the VSC criteria. At No's 75-87 breaches in the guidelines range between 20%-24% which marginally exceeds the guidelines. At No's 71-73 (which faces onto the highest element of the proposed residential building on George Street) the VSC reductions range from 21% to 29%.

Analysis of the data shows that where there are larger percentage reductions in VSC values the retained values remain typical of residential in the area. The table below provides a breakdown of the retained VSC values for windows in 71-81 George Street that breach guidance.

		Retained VSC %			
	15-17.5 %	17.6-20%	20.1-22.5%	22.6-25%	25.1-27%
No of windows	8	10	8	8	4

Although the various heights of buildings means that there are significant differences in the VSC values of buildings across the Portman Estate a VSC value of 15 % is typical of the surrounding area.



## vii) 24 Gloucester Place

All windows tested comply with guidelines

## viii) 30 Gloucester Place

There are eight duplex flats at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels of the building. 27 out of 34 windows tested meet the VSC criteria. Of the 7 windows which fail, 5 would experience losses of less than 30 % and the retained values are around 25 %. The two other windows are a kitchen window and a bedroom which would see reduction of 37 % and 50 %. In the case of the kitchen an existing VSC level of 14 % is reduced to 8 % which is a 37 % reduction but the actual loss is 5 %. With regards to the bedroom a VSC of 35 % would be reduced to 17 %. This retained level of daylight (VSC) to a bedroom is considered acceptable.

## ix) Blandford Street properties

The houses at No's 73 -89 Blandford Street are the closest to the application site as they form part of the street block but lie outside the site. As stated, objections have been received on behalf of 7 of 9 houses ( No's 73,75,77,79,83,87,89), that the scheme is a substantial overdevelopment of the site which would result in a material loss of amenity to residents.

The daylight and sunlight report submitted with the application shows that most of the windows in houses tested would comply with guidelines. As however is the case with a number of other surrounding properties there are some breaches to the guidelines. In all cases where there are breaches in BRE guidelines the objection from Delva Patman Redler on behalf of the 7 houses is that the breaches are unacceptable.

The applicant argues there are two important characteristics of the Blandford Street houses which present a situation which challenges the ability of the development to strictly adhere to the technical specification required by the BRE. These characteristics are:

some of the windows in the houses have recessed windows below overhanging projections or are set back beneath very deep inset balconies. The façade means that the overhang blocks out the top part of the sky. The design means that the windows have low existing VSC values. This is demonstrated by comparing existing VSC values for windows inset with windows at the same level on the face of the building. At first floor level inset windows typically have values of 8%-10% whereas windows at the same level which are not overhung have values of 30 % VSC. The design therefore creates a position in which very small absolute changes in light exceed the 20 % percentage reduction and technically breach BRE guidelines;

the Blandford Street houses overlook an open and underdeveloped car park which is unusual street pattern. It is therefore somewhat inevitable that any redevelopment will have an impact on the daylight and sunlight to the Blandford Street houses.

The impact on the each of the individual properties assessed are summarised as follows:

## a) 89 Blandford Street

The applicants initial daylight/sunlight report referred to the ground floor as commercial offices which were excluded from the assessment. An objection was received from the owner/occupier of the premises which advised that although one of the ground floor rooms is used as study it is not in commercial office use. A subsequent site visit confirmed that the property is a residential

dwelling and the rear ground floor has a study and dining room window facing the site. The objection from Delva Patman Redler also refers to the fact that the premises is a single dwelling and that the ground floor habitable rooms should be assessed.

The daylight and sunlight report has subsequently been updated to include the rear ground floor windows of No 89. In response to further consultation the owner/ occupier of the premises strongly objects to the loss of light.

The revised assessment tests 11 windows that serve accommodation across ground-3rd floors. Nine of windows meet the VSC criteria. A ground floor dining room window is heavily recessed and has an existing VSC value of 3.09%. This is despite it looking over the undeveloped carpark which illustrates the effect the overhang is having on the ability of the window to receive direct skylight. The VSC to this window is reduced to 1.12%, i.e. an absolute change of 1.97%. In terms of NSL, there will be a 41% change which is beyond the BRE target.

The 1st floor is a dual aspect living room with windows facing over the site as well as Blandford Street. The 2nd and 3rd floors are used as bedrooms.

A 1st floor window serving a living room also does not meet the guidelines. The window is overhung as it is setback from the external façade of the building in order to provide an inset balcony. The window has an existing VSC value of 8.23% despite it looking over the undeveloped carpark element of the site. The adjacent window that also serves the living room but is located on the outer façade of the building has an existing VSC value of 28.19%. This shows the effect that the recessed balconies upon existing light levels. The window experiences a 28.68% reduction from the existing value which exceeds the BRE criteria. The loss is largely attributed to the fact the existing VSC is so low. In such circumstances, even modest absolute changes in VSC are disproportionately high when the actual quantum of light loss is not that significant. The No Skyline result for the living room shows that there will be a 9.7% change in the No Sky contour which is well within the 20% reduction permitted by the BRE guidelines.

With regards to sunlight, all of the windows meet the BRE guidance. The living/dining room, which has the highest requirement for sunlight retains a total APSH of 64% which is significantly above the BRE target of 25%.

b) 87 Blandford Street

Of 8 windows were tested, 7 meet the VSC criteria. The one failure is a 1st floor living room window which would experience a 38 % reduction in VSC. This can be attributed to the fact that the window is set within a deep recess. This results in a low existing VSC of 9.08% being reduced to 5.63 %. There is therefore a small absolute change in VSC but a disproportionately high percentage reduction.

The sunlight analysis shows a similar impact that 7 windows meet the APSH criteria. The one window that fails is the recessed living room window, however there is a second window which serves the 1<sup>st</sup> floor living room and the room will continue to receive good levels of sunlight.

c) 85 Blandford Street

There are 6 windows at the rear of the property. 3 windows tested meet the BRE criteria and 3 fail. One of these windows is a ground floor window in which an existing VSC level of 29.81 % would be reduced to 23.76 % a loss 20.30 %, just marginally over 20 % guideline. The other two windows which fail are at ground and first floors. Although the percentage reductions are 39.71 % and

49.25 % respectively, again this can be attributed to the fact that the windows are recessed and have very low existing VSC values of 8.99 % and 4.67 % (reduced to 5.42 % and 2.37 % respectively).

With regards to sunlight 5 of the 6 windows tested meet the criteria. The one window that fails serves a 1<sup>st</sup> floor living room. The room is supplied by a second window which would retain a total of 60% APSH. The sunlight to the room is acceptable.

d) 83 Blandford Street

The ground floor has a conservatory which extends close to the rear boundary wall. The 1<sup>st</sup> to 3<sup>rd</sup> floors are bedrooms. Of the 10 windows assessed at the property 6 meet the criteria. 2 windows within the ground floor conservatory breach the BRE criteria but these are small secondary windows. At first floor level there are 2 windows serving a bedroom that fail. They will experience losses of 21% - 23%. This is only marginally in excess of the guidelines, furthermore the retained values are 23 % which is considered to be a good level of daylight.

There would be no material breach to sunlight.

e) 81 Blandford Street

11 windows have been assessed of which 6 breach the technical criteria. At 1<sup>st</sup> floor level there are 2 living room windows where the losses in VSC values are 25 % and 26.5 % respectively. The retained values are however typically 22% which is considered acceptable. With regards to bedrooms at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels the analysis shows that the windows will experience a 21%-23% reduction. Again this is only marginally above the criteria and the retained VSC values are between 24 % and 26 %.

There would be no material breach to sunlight.

f) 79 Blandford Street

The ground floor has a kitchen and dining area. The rest of the property follows the layout of the majority of the houses in the terrace with a large dual aspect living room at 1<sup>st</sup> floor and bedrooms on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The results of the report show that all windows will experience VSC losses in excess of the 20 % BRE guideline with losses ranging between 21% to 31%. The retained values are however good being between 20 % and 26 %. The ground floor windows that serve the kitchen and dining area retain VSC values between 16% and 17 %. The overall level of daylight to the property is considered acceptable.

There would be no material breach to sunlight.

g) 77 Blandford Street

There are 7 windows at the rear of the property serving habitable rooms. Again all the windows assessed would experience reductions in VSC levels in breach of guidelines. The windows on the face of the building retain VSC values of 18% to 24% which are comparable to the other properties in the area. The other windows in which there is both a significant percentage reductions in VSC values of between 36 % to 73 % and low retained VSC values are all attributed to the overhangs. In the circumstance the impact on the building is not considered to be excessive.

## h) 75 Blandford Street

The ground floor windows are a study and toilet. The 1<sup>st</sup> floor has an open plan living/ dining room with bedrooms above. The assessment shows that in the case of all rooms at the rear there would be a breach to guidelines. Where windows are at the face of the building and are not obstructed by projections above, losses range between 36 % and 39 % with retained values ranging between 17 % and 21%. Recessed windows serving a living room at 1<sup>st</sup> floor level and a bedroom at 3<sup>rd</sup> floor level experience larger percentage reductions in VSC levels however this is a consequence of the overhang and existing low levels of VSC. There are three windows serving a study which are overhung by the floor above. Two of these windows have a VSC less than 1% the third window has a VSC of 8% which will be reduced to 4%. Although there would be an impact on the property it is not considered that this would be so severe to adversely impact on living conditions.

With regards to sunlight the living room would retain 56% APSH which is more than double the BRE requirement.

## i) 73 Blandford Street

The ground floor is in use as a games room/ playroom the 1<sup>st</sup> floor is a single aspect living room. The floors above are bedrooms. The report shows that all windows in the rear of the property will breach BRE criteria. The windows on the face of the building will experience losses in VSC values ranging between 41% and 49 %. The existing VSC levels for these windows range between 26% to 30%. The retained values will be reduced to 13%-14.79%. The house is the closest to rear of the proposed new Baker Street building and directly opposite the highest part of the residential at George Street. The impact of the scheme would be noticeable at No 73 Blandford Street. However, as is the case with the other Blandford Street houses which abut the site the resulting VSC levels are not uncommon for residential properties in the area. Most of the windows affected are bedrooms. Furthermore all the rooms tested meet the NSL criteria. In the circumstances the losses to daylight are considered acceptable.

With regards to sunlight all habitable rooms retain 38% to 49 % APSH which is significantly above the BRE target of 25 %.

## 98 Blandford Street

All windows tested comply with guidelines.

Sense of enclosure

Given that the houses at No's 73-89 Blandford Street are part of the street block and abut the site. The scale of the proposed development would result in an increased sense of enclosure experienced in the rear aspect of these houses. This enclosure would be as a result of the increased height and depth of the commercial building (C) on Baker Street and the single storey ground floor retail units which will effectively abut the rear boundary wall of the houses. Any increased enclosure would be most noticeable at No 73 Blandford Street which is furthest east and closest to the new Baker Street building.

The roof profile of the ground floor units at the northern edge of the site has been amended since the initial submission to reduce the bulk on the boundary. This has been amended since the initial submission to reduce the bulk on the boundary. As revised the rear will effectively increase the boundary wall by 0.68m and pitch away from the wall a distance of 2.35m to a maximum height approximately 3m above the boundary wall.

As already stated objections have been received that the rear of the retail units would result in an enclosure that would be harmful living conditions. Further to revised consultation Blandford Street residents maintain their strong objections that the revision in no way overcomes the objections and the development would result in a substantial loss of amenity.

At present the houses overlook an open car park and development on the northern boundary and development close to the boundary wall would result in an enclosure to ground floor rooms of the existing houses. This increase in bulk and mass is not however considered to be so great that it would adversely impact on living conditions of the houses. Any loss to residential amenity due to increased sense of enclosure from all the new buildings is not considered to be substantial enough to warrant refusal of the application.

#### Overlooking / loss of privacy

City plan policy S29 seeks to protect the health and well-being of Westminster residents and UDP policy ENV13 states that developments should not result in a significant increase in overlooking.

The objection on behalf of Blandford Street residents is made on the grounds that 'the location of a large commercial building on a much larger office footprint adjacent to the existing residential units on Blandford Street with the rear building line being a matter of meters from the rear gardens and fenestration would result in overlooking and a loss of privacy. The objection states that the applicant has failed to demonstrate that the operation and function of the larger building would not be harmful to amenity with the lack of any detailed sight line analysis from window to window by floor level. Furthermore that direct overlooking from the rear windows of the new office building is intensified by the external terraces at 8<sup>th</sup> floor level looking back towards Gloucester Place.

Part of the western rear elevation of the commercial Baker Street building (building C) includes vertical louvres to be incorporated into the west façade of the building. The louvres will sit within the recessed glazing bays so as not to project beyond the face of the façade. The louvres will be located on floors 1 to 6, which will prevent any overlooking. It is recommended that details of the louvres are secured by condition. Levels 8 and 9 of the office building (Building C) are set back from the main façade and include terraces. Given the height of these terraces they would not result in any direct overlooking into residential properties.

The new residential on George Street (building D) is approximately 30m away from the existing residential properties in Blandford Street. This is a greater distance than the usual street width in the area. The rear aspect of the premises and terraces would not therefore result in overlooking and a loss of privacy. Given the distance separation between the terraces and the objector's properties it is considered that use of the terraces as outdoor amenity space would not result in undue noise nuisance.

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

The application includes a Transport Assessment prepared by Arup. Residents of 73-79 Blandford Street instructed Transport Planning Associates (TPA) to review the transportation and highways aspects of the application. They consider that the application in its current form is fundamentally flawed from a highways perspective. The specific objections are:

- i) that the service yard is inadequate for both the size of vehicles and the volume of deliveries anticipated;

- ii) increased trip generation would adversely impact on highways safety;
- iii) the development has not adequately taken into account the Baker Street two-way scheme.

The Blandford Street residents also object to the location of the proposed service yard on the grounds that its use would result in noise nuisance and servicing should be located on George Street which has more commercial uses whilst Blandford Street is primarily residential. The impact of noise from use of the service yard is considered in section 8.7 (Noise) of this report.

### Car Parking

The existing car park has 96 car parking spaces. These are all commercial spaces and the existing 40 flats have no car parking. The scheme will provide 25 car parking spaces at basement level for the 51 flats. Access to the basement car parking will be from George Street via a lift. There is space for a single car to wait off the highway should one arrive when the lift is in use, which is considered acceptable.

The Highways Planning Manager has confirmed that the loss of the existing commercial car parking is acceptable.

UDP policy TRANS 23 sets out the maximum parking provision to be achieved in residential developments, which is between 1 and 1.5 spaces per dwelling depending on the sizes of the units involved. The proposed 51 residential units range in size, the proposed 25 car parking spaces does not exceed the maximum prescribed by the policy.

This proposal would result in a ratio of 0.4 parking spaces per dwelling, which in a central London location well served by public transport is considered to be an acceptable level.

The GLA consider that the development should be car-free. It is however likely that a significant number of the residents would still be car owners even if no on-site parking was offered, which would place unacceptable stress on on-street parking in and around the site which would worsen the surrounding living environment and local highway conditions. For this reason a car parking free development has not been pursued.

The applicant is offering unallocated parking. This should mean that 25 spaces are sufficient to serve the development without residents having to park on-street. If the parking was allocated this would effectively mean that 25 properties would be sold with parking and the remainder would not and residents who wanted to own cars would have to park on the street. The proposed parking provision for the residential part of the development is an improvement on existing where 40 units do not have any off street parking. The proposed electric vehicle charging points (EVCP's) are London Plan policy compliant.

### Cycle Parking

The current development has no cycle parking and the proposal includes 480 cycle spaces, comprising 448 long stay cycle parking spaces and 32 short stay spaces.

The GLA advise that to comply with London Plan standards a minimum of 486 cycle spaces should be provided comprising 413 long stay and 73 short stay. The provision of 35 long stay cycle parking spaces in excess of the London Plan requirement is welcomed. There would

however be a shortfall of short stay spaces. The GLA suggest that the applicant enters into a section 106 agreement to provide the shortfall of short stay cycle parking in the surrounding area. The applicant has offered to fund further facilities in the vicinity of the development. In the light of the proposed Baker Street two-way scheme this may prove difficult. Given the existing position the cycle parking as proposed is considered acceptable.

### Servicing

UDP policy TRANS 20 requires new developments to provide adequate off-street servicing. The development includes a servicing bay in off Blandford Street which would accommodate the majority of servicing. There would be limited on-street servicing on George Street. The service yard will include three bays which are large enough to accommodate 8m vehicles. Changes to on-street parking will be required to accommodate the entrance to the service yard.

#### Size of service yard

The Transport Assessment submitted in support of the application includes a swept path analysis for the service yard. TPA object on the grounds that 'the swept path analysis illustrates an 8m vehicle colliding with the yard wall opposite loading bays as part of a four point turn. Therefore the analysis provided by Arup illustrates that the yard is not fit for purpose'. TPA state that 'given that turning within the service yard is clearly not practical for 8m vehicles that service vehicles would seek to reverse into the yard from Blandford Street which would introduce considerable risks to the safety of highway users both in terms of pedestrians and vehicles'. They also state that the swept path analysis also fails to account for parking in the vicinity on Blandford Street.

They also object on the grounds that it is unrealistic to expect the development to be serviced by vehicles limited to 8m. They state that many retailers operate with vehicles larger than 8m. They reference Tesco Stores Ltd who operate an Express store on George Street within the application site being serviced by a vehicle 10m in length. They advise that the smallest vehicle in their fleet is 8.4m in length and 2.55m wide.

With regards to the size of the service yard, in response to the objection the applicant's transport consultants (ARUP) have reviewed the swept path analysis. A revised swept path has been submitted which demonstrates that an 8m vehicle would maintain a greater clearance to the walls and structural elements of the service yard. Furthermore that the development's Facilities Management (FM) team will be responsible for ensuring that vehicles do not reverse into or out of the site.

Having assessed the information provided the Highways Planning Manager advises that 8m vehicles would be able to enter and leave the site in forward gear and the service yard is workable.

With regards to the size of service vehicles the applicant states that food retail convenience stores are not part of their retail strategy. They aim to create a retail destination with a range of independent operators. The servicing strategy would be communicated to suppliers who would consequently be aware that only vehicles 8m in length can be accommodated on the site.

The Servicing Management Plan will stipulate that only vehicles 8m in length can be accommodated on site. A condition is recommended which would prevent any of the units being used as a food supermarket. Subject to this condition it is considered that the service yard is fit for purpose.

### Service yard capacity

The Transport Assessment predicts that the development would generate 94 servicing trips over a day with 11 in the peak hour. The draft servicing management plan (SMP) assumes a turnaround time for 8m and 6m vehicles that would use the service yard of 20 minutes and 15 minutes, respectively. The objection from TPA is that on the suggested turnaround times the service yard could not cater for the volume of deliveries expected in the peak hour and there would be frequent on street deliveries during peak hours, with a number of vehicles waiting on Blandford Street for access to the yard. The objector refers to deliveries to Tesco Express store on site taking up to 40 minutes each.

The applicant has submitted servicing details of a mixed use development at 55 Baker Street as justification for the estimated dwell times at the development site. This sets out that the dwell times for 6m and 8m vans are 8 minutes and 10 minutes, respectively. They consider that the assumptions in their Transport Assessment are robust. The applicant's draft delivery and servicing management plan submitted in support of the application advises that it is not expected that vehicles would occupy the loading bays for the full 15 or 20 minutes in allocated slots.

The Highways Planning Manager has confirmed that a servicing management plan should, amongst other things, include a restriction on the size of delivery vehicles, a restriction on the number of deliveries that are received from the street and maximising the number that are received from the delivery bay, and management of arrivals to the delivery bay so that not too many vehicles arrive at the same time.

A condition is recommended requiring the development to operate in accordance with a Servicing Management Plan. On this basis the Highways Planning Manager advises that servicing arrangements are considered acceptable.

### Highways Safety

TPA has raised that there have been ten pedestrian accidents in the vicinity of the development over the last five years and say that the development should address this, particularly given that the development is expected to draw more people, particularly pedestrians, into the area. However, officers feel it is difficult to make a connection between any of the accidents that have occurred and the existing and proposed developments on this site. Also, the design of the two-way scheme for Baker Street has sought to improve conditions for pedestrians.

### Baker Street Two Way scheme

TPA note that the scheme includes the widening of the footway on the north side of Blandford Street near its junction with Baker Street and an advanced stop line for cyclists at this location too, which may not be compatible with the proposals to site the servicing access in this part of Blandford Street. The applicant advises that the scheme is compatible with the Baker Street Two way scheme, but their transport consultants (ARUP) have been asked to specifically address this issue. Their response will be verbally reported to the Sub-Committee, however the Highways Planning Manager has confirmed that there is a workable solution.



### Stopping up

The proposed scheme would bring the ground floor building line forward and hence reduce the footway width, at several locations. The Highways Planning Manager has objected to this saying that UDP policy TRANS 3 states that developments should improve conditions for pedestrians. By reducing the width of the available footway, the Highways Planning Manager argues that the proposal does the opposite. He has therefore objected to this aspect of the proposals, particularly with regard to Baker Street which is clearly busy with pedestrians. The applicant has been asked to provide further justification for bringing the ground floor building line forward. This issue remains unresolved but is not considered to be fundamental to the principle of development and can be satisfactorily dealt with through the imposition of an appropriate condition.

### **8.5 Economic Considerations**

The economic benefits of the scheme are substantial. Baker Street is a major commercial street within the West End. The Baker Street Quarter Partnership Business Improvement District (BID) who represent over 220 nearby businesses and enterprises support the application. They state that 'regeneration of the site will open up the underutilised location and provide more jobs, growth and commercial space for the wider Baker Street area. These will help offset some of the loss over the past decade of commercial space to residential use in the Baker Street area'.

An Economic Statement has been submitted in support of the application. This concludes that there would be significant economic benefits including an estimated provision of between 1,585 and 2,060 jobs directly on site, just under 90% (between 1,585 and 2,060) would be office based employment.

The economic benefits are a significant public benefit of the scheme.

### **8.6 Accessibility**

#### Residential

There are three entrances to the market residential building on George Street and one to the affordable housing on Gloucester Place. All entrances have level doors and fire exits meet the requirements of part M of building regulations. 10% of the proposed residential accommodation are wheelchair adaptable in accordance with guidelines. The basement residential parking will be accessed via a car lift, three disabled car parking spaces are provided.

#### Offices

The new Baker Street office entrance comprises a large automatic sliding door entering into a large foyer entrances and exits are level in line with building regulations requirements. 30 Gloucester Place (Building A) is a listed building. The design has been targeted to be in compliant with the building regulations in terms of access. However due to the constraints of the listed building especially the width of the lightwells, the gradient of the ramp has taken precedent over the width. The design of the ramps is considered acceptable.

Generally across the site existing pavement levels rise from Baker Street to Gloucester Place with an approximate increase of 1m. The scheme does not propose to adjust the existing pavement levels at the perimeter of the site, although as part of the construction of the scheme and the Baker Street –Two Way scheme paving will be replaced where it interfaces with paved areas

within the proposed new public realm. This will ensure that new areas of paving are smooth, evenly laid and new dropped kerbs or crossing points are designed to meet standards.

#### Retail

Within the publically accessible courtyard all threshold levels will be flush. Changes in levels in and giving access to the courtyard will have building regulations compliant ramps.

#### UKPN Access

There are two existing UKPN sub stations on the site at 19-35 Baker Street (Building C), and a Low Voltage –only Substation at 88-110 George Street (Building D). One of the sub stations at Baker Street will be removed. The scheme will include the two new substations both of which have vehicle access for irregular maintenance.

### 8.7 Other UDP/Westminster Policy Considerations

#### Archaeology

An Archaeological Impact Assessment prepared by MOLA has been submitted with the application to assess the impact of the proposed development on existing archaeological remains.

The site is not within an Area of Special Archaeological Priority. The potential archaeological remains comprise buried footings and cellars of late 18<sup>th</sup> Century Portman Estate terraced houses, stabling, mews, yard surfaces, drains and rubbish cess pits. The site is considered to have a low potential for remains dating from the prehistoric to later medieval periods. Within the central car park area archaeological survival is expected to be high owing to the lack of development here. No archaeological survival is expected in the footprint of the existing buildings (60 % of the site) as they have single level basements which would have removed earlier remains.

A condition requiring a two-stage process of archaeological investigation and evaluation is recommended.

#### Trees

There are a number of trees surrounding the site and 4 trees within planters located in the car park at the centre of the site. The proposal includes the removal of 5 trees in total, comprising the 4 false acacias in the car park and 1 x Silver Birch on Blandford Street (all covered by TPOs). The 4 x trees within the site would be replaced with 6 trees comprising 4 x Silver Birch and 2 x Cherries. The proposal is also seeks to retain 13 street trees and provide 12 new trees (6 on-site and 6 off-site). The scheme also includes soft landscaping to residential and office terraces and the arbour crossing covered in evergreen climbing plants and seasonal flowers in the courtyard. An arboriculture report (by The Landscape Partnership) has been submitted as part of the application.

The objection on behalf of Blandford Street residents is that the loss of the trees (5 of which are covered by a TPO) is contrary to London Plan policy 7.21 which seeks to protect, maintain and enhance all trees, and City Plan policy CM 28.1 which requires that basement developments do not impact on tress of townscape, ecological or amenity value.

The Council's arboriculture officer objects to the application. In summary the objection is made on the following grounds;

- The proposed replacement trees within the site are inadequate replacements for the existing trees;
- Insufficient information has been provided with regards to the practical replacement of the pear tree on Gloucester Place;
- Risks to surrounding street trees and offsite trees (T21 and T22) in Blandford Street;
- Insufficient information about proposed soil volumes and sustainable irrigation for new trees and landscaping;
- Insufficient soil volume to support proposed planting for the 'arbour';
- Inappropriate/ impractical landscaping and tree species; and
- Street tree planting by applicant as a substitute for replacement planting on this site is not sustainable.

In response to the objection by the Council's arboriculture officer the applicant argues that the proposed scheme would result in the provision of a significant increase in greenery with a greater number of trees and increase overall canopy cover. In addition the Portman Estate (applicant) has made a significant contribution to street tree planting. This argument is acknowledged, however in the light of the objections it is considered that the acceptability of the proposed tree strategy remains unresolved. It is not however considered that permission for this large scale development scheme should be withheld on this basis. It is however recommended that any permission is subject to detailed conditions which would ensure that the tree planting and landscaping is an improvement to the existing position and appropriate to the scale of the development, ensuring that a valuable amenity is provided.

### Sustainability

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 developments should be designed to link to and extend existing heat and energy networks in the vicinity except where the Council considers that it is not practical or viable to do so. Wherever possible, de-centralised energy generation through CHP systems should be supplemented by on site renewable energy generation.

Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy. A Sustainability Appraisal (including a BREEAM) and an Energy Strategy have been submitted as part of the application.

### Energy

The Energy Statement concludes that there would be an estimated 30% reduction in regulated carbon dioxide emissions from the non-domestic aspect of the development and an estimated 24% reduction from the proposed residential buildings. London Plan policy 5.2 requires 35 %

savings. For the domestic buildings the London Plan requirement for zero carbon homes has not been met, equivalent to 55 tonnes CO<sub>2</sub> per annum. The applicant advises that all possible measures have been explored to make the proposed scheme as energy efficient as possible. The GLA in their stage 1 response confirm that there is little further potential for carbon dioxide reductions on-site. They have requested that the shortfall is met through a financial contribution to the Council's carbon offsetting fund. It is recommended that an offset contribution of £84,780 for the non-residential and £145,800 for the residential is secured by S106 agreement.

### Sustainability Performance

Some of the key proposed sustainability measures are:

- Provision of secure cycle storage
- A centralised heating plant located in the basement which would provide heating for the Baker Street building and cooling all buildings on site
- Grey water recycling system in Baker Street and George Street Buildings
- 1,447m<sup>2</sup> of biodiverse green roof including 688 m<sup>2</sup> for the Baker Street Building

The sustainability appraisal includes a BREEAM 2014 pre-assessment. This confirms that the scheme has targeted sufficient credits to achieve an 'excellent' rating (76.43%). All the credits that are mandatory for an 'excellent' rating have been targeted. It is recommended that a condition is imposed which requires the development to achieve BREEAM 'excellent' rating.

### Noise and Air Quality

UDP policies ENV6 and ENV7 deal with the subject of noise 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 roof level plant area is understood to include air handling units, generators, condensers and fan units enclosed by an acoustic louvre. The applicant's acoustic consultant advises that any plant which is considered to be a source of noise impact can be mitigated at the source using acoustic attenuators. This will be refined during the design process.

The application is supported by an acoustic report by Arup dated 22 November 2016. This report refers to a noise survey which established a lowest daytime background noise level of 57 dB L<sub>A90</sub> (15 min) and a lowest night-time background noise level of 47dB L<sub>A90</sub> (15 min).

The development site has been assessed as being in an area in which existing ambient noise levels are above WHO Guideline Levels (L<sub>Aeq,16hrs</sub> of 55dB daytime (07.00-23.00hrs) and L<sub>Aeq,8hrs</sub> 45dB night time (23.00-07.00hrs). Where the ambient noise levels are above WHO guideline levels the plant is required to operate at least 10 dB below the lowest background.

An objection has been received on behalf of Blandford Street residents that the acoustic noise report is flawed because background noise levels have been taken from the four street facades and in the central car park however only the data from the street level facades have been provided. In addition, background noise readings have not been taken from the rear of Blandford Street properties.

In response to this objection a further noise survey was undertaken taking readings from the rear of the Blandford Street properties. An addendum report dated 20 April 2017 has been submitted. These measurements have been assessed by Environmental Health together with the previous long-term measurement data. The updated acoustic report states that the appropriate design levels are 40 dB L<sub>PA</sub> during the daytime and 35 dB L<sub>PA</sub> overnight at noise sensitive receptors to the rear of Blandford Street.

Environmental Health have confirmed that the measured background noise levels and proposed design levels are representative of the noise climate for this area. They have confirmed that they have no objection to the application on environmental noise or nuisance grounds and any noise can be satisfactorily controlled and/or mitigated by condition.

The Air Quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact. The mitigation of dust etc during demolition and construction will be managed through compliance with the City Council's Code of Construction Practice.

### Basement

Basement developments need to be assessed against City Plan Policy CM28.1

The site includes one storey basements under the existing buildings which will be deepened and extended to the whole site under the existing car park. The basement will mainly accommodate car parking and plant. 30 Gloucester Place (Building A) will be refurbished from basement to first floors and will be linked to the rest of the development at ground floor level. The existing residential properties at 73-89 Blandford Street to the north are not part of the site but would be subject to party wall agreements.

The extent of the basement complies with policy.

### Structural issues

A Basement Impact Assessment and Structural Method Statement have been submitted as part of the application. This includes a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is located outside the surface water flood risk hotspot.

### Construction impact

The development will be required by condition to comply with the City Council's new Code of Construction Practice (CoCP) which requires the submission of and approval by the Environmental Sciences Team of a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements.

### **8.8 London Plan**

The application is referable to the London Mayor. The Stage 1 response has been received. This response is summarised in section 5 (Consultations) section of this report. The GLA recommendation advises the City Council that the application does not yet comply with the London Plan, but that the possible remedies could address these deficiencies (ref consultation section for details).

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

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

### **8.10 Planning Obligations**

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

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

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of

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

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

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

- i) provision of 10 affordable housing units at 30 Gloucester Place, (including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
- ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
- iii) costs relating to highways works around the site to facilitate the development
- iv) provision of unallocated residential parking
- v) lifetime car club membership (25 years) for each residential unit payable on first occupation
- vi) a lift management and maintenance plan
- vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
- viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
- x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
- xi) monitoring costs

In addition, the estimated Mayoral CIL payment is £2,696,155 and the Westminster CIL payment is £4,408,348. These figures will be verified in due course.

### **8.11 Environmental Impact Assessment**

The proposal has been assessed against Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 the development would not require an Environmental Impact Assessment (EIA).

## 8.12 Other Issues

### Refuse /Recycling

The application proposes three waste stores at basement level. Two waste stores are dedicated for residential and one for the commercial waste. The Cleansing Manager advises that waste stores are large enough to accommodate waste generated on site. The residual waste is shown as having a greater capacity than the recycling. Also the location of the residential lift would impede access to a car lift. It is considered that both these issues could be satisfactorily resolved through minor amendments to the refuse provision which could be secured by condition.

### Crime and security

It is recommended that the use of the courtyard is controlled by a courtyard management plan. The proposed courtyard will be gated overnight to provide a secure environment. The hours that the courtyard will be open will be controlled by a courtyard management plan. Subject to a robust management plan it is considered that the development would not increase the potential for crime or anti- social behaviour.

### Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement which summarises the consultation process they have carried out with stakeholders and neighbours prior to submitting the application.

Two public exhibitions were held during the pre-application process in April 2016 and September 2016. The statement of community involvement summarises that extensive consultation has been undertaken and the scheme has responded in accordance with the Localism Act 2011 and policies within the NPPF. Strong objections have been received on behalf of residents of Blandford Street that there has been a lack of effective consultation by the applicant. During the exhibitions crucial information including the height of the building on Baker Street was not disclosed and therefore no meaningful conversation could take place.

## 9 BACKGROUND PAPERS

1. Application form and letter from Gerald Eve dated 9 March 2017
2. Letter from Greater London Authority dated 30 January 2017 and Energy Memorandum dated 18 January 2017
3. Letters from Historic England dated 9 and 10 January 2017
4. Letter from Transport for London dated 13 January 2017
5. Email from Marylebone Association dated 16 March 2017
6. Memorandum from Cleansing dated 9 January 2017
7. Memorandum from Highways Planning Manager dated 5 April 2017
8. Memorandum from Housing Supply Manager dated 28 April 2017
9. Memorandum from Environmental Health dated 4 May 2017
10. Memorandum from Tree Section dated 2 May 2017
11. Letter from Baker Street Quarter Partnership, dated 22 March 2017
12. Letter from GL Hearn (on behalf of No's 73,75,77,79,83,87 and 89 Blandford Street including dated 27 February 2017
13. Letters from occupier of 87-89 Blandford Street, London, dated 20 February and 2<sup>nd</sup> April



2017

14. Letter from occupier of Flat 15, 81 George Street, London, dated 20 January 2017
15. 2 x Letters from occupier of Flat A, 102 Blandford Street, dated 22 January 2017
16. Letter from occupier of 61 Blandford Street, Marylebone, dated 13 February 2017
17. Letter from occupier of 87-89 Blandford Street, London, dated 20 February 2017
18. Letter from Transport for London dated 13 January 2017
19. Letters from occupier of 75 Blandford Street dated 24 April, 25 April, 2 May and 8 May 2017
20. Letter from occupier 9 St Andrews Mansions dated 22 April 2017
21. Letter from occupier 10 Wendover Court dated 28 April 2017

(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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

10 KEY DRAWINGS





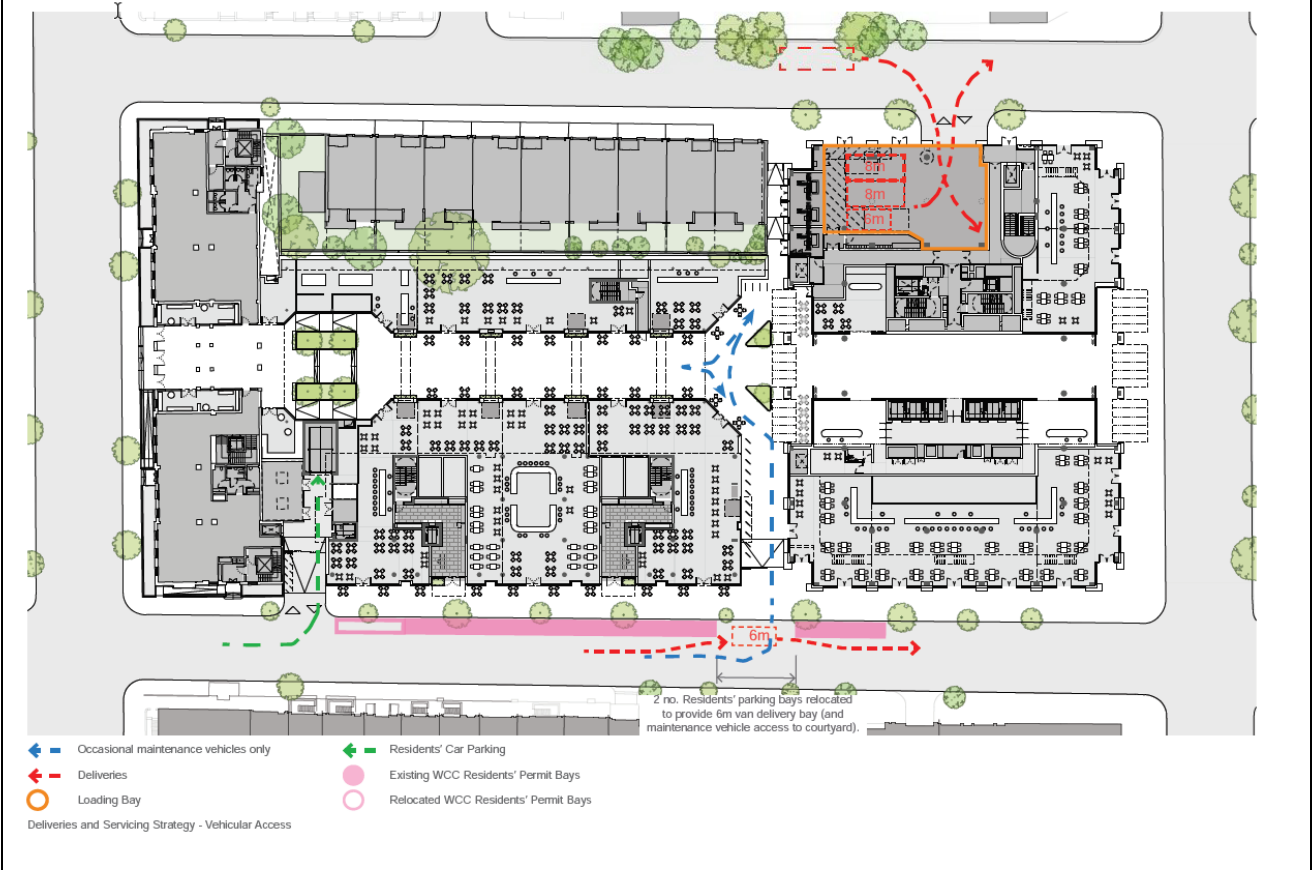








SERVICING AND EXISTING STREET PARKING



This page is intentionally left blank



# Agenda Item 2

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

2
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Whiteleys Centre, Queensway, W2 4YH,</b>		
<b>Proposal</b>	<p>Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.</p>		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Queens Road W2		
<b>Registered Number</b>	16/12203/FULL & 16/12204/LBC	<b>Date amended/ completed</b>	15 December 2016
<b>Date Application Received</b>	15 December 2016		
<b>Historic Building Grade</b>	Grade II listed		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

1. Does Committee consider that the height, bulk and massing of the rear part of the development have been satisfactorily reduced and remodelled so as to adequately mitigate the impact of the development on the character and appearance of the Bayswater Conservation Area, the setting of neighbouring listed buildings and the amenity of neighbouring residents?
2. Subject to the Committee's agreement to 1. above, grant conditional planning permission subject to the completion of a deed of variation to the Section 106 legal agreement dated 27 April 2016 to secure the following:
  - i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
  - ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
  - iii. commencement of development);
  - iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
  - v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
  - vi. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
  - vii. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - viii. Provision of car parking for the residential flats on an unallocated basis;
  - ix. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
  - x. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
  - xi. Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
  - xii. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
  - xiii. Provision of measures to support employment , training and skills programmes;
  - xiv. Management of the shopping centre, including controls over the distribution of
  - xv. the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further
  - xvi. changes of use within the centre;
  - xvii. Management strategy for the hotel use, including servicing and guest drop off arrangements;
  - xviii. Provision of lifetime (25 year) car club membership for each residential flat;
  - xix. Provision of S106 agreement monitoring costs.
3. If the deed of variation to the S106 legal agreement dated 27 April 2016 has not been completed by 27 June 2017 then:
  - a) The Director of Planning shall consider whether it would be possible and appropriate to

issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Grant conditional listed building consent.
5. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
6. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
7. That officers be authorised to take all necessary procedural steps in conjunction with making of the stopping up order as proposed.

## 2. SUMMARY

Whiteleys is a Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. The building is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. The application site is located outside the Central Activities Zone (CAZ). The application site is located within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

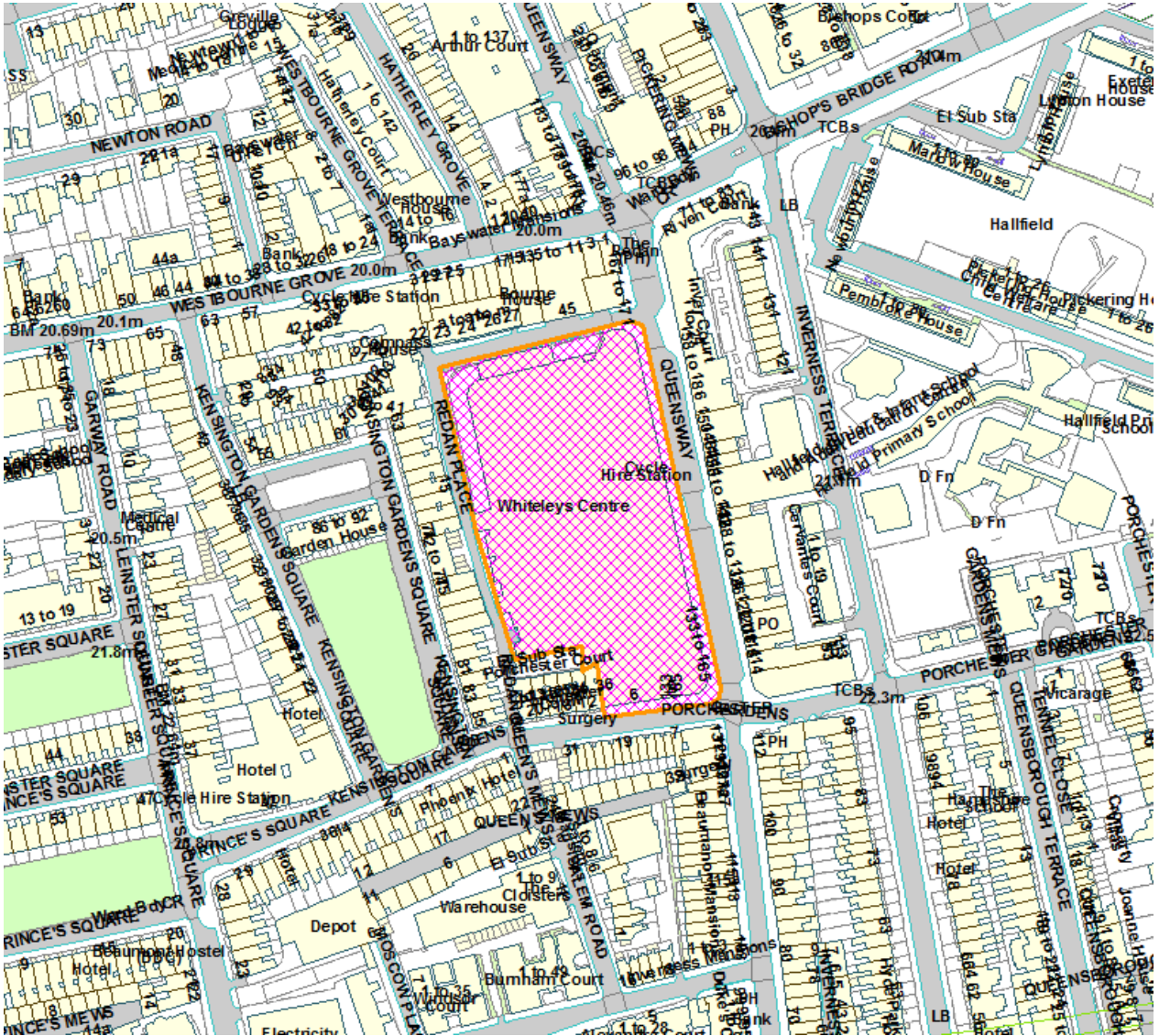
The application seeks to vary of Condition 1 (of both planning and listed building consent) and removal of Condition 10 of the planning permission and Condition 2 of the listed building consent dated 27 April 2016 (RN: 15/10072/FULL & 16/12204/LBC), which granted permission and consent for comprehensive mixed use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens frontages of the site. The amendments to the approved scheme, for which permission and consent are now sought, are:

- a) To reduce the height of the element of the scheme behind the retained Queensway facade by 1.5m;
- b) Reduce the height of the two rear 'towers' by one storey and remodelling of the new top storey to form a recessed roof storey;
- c) Amendment of the facade alignment of the set back upper floors to the rear of the site;
- d) Increase in the height and bulk of infill link blocks between rear 'towers';
- e) Omission of the residential vehicular drop off in Redan Place and consequential reconfiguration of the Redan Place facade;
- f) To increase the depth and amend the configuration of the new basement;
- g) Reconfiguration of the location and the floorspace quantum of uses within the development, including an increase in hotel bedrooms and floorspace and an increase in gym floorspace;

- h) To increase the number of residential units from 103 units to provide up to 129 units;
- i) Amendment of the mix of residential units;
- j) Amendment of the proposed waste management strategy;
- k) To alter the location of the retained central Whiteley's staircase from within the hotel lobby, as was approved in 2016, to within one of the principal retail units within the retail courtyard;
- l) Associated minor internal and external alterations related to the amendments listed above.

Subject to the Committee's consideration of the amendments to the height, bulk and mass of the rear part of the development and the impact this has in design and amenity terms, the amended scheme is otherwise considered to be acceptable in land use, design, amenity, transportation and environment terms. It would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan), including those policies that have been adopted since the determination of the previous applications in April 2016. It is therefore recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters appended to this report.

### 3. LOCATION PLAN



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

## 4. PHOTOGRAPHS



Front (west) elevation at corner of Queensway and Porchester Gardens (top) and rear (east) elevation in Redan Place (bottom).



Northern side elevation in Redan Place (top) and southern side elevation in Porchester Gardens (bottom).

## 5. CONSULTATIONS

### COUNCILLOR SMITH

Concern regarding truck movements associated with demolition and construction works. Proposed construction traffic would be directed through residential areas. Residents of Kensington Gardens Square have proposed an alternative route leaving the site via Redan Place and then onto Bishop's Bridge Road and then the Westway. Can applicant be required to use this alternative route?

### COUNCILLOR HUG

Objection. Height of towers have not been reduced by the requested two storeys and lower infill sections are being raised. Proposed reconfiguration of massing to rear has a greater impact on light loss than the reduction in height previously requested by the Committee. Ask whether a new flood risk assessment has been carried out and whether the Lead Local Flood Authority has been consulted. Site is in a critical drainage area and flood incidents in Council's Flood Risk Assessment are greater in number than in applicant's assessment. Concern regarding the construction traffic plan with 40% of traffic going down Garway Road and southern end of Kensington Gardens Square. Ask if discussion has been had with TfL about modification to No.70 bus route during construction.

### BAYSWATER RESIDENTS ASSOCIATION

Generally support application. Revisions to Redan Place are an improvement and internal alterations are acceptable. Proposed reconfiguration and amendment to mix of uses is an improvement. Reduction in height of towers is not as much as would have been wished for or in line with City Council's previous requirements. However, the proposed height reduction should lessen the impact of the development when viewed from Kensington Gardens Square. Doubt that there will be any reduction to the loss of light to many of the surrounding properties. Ask that the Council have particular regard to this aspect in case there are can be any amelioration to the loss of light to affected properties.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### GREATER LONDON AUTHORITY (GLA)

Have assessed the details of the application and, given the scale of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Application can be determined without further reference to the GLA.

### AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

### ARBORICULTURAL MANAGER

Notes that Privet trees in Redan Place are to be replaced, but this was the case in the approved scheme. Note that trees to rear of Queensborough Court will require canopy and root pruning to accommodate development. Further details of tree protection measures should be secured by condition. Not clear to what extent the water storage and grey water storage will meet the water demand of the landscaping with the development.

### BUILDING CONTROL



Any response to be reported verbally.

#### CLEANSING MANAGER

Objection. The applicant has indicated that waste will be stored in basement 02 of the proposed development, but has not fully demonstrated that waste and recyclable materials will be managed in line with the City Council's normal storage requirements. Guidance on waste storage identifies that chute system should be avoided as their use for dry mixed recyclables has not demonstrated the quality required for reprocessing.

#### DESIGNING OUT CRIME ADVISOR

Ask that further details of the security measures to be provided are set out by the applicant.

#### ENVIRONMENTAL HEALTH

No objection. Amendments to land uses as safety arrangements remain acceptable. A supplementary acoustic report is required to demonstrate the operational noise level of all mechanical plant. This can be provided by condition. Condition recommended to ensure internal noise levels in residential units is acceptable. Access to the servicing bays will be 24 hours, unlike the current arrangement and this will prevent vehicles waiting in Redan Place. Conditions recommended to ensure the new residential units would receive acceptable air quality and to prevent the units being affected by external noise. Other conditions and informatives also recommended.

#### HIGHWAYS PLANNING MANAGER

Various aspects of current S73 scheme supported and conditions, informatives and S106 requirements recommended. Observations and concerns raised on the following grounds:

- Reduction of number of public car parking spaces from 177 to 36 is acceptable on balance. Further details of the operation of the public car park should be secured in a Public Car Park Management Plan.
- Combination of hotel drop off with the residential parking within the basement is less than ideal and could lead to residential spaces being used by the hotel.
- Drop off for hotel appears to be more like two parking spaces for the hotel.
- Concern regarding the long term functionality of the public car park given its location within the basement.
- Concern regarding the provision of 0.79 parking spaces per residential unit. If this is accepted then it should be provided on an unallocated basis and car club memberships should also be provided.
- Residential cycle spaces should be increased from 160 spaces on drawings to 238 spaces (London Plan compliant figure).
- Highway width for footpath should not be reduced below existing width or 2 metres as part of any highway works.
- Doors should not open over the public highway.
- Note that highway works associated with the development will need separate approval from the City Council as Local Highway Authority.
- Concern remains regarding the lack of provision for coach parking for the hotel, but is accepted that the size of the hotel is unlikely to result in guest arriving or departing by coach.

#### HISTORIC ENGLAND

Reduction in height of the extensions and the proposed alterations to massing are welcomed as improvements to the previous scheme and would lessen their impact in townscape views and reduce, though not ameliorate, the harm to the listed building. The proposals to relocate the historic staircase from the hotel to the central anchor retail unit is welcomed and will improve the setting of the staircase and allow greater public accessibility.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions is necessary.

#### NHS CENTRAL LONDON

Any response to be reported verbally.

#### THAMES WATER

No objection. Note that they wish to see surface water attenuation to greenfield runoff rates. Increase in foul water flows can be accommodated in existing sewer system.

#### TRANSPORT FOR LONDON

Any previously secured transportation benefits, either by condition or as part of the S106 agreement, should be secured again as part of the current scheme. Concerns raised on the following grounds:

- Cycle parking for residential part of scheme is not London Plan compliant following increase in unit numbers from 103 to 129 flats.
- Financial contribution of £130,000 to cycle hire scheme was previously requested to meet increased demand, but not secured. Ask that this decision is reconsidered.
- Encourage greater reduction in the number of car parking spaces, with development preferably car free or limited disabled parking only.
- London Plan compliant blue badge parking and electric vehicle charging points.
- Council should consider impact of removing residential vehicle drop off whilst increasing unit numbers.
- Satisfied that scheme is generally in compliance with London Plan policy

#### ANCIENT MONUMENT SOCIETY

Any response to be reported verbally.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

#### THE GEORGIAN SOCIETY

Any response to be reported verbally.

#### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

#### THE VICTORIAN SOCIETY

Objection. Whilst the proposed variation of Condition 1 would ultimately result in a marginally less harmful proposal than that granted consent by the Council on 27 April, the implemented scheme would still cause substantial and unjustified harm to the significance

of this fine listed building. Such a high level of harm is not desirable and is not considered necessary. Ask that Council works with the applicant to develop a genuinely sympathetic scheme that retains the two domed atria, the grand staircase (in situ), the formal lobby and entrance off Queensway and avoid any roof extension on the historic portion of the building. Any new floorspace should be accommodated on the new elements to the rear. Refer to their detailed objection in their earlier letter of objection dated 22 January 2016.

It was the building's noble interior that contemporaries most admired about Whiteley's when it first opened. This fact was not lost on those undertaking the remodelling of the building in the 1980s, hence the retention of the best of the spaces. Their continued preservation should be considered of absolute primacy.

#### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

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

No. of Consultations: 1566.

Total No. of Responses: 72.

No. of Objections: 72.

No. in Support: 0.

70 emails/ letters received from 67 respondents raising objection on all or some of the following grounds:

#### Land Use

- Should not allow development containing empty apartments.
- Loss of indoor retail space to be replaced by heavily shaded retail courtyard.
- Concern that quality of retailer promised will not be delivered.
- Cinema and retail floorspace should not be provided in the basement.
- Building should remain publically accessible and not given over to private flats and a hotel.
- Area is already plagued by hotels and a disproportionately transient population.
- Replacement retail arrangements are totally inferior to the current mall.
- Loss of existing retail outlets within Whiteley's in favour of 'high end' retailers.
- Affordable housing should be provided on-site.
- Insufficient affordable housing proposed.
- Argument that Queensway cannot sustain the existing quantum of retail floorspace and compete with Oxford Street and Westfield is flawed as Marylebone High Street demonstrates.
- Central courtyard is likely to be dark and wet and unattractive to shoppers.
- Additional units will put additional pressure on building and surrounding townscape.
- Bayswater must remain a family neighbourhood.
- Question why additional units proposed are not affordable housing units.
- Development will provide speculative luxury flats.

#### Design

- Reduction in towers is only one storey (3.6m) rather than two as was previously required and Committee's previous requirements in design terms have not been met.
- Development will not enhance either the building or Queensway.

- Towers will still be visible in Kensington Gardens Square, significantly changing the nature of the Bayswater Conservation Area.
- Development will be detrimental to the historic building.
- Development is out of character with the surrounding area due to its bulk and height.
- Additional height proposed, which is higher than previously permitted would be unsightly and would not benefit the area or London.
- Overdevelopment of site, which blights neighbouring listed Victorian buildings.
- Listed building holds much history and charm.
- Do not want a soulless modern structure.
- Proposal would spoil historic views and damage the fabric of the area.
- Towers would continue to be visible from the west side of Kensington Gardens Square, but would not if reduced by a full two storeys as previously required.
- Development would harm the roofline of listed buildings in Kensington Gardens Square.
- Internal fabric of the listed building should not be destroyed and developer should be asked to remodel the existing building more sensitively.
- Interior should be redeveloped to return it to its glamorous splendid past.
- Glazed domes and central staircase should be retained.
- Concern at the removal of entrance stone work and statues
- Building should not be allowed to be made higher as this is unnecessary due to large size of existing building.
- Demolition should be limited to 1980's additions and all historic features retained.
- Height and bulk to the Queensway frontage is excessive and building will appear top heavy.
- Concern that the staircase will be out of reach of the community within the hotel.
- Staircase should be retained in its existing position.
- Increased height of façade will negatively impact skyline views to the west and spoil the proportions of the building.
- Amended scheme appears bulky and 'citifed'.
- Development is too high and too bulky with too many basements for unnecessary parking provision.
- Overall mass of development is excessive.
- The submitted drawings show an overall reduction in height of Levels 6-8 to the Queensway elevation is only 0.61m rather than the 1.5m required.
- Omission of vehicular drop off makes Redan Place elevation heavier less relieved.
- Redan Place townhouses are out of scale with mews houses to rear of Kensington Gardens Square properties opposite. They should be reduced in scale to match buildings opposite.
- Heritage Report does not correctly name Kensington Garden Square raising questions about its credibility.
- Central staircase is an icon of London's art deco years and appears in too many films to disappear.
- Must avoid the creation of soulless flats such as Garden House.
- Don't want area turned into another Knightsbridge.
- Relocation of staircase should be closely monitored to avoid damage occurred.
- Listed status of building should be increased to Grade II\* or Grade I.
- Loss of existing listed interior should be resisted.

### Amenity

- Unacceptable loss of daylight and sunlight to surrounding neighbouring occupiers, particularly those in neighbouring properties in Kensington Garden Square.
- Reduction in sunlight to the garden of Kensington Gardens Square.
- Overlooking from windows in rear of development.
- Windows and roof terraces to rear of development will overlook windows in Kensington Gardens Square.
- Increased sense of enclosure.
- Loss of winter sunlight to neighbouring Kensington Gardens Square properties.
- Amendments fall short of the Committee's previous requirements in amenity terms.
- Increased noise disturbance following completion of development.
- Increased overlooking and enclosure from omission of vehicular drop off and replacement with additional townhouses in Redan Place.
- Submitted daylight and sunlight report is incorrect as model has not been updated to represent amended scheme and Flat 2, 69 Kensington Gardens Square is not shown/ does not correspond with the schedule.
- Future erection of additional structures on the roofs of the townhouses in Redan Place could further reduce light to Kensington Garden Square properties. This should be prevented by condition.
- Lorries and deliveries should be prevented from entering Redan Place due to noise impact.

### Transportation/ Parking

- Insufficient information provided to demonstrate that an adequate traffic plan has been devised.
- Legacy of increased traffic through Kensington Gardens Square following completion of construction works.
- Night closure of Redan Place should remain in place.
- No through traffic should be allowed in Redan Place.
- Pavement on west side of Redan Place should be widened along whole length of the road.
- Southern exit from Redan Place has no pavement and is a danger for pedestrians.
- No viable plan has been proposed to minimise traffic, pollution and disruption from the caused by the development.

### Construction Impact

- Noise and general disturbance from construction works.
- Construction period of 4 to 5 years is excessive.
- Scale of development should be reduced to reduce construction period and the degree of impact on neighbours.
- Neighbouring buildings are listed and only have single glazing making them more sensitive to construction noise.
- Increase in heavy vehicles in Kensington Garden Square due to construction works and alternative routes should be considered.
- Increased air pollution from construction vehicles.
- Developer should wash windows of neighbours during construction.
- Noise and vibration caused to neighbouring properties due construction traffic.

- Construction traffic should be routed via Bayswater Road and Queensway and not Garway Road.
- Construction vehicle routes should be reconsidered.
- Construction traffic should not be permitted in Garway Road adjacent to special needs school due to conflict with drop off/ pick-ups.
- Road safety risk to children arriving at school in Garway Road.
- Coaches serving hotels, refuse lorries and the No.70 bus already cause obstructions for traffic in Garway Road on construction traffic route.
- Garway Road is not wide enough for construction traffic.
- Westbourne Grove is a busy shopping street with narrow pavement and not suitable for construction traffic.
- Construction traffic will make use of communal bins and gardens in Leinster Square more difficult.
- Previous developments in Leinster Square and Garway Road have caused previous disruption to neighbours. Cumulative impact of consecutive developments in the area.
- Construction should not be permitted to start until other developments in the vicinity have been completed.
- Exit from Redan Place is inadequate for construction traffic.
- The impact of construction traffic on bus routes should be more widely considered.
- Developer proposes community liaison group and whilst this is welcomed, it does not adequately reassure neighbours.
- Neighbours in listed buildings should be allowed double glazing to prevent noise disturbance during construction.
- Developer should provide sound proofing for neighbouring residents during construction.
- Detailed plan for traffic management during construction should be worked out in close consultation with local residents and should be created before the viability of the project is assessed.
- Should not have to pay Council Tax during construction works period.
- No construction work should take place at weekends.
- Adverse impact on neighbouring businesses during construction works.
- Ask that planning conditions be used to require the service of party wall notices.
- Conditions should be imposed requiring representatives of Kensington Gardens Square residents to be involved in the development of the construction plan and traffic management plan.
- Due to depth of basement, all properties adjacent to the site in Kensington Gardens Square should receive 'Party Wall protection' and damp protection and not just those that fall within Party Wall protection legally.
- Development will cause significant vibration to neighbouring listed properties.
- 90 lorries a day will cause damage to neighbouring buildings.

#### Other Issues

- Proposals do not comply with the Committee's previous requirements, as set out in the April 2016 permission. Developer has ignored previous requirements.
- Original decision should be enforced.
- Scheme should not have been previously approved.
- The size and depth of basement and its impact on surrounding properties and water courses in the area does not seem to have had enough investigation.

- Risk of subsidence and structural damage for neighbouring properties.
- Unconvinced the provision of an IMAX cinema justifies the additional excavation proposed.
- Question whether the scheme is unviable without the proposed 'pavilion' structures at 9<sup>th</sup> floor level to the rear.
- Question what community benefit the scheme brings.
- Adverse impact on health.
- Adverse impact on the value of neighbouring properties.
- Developers should reconsider relocation of the Queensway entrance screen to Redan Place if they want to save money.
- Development is for commercial gain with little public benefit to the local community.
- Consultation letters should be to named occupiers and not to 'owner/ occupier' as these letters are often thrown away.

#### PRESS ADVERTISEMENT/ SITE NOTICES

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Whiteleys is a landmark Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. It is bounded by Porchester Gardens to the south and Redan Place to the north and the west. The building is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. It covers an area of approximately 1.42 hectares. The site is well served by public transport, with the Bayswater and Queensway Underground stations are in close proximity.

The application site is located outside the Central Activities Zone (CAZ). The application site is located within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

The building currently comprises basement, ground and four upper floors. The building arranged as an inward facing shopping centre with pedestrian access via three main entrance points along Queensway. The existing basement includes ancillary retail floor space, servicing areas and the All Stars bowling lanes (Class D2 use). The ground floor comprises of a mix of retail units, dominated by Class A1 units, including several large units currently occupied by 'anchor' retailers including Marks and Spencer and a range of mainly fashion retailers. There is also a bank and coffee shops. The first floor is predominantly retail, with a food hall provided at second floor level, which predominantly comprises Class A3 restaurant/ cafe units. The second floor and part of the third floor also accommodate a four screen cinema. The third and fourth floors are in use as office floorspace and include television recording studios.

### 6.2 Recent Relevant History

Whiteleys has an extensive planning history. The building was originally built as a department store and was completed and opened in 1911. Following the decline and closure of the department store, planning permission was granted on 30 March 1988 for the redevelopment of the building to provide a new retail shopping centre incorporating offices, a cinema, restaurants, hot food take-aways and car parking. The 1988 scheme comprised a comprehensive redevelopment of the site behind the retained facades in Queensway and Porchester Gardens. The permission restricted the amount of retail and restaurant floorspace to not more than 23,500m<sup>2</sup> and this restriction is controlled via a legal agreement. The legal agreement also covered a range of other issues, including provision of highways works, controls on the amount of restaurant/ hot food takeaway uses and controls in relation to the management of the centre and the public car park to the rear.

January 1989 – Permission granted for the provision of a multi-screen cinema on the second and third floors.

July 1997 – Permission granted for use of part ground floor and basement as a health club and alterations to the shopfronts to the Porchester Gardens elevation.

March 2008 – Permission granted for use of part of the basement as a bowling alley/ restaurant/ drinking establishment/private members club (sui generis use) together with associated alterations to the roof top plant area.

10 August 2015 – Request made for a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in connection with the comprehensive redevelopment of the site to include demolition of existing structures (retention of historic facade and key historic elements of the fabric of the building), and provision of retail (Class A1) restaurant (Class A3) hotel (Class C1), assembly and leisure (Class D2) and residential (Class C3) uses, with associated landscaping, public realm works, cycle and car parking, plant and other associated works (RN: 15/06074/EIAOP).

The City Council concluded that the proposal would not result in significant environmental impacts and therefore an Environmental Impact Assessment (EIA) would not be required.

27 April 2016 – Planning permission and listed building consent granted for demolition and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision (RN: 15/10072/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee 29 March 2016 at which the committee resolved to grant conditional planning permission and listed building consent subject to the completion of a S106 agreement to secure a package of planning obligations, including a £6m financial contribution to the Affordable Housing



Fund and £6m financial contribution to public realm works in Queensway. The S106 agreement was subsequently completed and permission and consent were granted on 27 April 2016.

## 7. THE PROPOSAL

The application is submitted under S73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary of Condition 1 (of both the planning permission and listed building consent) and removal of Condition 10 of the planning permission and Condition 2 of the listed building consent dated 27 April 2016 (RN: 15/10072/FULL & 16/12204/LBC), which granted permission and consent for comprehensive mixed use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens facades (see full description of approved scheme in Section 6.2).

Condition 1 of the previous permission and consent requires the scheme to be carried out in accordance with the previously approved drawings, whilst Condition 10 of the planning permission and Condition 2 of the listed building consent require amendments to the height, bulk and massing of the rear of the proposed building (the wording of Condition 10/ Condition 2 can be found in Section 8.2 of the report or in the previous decision letters dated 27 April 2016, which are provided in full in the background papers).

The purpose of the current application is to propose a range of amendments to the approved scheme to seek to justify the removal of Condition 10, whilst also ensuring the development remains sufficiently viable to enable it to be carried out. The amendments, for which permission and consent are now sought, are:

- a) To reduce the height of the element of the scheme behind the retained Queensway facade by 1.5m;
- b) Reduce the height of the two rear 'towers' by one storey and remodelling of the new top storey to form a recessed roof storey;
- c) Amendment of the facade alignment of the set back upper floors to the rear of the site;
- d) Increase in the height and bulk of infill link blocks between rear 'towers';
- e) Omission of the residential vehicular drop off in Redan Place and consequential reconfiguration of the Redan Place facade;
- f) To increase the depth and amend the configuration of the new basement;
- g) Reconfiguration of the location and the floorspace quantum of uses within the development, including an increase in hotel bedrooms and floorspace and an increase in gym floorspace;
- h) To increase the number of residential units from 103 units to provide up to 129 units;
- i) Amendment of the mix of residential units;
- j) Amendment of the proposed waste management strategy;
- k) To alter the location of the retained central Whiteleys staircase from within the hotel lobby, as was approved in 2016, to within one of the principal retail units within the retail courtyard;
- l) Associated minor internal and external alterations related to the amendments listed above.

The existing, previously approved and now proposed floorspace figures are provided in the Table 1 below.

**Table 1 – Existing, Previously Approved and Now Proposed Floorspace Figures**

Use	Existing NIA (m2)	Previously Approved GIA (m2)	Proposed GIA (m2)	+/- (Previously Approved v Proposed)
Retail (Classes A1-A5)	19,360	10,530	8,888	-1,642
Office (Class B1)	3,095	0	0	0
Hotel (Class C1)	0	7,607	9,245	+1,638
Residential (Class C3)	0	43,248	43,044	-204
Nursery/ Creche (Class D1)	158	1,625	1,582	-43
Gym (Class D2)	0	1,666	3,617	+1,951
Cinema (Class D2)	2,352	2,041	2,337	+296
Bowling Alley (Class D2)	1,250	0	0	0
Basement Ancillary Floorspace	19,749	22,517	25,497	+2,980
Total	45,964 (GIA = 50,279)	89,233	94,211	+4,978

For the avoidance of doubt, this report focuses on the amendments proposed to the scheme originally granted permission and consent on 27 April 2016 and does not seek to replicate the full assessment of the originally approved scheme, which is set out in the report to the Planning Applications Committee dated 29 March 2016, which can be obtained from the City Council's website. In assessing the amendments proposed, this report considers all material changes in circumstance that have occurred since April 2016, including amendments that have occurred to adopted development plan policies.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Amendments to Residential Accommodation

The application proposes a small reduction of 204m<sup>2</sup> in the quantum of residential floorspace that would be provided across the site. This is largely as a result of the need to reduce the overall height of the development to the rear to seek to address the Committee's previous design and amenity concerns. Whilst the overall quantum of residential floorspace would be reduced, the application proposes to increase the number of residential units to be delivered from 103 to 129 units. This is to be achieved by amending the mix of units to comprise a greater number of smaller units. This change in

the mix of units is shown in Table 2. The effect of this amendment is to improve the efficiency of the use of the residential floorspace within the development. As a consequence, the amended mix of units proposed, which would be continue to be compliant with Policy H5 in the UDP (in terms of the proportion of 3 bedroom or larger units), would better optimise the use of the new residential floorspace relative to the approved scheme and therefore the amended scheme would be compliant with Policy S14 in the City Plan.

**Table 2 – Previously Approved and Now Proposed Unit Mix**

Unit Size	Approved Scheme	Approved %	Proposed Scheme	Proposed %	+/-
1 Bed Units	6	6%	20	16%	+14
2 Bed Units	28	27%	58	45%	+30
3 Bed Units	41	40%	44	34%	+3
4 Bed Units	28	18%	3	2%	-25
5 Bed Units	9	9%	4	3%	-5
Total	103	100%	129	100%	

All of the units within the amended scheme would accord with the space standards set out in the Government's National Technical Standards and Policy 3.5 in the London Plan (March 2016). As per the approved scheme, where design and conservation constraints allow, the residential units benefit from a good standard of external amenity space.

### 8.1.2 Affordable Housing Provision

The current scheme generates a requirement for the provision of 35% of the residential floorspace (16,932m<sup>2</sup>) on-site to be provided as affordable housing. If on-site provision is not practical or viable and affordable housing cannot be provided off-site in the vicinity, a financial contribution of £98,781,760 to the Affordable Housing Fund in lieu of on-site provision may be considered as a policy compliant level of affordable housing provision.

As per the approved scheme, the current scheme does not include the provision of affordable housing on-site and the applicant contends that on-site provision remains unviable. The viability of the development has been independently assessed on behalf of the City Council by viability consultants GVA. This detailed viability assessment concludes that the provision of affordable housing on-site is remains unviable and that the scheme is also insufficiently viable to provide any financial contribution to the Affordable Housing Fund. Notwithstanding this, as per the approved scheme, the applicant continues to offer an ex-gratia financial contribution of £6m to the Affordable Housing Fund. Given that the limited viability of the development has been evidenced and robustly independently tested, it is considered that the offer of a £6m financial contribution to affordable housing provision elsewhere in the City is acceptable and accords with Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Note on Affordable Housing Policy (November 2013).

### 8.1.3 Amendments to Retail Floorspace

The quantum of retail floorspace in the current scheme (8,888m<sup>2</sup> GIA) represents a reduction relative to both the existing situation (19,360m<sup>2</sup> NIA) and the previously approved scheme (10,530m<sup>2</sup> GIA).

The principle of a significant reduction in the overall quantum of retail floorspace on this site was accepted as part of the approved scheme, which permitted an approximate 50% reduction in retail floorspace. The approved scheme acknowledges that Whiteley's is no longer a viable location for a shopping centre type retail offer given the increased competition in recent year from nearby shopping facilities, principally those in the West End and Westfield London. One objector questions this assessment given the success of Marylebone High Street in recent years; however, it's success is based on provision of smaller boutique and independent retailers and does not seek to compete with the wider West End and Westfield in terms of providing accommodation for high street retailers. In this context, the approved scheme consolidated the retail floorspace on this site to basement, ground and first floor levels, so that the smaller retail offer better activates the west side of Queensway and provides an attractive retail courtyard within the site at ground floor level.

The proposed scheme omits much of the retail floorspace from the first floor, save for two anchor retail units, and focuses the retail floorspace to ground and basement floor levels. As a consequence, whilst the retail floorspace would be reduced by 1,642m<sup>2</sup> relative to the approved scheme, the current scheme would retain sufficient retail floorspace so as to continue to deliver an active and vibrant retail frontage to Queensway, within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and an attractive retail environment within the central courtyard of the site. As such, despite the reduction in retail floorspace, the amended scheme is therefore in accordance with Policy SS6 in the in the UDP and S21 in the City Plan.

As per the approved scheme, 19 retail units are proposed and the proportions of Class A1 and Class A3 floorspace is to be limited to a 70:30 split, with this controlled via the S106 agreement. The proposed scheme includes 7,357m<sup>2</sup> of Class A1 retail shop floorspace and 3,173m<sup>2</sup> Class A3 cafe/ restaurant floorspace.

#### **8.1.4 Amendments to Other Uses**

The proposed scheme would retain the nursery/ crèche use in a similar location to the approved scheme, adjacent to the central courtyard. The nursery/ crèche would be slightly reduced in size (by 43m<sup>2</sup>); however, this would not have any significant impact on the viability of the nursery unit as it would retain an overall floor area of 1,582m<sup>2</sup>.

The proposed scheme seeks to replace much of the retail floorspace at first floor level in the approved scheme with an increase in gym floorspace. The increase in gym floorspace is supported by Policy S34, which encourages the provision of social and community uses, and therefore the enlarged gym unit is acceptable in land use terms.

The current scheme proposes to relocate the cinema within the basement so that additional cinema floorspace can be provided and to ensure that the layout and volume of the cinema floorspace is attractive to cinema operators (for example to ensure the cinema can offer IMAX screens if required by the chosen operator). The precise layout has yet to be confirmed and the space has been designed with a degree of flexibility to allow the final

layout to be determined by the cinema operator. In terms of floorspace, the size of the cinema use would be increased by 296m<sup>2</sup> compared to the approved scheme, so that it would only be marginally smaller than the existing cinema within Whiteley's. The amendments to the cinema accommodation are not considered to be objectionable in land use terms as they are designed to ensure that the cinema accommodation is viable for future operators and is an attractive leisure destination for customers, thereby supporting the retail offer in this part of the Queensway/ Westbourne Grove Major Shopping Centre.

The approved scheme established the principle of providing a hotel use in this location to support the other uses within this mixed use development, despite the normal policy presumption, which guides new hotel uses to within the Central Activities Zone, Named Streets, Opportunity Areas and other specific areas specified in Policy S23 in the City Plan.

The proposed scheme would increase the hotel floorspace from 7,607m<sup>2</sup> as approved, to 9,245m<sup>2</sup> as now proposed, an increase of 1,638m<sup>2</sup>. The increased floorspace proposed enables an increase in hotel bedrooms from 30 to 42 rooms and an increase in the ancillary serviced office space at first floor level. The proposed hotel offer would therefore be more balanced, with less reliance on restaurant and other front of house services at ground floor level than in the approved scheme. Given that the additional hotel accommodation can be incorporated into the scheme without unacceptable reductions in residential or retail floorspace, which are the priority land uses in this location outside of the CAZ and in a Major Shopping Centre, the enlargement of the hotel use is considered to be acceptable in land use terms.

## 8.2 Townscape and Design

Whiteleys is a landmark Grade II listed building within the Queensway Conservation Area, which is also seen in views from the neighbouring Bayswater Conservation Area to the east and west. The main street block was constructed in two phases, with the southern block, which has a façade onto Porchester Gardens, built in 1911 to the design of Belcher & Joass. The northern part of the main block was added in the 1920's and was designed by Curtis Green, albeit with the intention of creating a perceptibly single architectural composition. Although originally built as a department store and inspired by the retail entrepreneur William Whiteley, this use struggled in the post-war era and by the 1980's a scheme was realised to demolish substantial parts of the rear and interior of the department store building and redevelop the site to provide a shopping centre; albeit with some retained fabric, including the original facades to Queensway and Porchester Gardens.

The area surrounding Whiteley's is also of architectural and historic significance. The townscape to the west largely lies within the Bayswater Conservation Area, with numerous Grade II listed buildings, including No's.12-20 Porchester Gardens, as well as most of the buildings facing onto Kensington Gardens Square. To the north and north-west lies the Westbourne Conservation Area; and to the east of Queensway are further parts of the Bayswater Conservation Area and the Hallfield Estate Conservation Area, all of which contain a number of listed buildings.

Planning permission and listed building consent were granted in April 2016 for a scheme which involved substantial demolition behind the retained historic facades and for

redevelopment of the site to provide a mixed use of primarily retail and residential, but also featuring a hotel, gym, crèche, office space, a cinema. A substantial basement area on 3 levels was also included which was mainly for car parking and plant. Although permission and consent were granted in 2016, they both included conditions which required amendments to the scheme, including a requirement to reduce its height and bulk. Condition 10 of the planning permission (replicated as Condition 2 of the listed building consent) was the main amending condition and reads as follows:

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

- i. a reduction of the combined height of Levels 6-8 above the retained facade by 1.5m in order to create more recessive rooftop storeys;*
- ii. the use of natural slate in a traditional unit size (approximately 500mm by 300mm) as the principal cladding material for Level 8 roof storey above the retained facade;*
- iii. the use of Portland Stone to match the retained facade as the cladding material for the Level 6 attic storey above the retained facade;*
- iv. reduction in the height of the two rear towers by removing two floors and the submission of drawings to show the total number of residential units within the proposed development.*
- v. reduction in the height and bulk and massing of the rear buildings, in order to address the impact on residential amenity to properties in Kensington Gardens Square, Redan Place and Porchester Gardens in terms of sunlight, daylight and sense of enclosure.*

*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.”*

The current application seeks permission and consent for several minor material amendments to the 2016 scheme, some of which address, either entirely or in part, the requirements of the aforementioned amending conditions. In design and listed building terms the key amendments now proposed are as follows:

- A reduction in the combined height of levels 6-8 above the retained front façade by 1.5 metres (this is seeking to address part i of Condition 10).
- Reduction in height of the two rear ‘towers’ by removing two floors and replacing them with a single storey recessed pavilion (this is seeking to address parts iv and v of Condition 10).
- Revisions to the alignment of the rear facades to increase the distance between the upper floors of the building and the rear of buildings in Kensington Gardens Square (this is seeking to address part v of Condition 10);
- Infill of the residential drop off on Redan Place to provide additional residential townhouses.
- Relocation of historic staircase to a more prominent location in an enlarged ‘anchor’ retail unit.
- Layout changes, which result in an increased number of residential units, up to a maximum of 129 units.
- Additional basement level excavation to accommodate greater volume in the proposed cinema, as well as re-organisation of the basement levels.

The main issue in design and listed building terms is considered to be the proposed changes to height and massing. With regard to the overall height of the new roof storeys above the retained historic facades to Queensway and Porchester Gardens, these have been reduced in their cumulative height by 1.5 metres. This is in accordance with the requirements of part (i) of Condition 10 of the April 2016 permission. As amended these upper floors now have a more recessive quality when seen in the context of the retained historic facades and the desired degree of subordination, which the condition sought to address, has been achieved. This aspect of the proposal is considered acceptable and during the course of the application it has also been clarified that the Level 6 will be clad in Portland stone and Level 8 will be clad in natural slate in traditional unit sizes. As such, parts (ii) and (iii) of Condition 10 have also been addressed.

In the approved scheme the new residential part of the development at the rear of the site rose in height to 10 storeys (approximately 40m in height) at its tallest point, which in views from within Kensington Gardens Square rose up above the listed terraced properties on the east side of the square. This impact was considered unacceptably harmful to designated assets, as well as contributing to a harmful impact on amenity. As a consequence, part (iv) of Condition 10 was imposed requiring a reduction in height of the two 'towers' at the rear of the site, which are the two tallest elements of the development.

The current proposal does not seek to entirely address the requirement of Condition 10(iv) but rather seeks to amend the design of the building to reduce the height of the development at the rear and lessen its visual impact from the views within Kensington Gardens Square. As previously proposed, the 9<sup>th</sup> and 10<sup>th</sup> storeys of the rear residential block were designed to be in the same architectural style as the rest of the development, i.e. a strong grid of reconstituted stone with the same multi-pane fenestration. The current proposal removes this sheer two storey design and replaces it with a 9<sup>th</sup> storey pavilion structure, which has been designed so as to appear as a recessive rooftop element, similar to the pavilions which top the roof above the retained facades to the Queensway frontage of the site. In pure height terms the finished floor level of the new pavilion roof is 3.68m lower than that of the previous scheme. Had two full storeys been removed and no pavilion structure added this would have resulted in a height reduction of 7.59m. Thus the difference in pure height terms between the requirement of the condition and the current proposal is that the latter would be 3.91m taller. However, to consider the matter only in terms of dimensions would not necessarily address the purpose of the amending condition which was to reduce the visual impact of the development from the views from Kensington Gardens Square.

The Accurate Visual Representations (AVRs) that have been produced for the two view points in Kensington Gardens Square (AVRs 14 and 15) demonstrate that, with or without the top two storeys, small elements of the 8<sup>th</sup> floor of the approved scheme would be visible above the top parapet of the Kensington Garden Square listed terraces (in View 14), although they would be seen behind a modern metal balustrade railing on the roof of the listed properties. In the current proposal, the new 9<sup>th</sup> floor pavilion structures would be visible in both viewpoints. In comparing the visual impact of the April 2016 scheme with the current proposal, the reduction in height and the revised design of the 9<sup>th</sup> floor pavilion has reduced the visual impact of the development in these views.

Taking into consideration the following factors, (i) an element of the approved scheme would be visible above the silhouette of the Kensington Gardens Square buildings; (ii) the

design of the pavilion is more subdued and recessive as now proposed; and (iii) there is a dense screen of trees, which reduce the visual impact even in winter when the trees are not in leaf, it is thus considered that while a full two storeys have not been removed from the tower elements to the rear of the development, as required by Condition 10 part (iv), the amendments have succeeded in significantly mitigating the previously identified harm. In its revised form there remains a degree of harm; however, this harm to the character and appearance of Bayswater Conservation Area and the setting of neighbouring listed buildings is considered to be of capable of being out-weighed by the wider public benefits that the scheme delivers.

The revised scheme has re-apportioned the lost 10<sup>th</sup> floor floorspace by adding additional floorspace at 7<sup>th</sup> floor level between the taller tower elements. Other changes that are proposed to this rear block are a slight setting back of the building line from the rear of the properties in Kensington Gardens Square. This has been done to try and address the requirements of Condition 10 part (v). The amount of set-back proposed ranges between 200mm at Levels 2 and 3 to 1.8m at Levels 5-8. These alterations at 7<sup>th</sup> floor level and in the setting back of the rear elevation on the upper floors are considered acceptable in design terms and would maintain the overall design approach and detailing of the approved scheme.

The infill of the previously approved residential drop off facility in Redan Place is considered to be acceptable in design terms, as it reinforces the building line and the mews like character of this part of the scheme. In combination with the infill of the drop-off it is also proposed to amend the detailed design of the townhouses in Redan Place so that they have a simpler fenestration pattern. This amendment is also supported in design terms as this will also assist in more closely aligning the appearance of this elevation of the development with the existing mews like character of the west side of Redan Place.

Associated with the infill of the residential drop off facility is the enlargement of the main Class A1 retail unit on the western side of the central courtyard, which will be on axis with the main entrance to the courtyard from Queensway. It is now proposed to relocate the historic staircase, currently beneath the main circular atrium space, but approved to move into the hotel part of the development, to be positioned within this new enlarged 'anchor' retail unit, which will be a two storey unit in part. This alteration to the scheme is considered to be a very positive refinement, placing the staircase in a very prominent location and associating it with a retail activity, thus both in character and use it will play a role far more similar to its original function. This amendment to the approved scheme is also welcomed by Historic England.

In addition to concerns expressed regarding the amendments to the height, bulk, massing and detailed design of the amended scheme, which are addressed by the earlier paragraphs in this section of the report, a number of objections were also received in relation to the principle of redevelopment of this site in the general form that was previously approved; namely, demolition behind a retained façade. However, the existing application does not represent an opportunity to re-examine the principles established by the original decision. As per the approved scheme, the remaining historic fabric within the building that is of significance, such as the dome to the main atrium, the central staircase and main entrance screen, are to be retained and reinstated within the redeveloped site in locations where they remain publically appreciable.



In summary in design, conservation and listed building terms, as set out in the recommendation, the Committee is asked to consider whether the amendments proposed are sufficient, in combination with consideration of the wider public benefits of the scheme, to adequately mitigate the impact of the development on the listed building; the character and appearance of the Bayswater Conservation Area and the Queensway Conservation Area; and the setting of neighbouring listed buildings. The amended scheme is otherwise considered to be acceptable in design and listed building terms and, subject to the recommended conditions, it would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and S25 and S29 in the City Plan.

### **8.3 Residential Amenity**

#### **8.3.1 Daylight and Sunlight**

As per the previously approved scheme, the current application has received a significant amount of objection on amenity grounds, most notably in relation to the impact the amended scheme would have on daylight and sunlight reaching neighbouring windows, particularly those windows serving properties in Redan Place and Kensington Gardens Square. Objectors note that the degree to which the 'tower' elements have been reduced in height and the remodelling of the bulk of the building to the rear does not fully accord with the previous Committee resolution that the 'tower' elements should be reduced in height by two full storeys. The objectors are therefore concerned that the degree to which their daylight and sunlight will be affected by the development has not been mitigated to the full extent that the Committee previously intended.

The main areas of concern in daylight and sunlight terms remains the impact the amended development would have on residential properties located at the rear in Kensington Gardens Square and Redan Place and, to a slightly lesser extent, the flats above the shops on the opposite side of Queensway and those flats immediately to the south in Porchester Gardens. The impact on properties and external amenity spaces located further from the development would be less than material, as was the case with the approved scheme.

As part of the current application for the amended scheme, the applicant's Daylight and Sunlight report has identified and surveyed 72 light sensitive properties and concludes that 38 of the properties would fully adhere to the BRE Guidelines. This figure has risen from 26 properties at the time of the previously approved scheme. These properties, which are affected to a less than material degree are located in Porchester Gardens, Queensway, Queens Mews, Inverness Terrace and Westbourne Grove. The impact on the remaining properties ranges from 'minor'(slightly noticeable) or 'moderate' (noticeable) transgressions of the BRE Guidelines, including a number of properties in Queensway, Kensington Gardens Square and Porchester Gardens, to more severe 'moderate' to 'major' transgressions where the impacts will be very noticeable. These severe impacts are mainly caused to properties in Kensington Gardens Square and Redan Place, as they were in the approved scheme.

Since the determination of the previously approved scheme in April 2016 the applicant has gained access to a significant number of neighbouring properties to enable more detailed survey work to be undertaken and this has allowed the applicant to more accurately assess the daylight and sunlight impact of the development and omit windows from the

assessment that serve non-habitable rooms, such as communal staircases and hallways and bathrooms.

The applicant argues that the losses identified are consistent with the dense urban environment in this location and neighbouring properties are very close to the application site in Redan Place where existing levels of sunlight and daylight are already low. The applicant also cites that as the rear of Whiteleys is currently open/ undeveloped above the roof level car park properties in Kensington Gardens Square are more susceptible to larger percentage losses. In terms of the amendments proposed to the previously approved scheme, the applicant acknowledges that the revised scheme does not accord with the precise requirements of Condition 10 to remove two storeys from the rear 'towers', but considers that the amendments proposed, which introduce greater set-backs to the lower floors and additional modelling of the rear elevation of the development serves to deliver a reduction in impact in terms of daylight and sunlight losses, which is consistent with the benefit that would be derived from arbitrarily removing two storeys from the overall height of the 'tower' elements.

#### Kensington Gardens Square

There is an existing hotel at No's. 78-82 Kensington Gardens Square, which will lose between 20-50% of daylight to rear bedroom windows, as was the case in the approved scheme. The amended scheme now proposed has reduced the overall impact on the daylight reaching the hotel windows with the number of windows exceeding Building Research Establishment (BRE) guidelines on daylight loss using the Vertical Sky Component (VSC) method of assessment falling from 42 to 34 windows, with the number of windows compliant with the BRE guidelines rising from 21 to 29. The applicant has also assessed the impact of the approved scheme without the top two floors and without the other amendments to bulk and massing that are proposed in the current scheme (hereafter referred to as 'the Indicative Condition 10 Compliant Scheme'), which would result in 31 windows being BRE compliant, with 32 windows breaching BRE guidelines. Given this and as many of the hotel rooms served by these windows already have very low levels of daylight, the losses that would be caused by the amended scheme are not considered to be so material so as to warrant refusal of permission.

It is clear that as per the approved scheme a high number of windows serving habitable residential rooms in the rear elevations of No's 63-77 Kensington Gardens Square (6 storey terraced properties) will experience noticeable losses of daylight and sunlight in excess of the BRE guidelines. A number of these affected windows serve habitable rooms such as bedrooms, kitchens and studies. The City Council cannot protect losses of light to non-habitable rooms such as staircases and bathrooms.

In respect of No.63, which comprises of 7 flats, of the 11 windows serving habitable rooms that were tested, 6 will experience reductions in Vertical Sky Component (VSC) between 20% and 41.4% from lower ground to second floor levels, with the worse affected windows at lower ground and ground floor level. However, the affected windows will receive daylighting levels between 12-17 VSC, which is commensurate with the resultant daylight levels that would be caused by the approved scheme. Overall the number of windows that would breach the BRE guidelines in terms of VSC daylight loss would be no greater than in the approved scheme or would be the case when the Indicative Condition 10 Compliant scheme is assessed.

In respect of No.64, which has been subdivided into 6 flats, 9 windows serving habitable rooms have been tested. Of these windows 4 will experience reductions in VSC, as was the case in the approved scheme. The Indicative Condition 10 Compliant scheme would also cause BRE non-compliant losses to 4 windows. The losses caused would be between 20% and 39%; whereas in the approved scheme the losses were between 22% to 41% between lower ground and fourth floor levels. The majority of the affected windows will receive daylighting levels between 9.8 VSC to 32 VSC, which is considered to be commensurate with the daylight levels that would be caused by the approved scheme.

In respect of No 65, this property is in use as 8 flats. 9 of the 13 windows tested will suffer reductions in VSC in excess of BRE guidelines of between 20.3% and 35.4%. This compares to BRE non-compliant losses to 8 windows in the approved scheme ranging between 27.5% to 35.2%. The losses would be caused to windows between lower ground and third floor levels, with the lower floors being the worse affected. In terms of the ground and first floor windows these windows will receive between 13.6 and 17.6 VSC, compared to 14 to 17.5 VSC in the approved scheme. When also compared to the Indicative Condition 10 Compliant scheme, the proposed amended scheme would have a marginally greater impact on the daylight to this property as the Indicative Condition 10 Compliant scheme would cause BRE non-compliant losses to 8 rather than 9 windows.

In respect of No.66 which is subdivided into 6 flats, 6 of 12 windows will lose daylight, compared to 7 of the 12 windows in the approved scheme and 6 of the 12 windows in the Indicative Condition 10 Compliant scheme. The material losses caused range between 20% and 32% VSC, compared to between 21.7% to 39.2% in the approved scheme. The material losses are caused between lower ground and second floor levels. Although the percentage losses are relatively high, again the resultant levels of daylight would be around 13 VSC at lower ground floor level which is commensurate with the levels caused by the approved scheme.

No.67 is also subdivided into flats. At this property 18 windows have been assessed and 13 of these will suffer a loss of daylight in excess of BRE guidelines. This compares to BRE non-compliant losses to 14 windows in both the approved scheme and the Indicative Condition 10 Comparison scheme. The material losses caused would range from 20.9% to 36.6% and this compares to between 21% to 39% in the approved scheme. The losses would affect windows between lower ground and third floor level. The worse affected window in terms of percentage loss is a first floor window which will lose 36.6% of its VSC; however, this impact is less than the 39% loss that would be caused by the approved scheme. The window would retain a VSC of 16.1, which is higher than the 15.5 VSC that the window would receive under the approved scheme.

In terms of daylight, No.67 has 5 windows that face within 90 degrees of south and therefore sunlight impact has also been assessed. The amended scheme now proposed would lessen the impact on sunlight with 4 of the 5 windows being BRE compliant, compared to 3 of the windows in the approved scheme. The Indicative Condition 10 Compliant scheme would also improve the impact in terms of sunlight losses, but not to any greater extent than the amended scheme now proposed.

No 68 will also experience very similar daylight losses to No.67 with losses between 21.5% and 31.5%. This compares to material losses between 21% and 35% in the

approved scheme. The resultant VSC figures would range between 13 and 30 VSC, which is comparable with the resultant VSC levels in the approved scheme of between 12.5 and 29 VSC. Overall 5 out of 14 windows would be BRE compliant, whereas only 4 windows were compliant in the approved scheme. The Indicative Condition 10 Compliant scheme would deliver 6 windows that BRE compliant in terms of daylight loss.

No.69 is in use as 5 flats. Of the 15 windows tested, 12 would be BRE compliant in terms of daylight loss, a notable increase relative to the approved scheme in which only 9 of the 15 were BRE compliant. It is noted that the Indicative Condition 10 Compliant scheme, which the applicant has also tested, would also increase the number of BRE compliant windows to 12. The reductions to the other 3 windows, which are located between ground and second floor levels range from 21.9 to 36% and this compares to a range of losses of between 22.5% and 41.2 % in the approved scheme. Windows on the second and third floors will experience losses of annual and winter sunlight, but these losses would not be significantly different in magnitude to those losses caused by the approved scheme.

No.70 comprises of five flats. Of the 15 windows surveyed, 13 windows now meet the BRE guidelines, compared to 12 in the approved scheme. In the Indicative Condition 10 Compliant scheme 13 of the 15 windows would also be BRE compliant. In respect of the remaining two windows that are non-compliant in terms of daylight loss, they would experience losses of 32.5% and 35%, which compares to losses between 24% and 37.8% in the approved scheme. The material losses of daylight would occur to windows at first and second floor levels. The windows would though retain reasonably high levels of VSC for a central London location with proposed VSC levels of 11.9 and 16.5 VSC. No significant losses of sunlight would be caused to the six windows that face within 90 degrees of due south.

No.71 is subdivided into 7 flats. Of the 14 windows tested, 4 would breach the BRE guidelines in terms of daylight loss. This is the same as in the approved scheme; however, the Indicative Condition 10 Compliant scheme would reduce the number of BRE non-compliant windows to two. The windows that breach the BRE guidelines are at first to third floor levels and they would experience reductions in VSC of between 20.4% and 27.6%, whereas the approved scheme caused marginally higher losses in a range between 23.8% and 34.8%. Therefore in this case, whilst the number of windows materially affected has not been reduced, the degree of impact to each window has been marginally reduced.

No's.72-74 (Bentley Court) is in residential use. Of the windows tested, 11 of the 33 windows would now be BRE compliant. This compares to none of the windows in the approved scheme and 13 of the windows when the Indicative Condition 10 Compliant scheme is tested. The losses would be caused to windows between ground and fifth floor levels and are clustered between 20 and 30%, with the majority being towards the lower end of this range. In the approved scheme the losses were generally higher and ranged between 22.7% and 33.3%. The losses in this case are largely just in excess of the BRE guidelines and windows will all continue to receive a good level of daylight given that there are no closet wings to the rear of this 20<sup>th</sup> Century infill block.

No.75 is subdivided into 6 flats. Of the 14 windows tested 10 would now be BRE compliant in terms of daylight loss compared to 8 in the approved scheme and 12 in the Indicative Condition 10 Compliant scheme. The windows suffering a material loss of daylight would

be at ground, first and second floor levels and would experience losses between 27.2% and 34.3%. This compares to the losses of daylight in the approved scheme which ranged between 24.7% and 39.4% of existing VSC values. Overall therefore, the severity of the losses of daylight, as well as the extent, has been modestly reduced in the amended scheme in respect of this neighbouring building.

No.76 is also subdivided into 6 flats. Of the 10 windows tested, 6 will be BRE compliant in terms of daylight loss. This compares with 5 windows in the approved scheme and 6 windows in the Indicative Condition 10 Compliant scheme. The windows suffering a material loss are located between first and third floor levels and will experience losses between 22.7% and 32.8%, which compares to losses to 5 windows in the approved scheme of between 25.4% and 38.5% VSC. The materially affected windows would though retain a relatively good level of daylight given their central London location and the configuration of the rear of the building, which limits daylight to some windows due to the depth and proximity of the closet wing to windows at first and second floor levels. The window at first floor level adjacent to the closet wing is most significantly affected for this reason.

No 77 is in use as 5 flats. Of the 11 windows tested 8 would be BRE compliant in terms of daylight losses. This compares to 7 windows in the approved scheme and 8 windows in the Indicative Condition 10 Compliant scheme. The three affected windows would be at first, second and third floor levels and experience losses of between 22.2% and 39.8%. This compares to losses between 24.7 % and 46.2 % of existing VSC levels for four windows in the approved scheme. As at No.76, the worse affected window is a first floor window adjacent to the closet wing and the VSC for this window will be reduced from 12.8 to 7.7 VSC. This compares to a slightly larger reduction in the approved scheme to 7 VSC.

Beyond the hotel at Nos.78-82 Kensington Gardens Square, daylight loss would only occur to one window at Nos.83, 84 and 85 and this degree of loss is not considered to be objectionable. By comparison the approved scheme would cause a material loss of daylight to 5 of the 37 windows in these three buildings, whilst the Indicative Condition 10 Compliant scheme would also only cause a material loss of daylight to one window.

### Redan Place

As per the approved scheme, a number of flats which front onto Redan Place will be affected, in particular No's.22 (Compass House), 23-27, 38-39 (Bourne House) and 45 in terms of loss of daylight and sunlight.

No. 22 Redan Place (Compass House) is an 8 storey building formally in commercial use, but undergoing conversion to residential use under a prior approval granted in 2014. The prior approval allows the use of the building as 33 residential flats. 112 windows have been assessed in this building and of these windows 87 are compliant with the BRE guidelines in terms of daylight losses. This compares to 83 windows in the approved scheme and 88 in the Indicative Condition 10 Compliant scheme. The windows that fail, the majority of the losses (17 windows) are considered to be minor, with the remaining windows suffering losses between 30 and 40% of existing VSC values. Overall there are slight improvements in the degree of daylight losses compared to the approved scheme. As per the approved scheme, the impact is greatest at ground, first and second floor levels where existing daylighting levels are relatively low and as such the losses caused

represent a large percentage of the overall VSC level of the windows. In terms of sunlight, the losses caused would be reduced from the approved scheme with only three windows falling below BRE compliant levels, compared to 6 windows in the approved scheme. The three windows are affected by overhangs above the windows and this level of sunlight loss is not considered to be objectionable.

Nos.23-27 Redan Place is in mixed use development with the ground floor in office use and the upper five floors in residential use. Out of a total of 151 windows tested, 50 will comply with the BRE guidelines, 16 will suffer minor losses, 44 will suffer moderate losses and 41 suffer major losses. The worse affected windows are those located at first, second, third and fourth floors and be in the region of 40 to 50%. Such losses will be noticeable by the occupants of these flats, albeit it is considered on balance that the resultant daylight levels will be acceptable for a central London location given the relationship of this building to the highway and the existing enclosed nature of this part of Redan Place.

It should be noted that the amendments to the height, bulk and massing in the amended scheme, and as sought by Condition 10 of the previously approved scheme, do not have any significant impact on this neighbouring building at Nos.23-27 Redan Place or those buildings further to the east; namely Bourne House at Nos.38-39 Redan Place and No.45 Redan Place, in terms of daylight or sunlight losses. This is because the height, bulk and massing amendments are to the western side of the site; whilst these neighbouring buildings are to the north, located adjacent to the hotel block, which has not been amended in terms of its height or bulk, nor does Condition 10 of the previous permission seek amendments to the hotel block. Accordingly, the material losses of daylight and sunlight to neighbouring properties to the north of the site are considered to remain acceptable, as they were in the previously approved scheme.

#### Porchester Gardens

As per the approved scheme the amended scheme now proposed would not result in a material loss of daylight to windows in properties on the south side of Porchester Gardens. Porchester Court on the north side of Porchester Gardens at Nos.12-20 would be materially affected in terms of daylight loss. However, this building would see an appreciable improvement in terms of the number of windows affected, with 32 out of 78 windows now BRE compliant. This compares to 26 windows in the approved scheme, but is not as high as the number that would be compliant under the Indicative Condition 10 Compliant scheme, which would be 40 windows. In terms of the severity of the impact, this is spread with 18 windows experiencing losses between 20-30% of existing VSC, 5 experiencing losses between 30-40% and 13 experiencing losses in excess of 40%. Most of the most significant losses are to the lower ground and ground floor levels where the windows are very close to the site boundary with Whiteleys and already receive a relatively low level of light, which amplifies the percentage loss caused by the development. Overall the impact in terms of daylight loss to Porchester Court is reduced relative to the approved scheme.

#### Queensway

In respect of the flats on the opposite side of Queensway, a relatively small number of windows will experience losses in excess of the BRE guidelines, as was the case in the approved scheme. For the most part this is as a result of these windows already having

relatively low levels of existing daylight and/ or sunlight, such that any loss will be expressed as a high percentage. The levels of daylight and sunlight losses to Queensway properties were not previously considered to be objectionable and the amendments sought by Condition 10 to the Queensway façade; namely to reduce the height of the three new floors by 1.5m, was not imposed for amenity reasons. Nevertheless, this amendment, which the current amended scheme incorporates, does have the effect of lessening to a small degree the impact on daylight and sunlight reaching neighbouring windows. This improvement is most keenly felt at the northern end of Queensway where the number of BRE compliant windows in terms of daylight has risen from 4 to 9 (out of 11) at No.158, from 1 to 4 (out of 5) at No.160 and from 97 to 101 (out of 112) at Inver Court. BRE compliance in terms of sunlight loss has also improved at Inver Court with 106 out of 112 windows now compliant compared to 92 in the approved scheme. These improvements to the previously accepted daylight and sunlight impacts to properties opposite the site in Queensway are welcomed in amenity terms.

### Summary

In summary, understanding the impact of the amended scheme relative to that of the approved scheme and also the theoretical scheme showing compliance with Condition 10 of the April 2016 permission, is complex. The impact, particularly on neighbouring windows serving properties to the west of the site in Kensington Garden Square and Redan Place is mixed with the effect on some buildings appreciable improved, whilst others will remain similarly effected or, in some limited instances, certain windows will become worse affected. Overall the amended scheme has a marginally improved impact on neighbouring amenity in terms of daylight and sunlight loss with a greater number of windows now experiencing a less than material loss of daylight and/ or sunlight compared to the approved scheme.

Compared to the Indicative Condition 10 Compliant scheme that the applicant has modelled and tested in the submitted Daylight and Sunlight Report, the impact of the amended scheme that has been submitted is a similar overall; however, the particular windows and properties affected by the respective scheme differs to some degree due to the differing bulk and massing to the rear of the site in the two schemes. As set out earlier in this report, there are some properties and windows where the Condition 10 Compliant scheme does deliver a marginally greater reduction in daylight loss.

In this context the Committee is asked to consider whether the height, bulk and massing of the rear part of the development have been satisfactorily reduced and remodelled in the amended scheme, in combination with consideration of the wider public benefits of the scheme, so as to adequately mitigate the impact of the development on the amenity of neighbouring residents and thereby be compliant with Policy ENV13 in the UDP and Policy S29 in the City Plan.

One objector has requested an additional condition to prevent future extensions on the roofs of the townhouses in Redan Place. However, roof extensions in this location would be precluded as the site is within a conservation area and would therefore require planning permission. As such, the suggested condition is not necessary in this instance to protect the amenity of neighbouring occupiers from future roof level extension of the townhouses within the proposed development.

### 8.3.2 Sense of Enclosure

The amendments now proposed include additional set-backs to the rear façade of the building facing neighbouring properties in Kensington Gardens Square. It is proposed to reduce the height of the 'towers' by a storey (3.67m) and set back the new top storey by an additional 1.21m relative to the approved scheme. Below this the next two storeys would be set back by an additional 1.85m, whilst the lowest floors would be set back by 200mm.

Cumulatively these additional set-backs in the bulk and massing of the building would have a minor beneficial impact on the degree to which the development would increase the sense of enclosure for neighbouring residents to the rear, particularly those in Kensington Gardens Square. However, it is also proposed to increase the bulk and height of the 'link' blocks between and to the southern side of the two 'tower' elements of the proposed building. The link blocks would be increased in height by a single storey (3.67m). The raising of the link blocks would result in a small increase in enclosure relative to the approved scheme and therefore overall the impact on neighbours to the rear in terms of enclosure is similar to that which would be caused by the approved scheme and would not be materially worse.

The omission of the residential vehicular drop off in Redan Place and its replacement with additional townhouses would 'solidify' this façade of the site relative to the approved scheme. This would increase the sense of enclosure felt by occupiers of the mews scale buildings opposite in Redan Place; however, the increase in enclosure caused would be slight and the benefit of omitting the drop-off in terms of reduced vehicular movements/ noise in Redan Place outweighs this harm.

The reduction in height of the front element of the building in Queensway by 1.5m would have a minor beneficial impact in terms of easing the enclosing impact of the development on the windows of properties on the opposite side of Queensway.

Overall the amended scheme is considered to be acceptable in enclosure terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### 8.3.3 Privacy/ Overlooking

Despite the objections received on overlooking grounds, it is not considered that the amended scheme now proposed would result in a materially greater loss of privacy to neighbouring residents than the approved scheme. As per the approved scheme, it is recognised that residents in Kensington Gardens Square and Redan Place will be looking onto the rear elevations of the new development, compared with the existing open public car park, but it is not considered that this results in such material harm to warrant refusal of permission given that the existing outlook across the car park is atypical in a central London location such as this.

Whilst the form and scale of the rear of the scheme has been remodelled, the scale and number of window openings have not been significantly increased, except for the predominantly glazed roof level pavilions that have been introduced on the two 'tower' elements. However, whilst the pavilions are predominantly glazed, they are largely solid to their western elevation (to accommodate the stair and lift core) and therefore they would



not materially increase overlooking to neighbouring windows of properties opposite in Kensington Gardens Square relative to the approved scheme.

In terms of terraces and balconies, these too remain much as previously approved and therefore overlooking from external amenity spaces within the development would not be materially increased relative to the approved scheme.

The set-backs of the rear façade referred to in Section 8.3.2 would increase the distance between new windows in the development and neighbouring windows in neighbouring properties to the west, albeit to a minor degree in most cases.

The architectural approach to the facades of the townhouses in Redan Place has been modified and this includes the omission of previously approved projecting bay windows, in favour of smaller window openings set within the front facades. This amendment will assist in reducing the perception of being overlooked by these new dwellings for people living in Kensington Gardens Square and Redan Place.

Other amendments proposed to the north and south facades and to the eastern façade facing Queensway would not have any adverse impact in terms of overlooking relative to the approved scheme.

Overall the amended scheme is considered to be acceptable in overlooking terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### **8.3.4 Noise and Other Amenity Impacts**

In terms of noise from mechanical plant, Environmental Health do not object to the mechanical plant strategy for amended scheme, subject to the provision of a supplementary acoustic report to demonstrate the operational noise level of the mechanical plant when it has been specified, which can be secured by condition as per the approved scheme. Subject to this condition the scheme would accord with Policies ENV6 and ENV7 in the UDP.

As per the approved scheme conditions are also recommended to address Environmental Health's concerns that the new residential units must receive acceptable air quality (condition recommended to ensure provision of mechanical ventilation) and to prevent the units being affected by external noise (condition recommended to secure details of noise insulation proposed).

In terms of noise from traffic, the proposed scheme omits the residential drop-off to the western elevation in Redan Place, in favour of provision of a residential drop off within the basement which would be accessed from the vehicular access ramp to the northern elevation. This will reduce the number of vehicle movements along the north-south arm of Redan Place. This is welcomed in amenity terms as it would lessen disturbance for neighbouring residents in terms of noise from traffic, particularly in the evenings and overnight.

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

##### Public Car Park

The principle of reducing the existing public car park on the site from 177 spaces to 36 spaces was accepted under Policy TRANS25 in the UDP as part of the approved scheme and Highways Planning Manager remains content that this is acceptable and there is sufficient alternative provision to reduce the surplus parking provision in this location. As part of the reorganisation of the basement accommodation in the amended scheme the public car park has been relocated to basement level 2. Whilst the Highways Planning Manager notes that the layout now proposed appears to limit long term flexibility in terms of the layout and operation of the public car park, he does not object to its relocation within the basement, given that there would be no further erosion of the number of public car parking spaces to be provided.

As per the approved scheme it is recommended that details of the vehicle signalling system that will be required for the basement car park is to be secured by condition. The management of this car park, including hours of operation and tariffs are to be controlled as part of the legal agreement, again as per the approved scheme.

### Car Parking Levels

The proposed scheme includes the provision of a lesser number of residential car parking spaces than was secured in the approved scheme and this is supported by Transport for London. The number to be provided has been reduced from 139 serving 103 residential units in the approved scheme (a ratio of 1.35 spaces per unit) to 103 spaces serving 129 units in the amended scheme (0.79 spaces per unit). The location of the residential car parking spaces has been amended to basement level 1 and 2 mezzanine level and this better separates the provision from the public car parking relative to the approved scheme.

On-street parking levels in residents' bays is at 67% of capacity overnight and 79% during daytime hours within 200m of the application site. Therefore on-street residents parking in the vicinity is currently marginally below the level of Serious Deficiency (80%). Allied to this, car ownership per household in the Lancaster Gate Ward is at 31% and the site is extremely well served by public transport. In this context the level of on-site parking provision is acceptable under Policy TRANS23, provided the parking spaces are provided on an unallocated basis, as per the approved scheme, and each flat is provided with lifetime car club membership.

No car parking is being provided for the non-residential uses, save for two drop off spaces for the hotel within the basement as per the approved scheme, and this approach is compliant with policies TRANS 21 and TRANS 22 in the UDP. Whilst the Highways Planning Manager would prefer the hotel drop off to be located within the public car parking at basement level, rather than the residential car park, it is not considered that this is a ground on which to reasonably withhold permission.

As per the approved scheme the applicant has confirmed that the scheme will deliver 40% of the parking spaces with electric car charging points and this is compliant with the London Plan (March 2016).

### Cycle Parking

Both Transport for London and the Highways Planning Manager note that the applicant has under specified the number of residential cycle parking spaces to be provided within the basement of the development. A condition is recommended to require the number of cycle parking spaces for residents of the development to be increased from 160 spaces to 238 spaces so that the development is compliant with standards set out in the London Plan (March 2016).

The submitted drawings show 64 cycle parking spaces for non-residential uses within the development. This exceeds the London Plan requirement for 42 cycle parking spaces and is therefore an acceptable level of provision.

#### Access Points

The amended scheme proposes the omission of the residential drop off previously approved in the western façade of the site in Redan Place and this is welcomed in terms of eliminating additional traffic generation from the north-south section of Redan Place, particularly at night when Redan Place is closed at its southern end to through traffic. Residential drop offs will now occur within the basement, which is a more efficient arrangement, which eases the pressure on the public highway.

The Highways Planning Manager remains unconvinced by the need to provide a hotel drop off in addition to a basement access ramp, citing that the hotel drop off facility could be fully accommodated at basement level. However, the hotel drop off was accepted previously as part of the approved scheme and therefore this aspect of the scheme cannot be revisited as part of the amended scheme given there has been no material change in relevant development plan policy in the intervening period.

#### Coach Parking for the Hotel

Whilst the number of hotel rooms has been increased in the current scheme, the proposed hotel remains of a scale that is unlikely to generate coach traffic through guests accessing and leaving the hotel by coach. As per the approved scheme a condition is recommended to prevent the use of coaches in connection with the operation of the hotel.

#### Servicing

The amended scheme continues to provide a large servicing bay within the basement; albeit this has been reconfigured from the approved scheme and relocated within the basement to basement level 2. Notwithstanding this, the servicing bay would continue to accord with Policy S42 in the City Plan and TRANS 20 in the UDP and would prevent the need for any on-street servicing. A Servicing and Delivery Strategy is to be secured by condition as per the approved scheme.

#### Stopping up of the Highway/ Dedication of New Highway Land

As per the approved scheme, the Highways Planning Manager advises that the proposed stopping up works within Redan Place remains acceptable. An area of land will also need to be dedicated as public highway prior to the occupation of the development at no cost to the City Council and the authorisation to stop up and dedicate the new highway land is reflected in the recommendation to the Committee. Overall it is proposed to stop up

87.5m<sup>2</sup> of existing highway land and dedicate 95m<sup>2</sup> of new highway land in Redan Place and this rationalisation of the building line and resultant ability to increase the width of the pavement is welcomed in highways terms. Again as per the approved scheme, amendments to on-street parking restrictions will require a separate Traffic Management Order.

#### Waste and Recycling Storage Strategy

The Cleansing Manager has raised objection to the scheme on the basis that the waste and recycling strategy proposed is reliant on chutes delivering both waste and recycling to basement level from the residential parts of the development. His concern is that the approach has not fully demonstrated that waste and recyclable materials will be managed in line with the City Council's normal storage requirements, as the Recycling and Waste Storage Requirements Guide (2017-2018) states that chute systems should be avoided as their use for dry mixed recyclables has not demonstrated the quality required for reprocessing. However, in this case, the applicant has sought to address this concern, which principally relates to chute systems that utilise a single chute with a splitter system at the bottom of the chute, by proposing three separate waste and recycling chutes within each residential core. This approach will eliminate the risk of mechanical failure in respect of the splitter system, as one will not be required, and prevent the chance of contamination of the dry mixed recyclables with other waste occurring within the chute itself. On this basis, it is considered that it would be difficult to resist the three chute system proposed, notwithstanding the concerns expressed by the Cleansing Manager.

The Cleansing Manager does not object to the size and arrangement of the waste and recycling stores at basement level and does not object to the collection of waste and recycling from within the basement level service bay. A condition is recommended to ensure the development is carried out in accordance with the submitted waste and recycling strategy.

### **8.5 Economic Considerations**

As per the approved scheme, it is recognised that the loss of the existing shops and offices during the redevelopment will affect local employment; however, the proposed new uses and the construction works will offer employment opportunities and secure enhanced economic benefits for the local area in the medium to long term. These benefits need to be weighed against the less than substantial harm to the listed building and the impact on the amenities of neighbouring residents.

### **8.6 Access**

Level step free access will be provided through out the development, including to access facilities such as parking and the cinema at basement level. A disabled publically accessible toilet is to be provided at ground floor level for users of the retail courtyard/ basement car park.

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

#### **8.7.1 Basement Development**

A significant material change in circumstances since the determination of the previously approved scheme in April 2016 is the adoption of the new basement development policy (Policy CM28.1), which was added to the City Plan in July 2016 and remains in the latest version of the City Plan adopted in November 2016. In combination with the 'Basement Development in Westminster' Supplementary Planning Document (October 2014), which was adopted at the time of the previously approved scheme, this now forms the policy context against which the proposals in the amended scheme for an enlarged basement, in terms of depth, must be assessed. The basement within the approved scheme is also a material consideration in this assessment, given that it remains extant and could be implemented at any time.

The proposed basement in the amended scheme comprises almost entire site coverage, as was the case in the approved scheme, but proposes additional excavation to accommodate additional back of house/ ancillary floorspace at basement level (such as plant rooms, parking and storage), as well as accommodate additional floor to ceiling height for the proposed cinema accommodation so that it has the flexibility to respond to market demand, such as to provide IMAX screens. The additional excavation proposed ranges between 5.5 metres and 8.5 metres, with the deepest areas of additional excavation proposed towards the centre of the site.

In terms of Part (A) of Policy CM28.1, the amended scheme is accompanied by a full and detailed Basement Impact Assessment prepared by Structural Engineers AKT II. This report and its addendum documents identify the site specific ground conditions, as well as the drainage and ground water levels in the vicinity of the development in accordance with the normal requirements of Part (A)(1). The report also provides a detailed structural methodology for the basement construction, which is to be formed using diaphragm walls due to the depth of the excavation proposed and the soil conditions, with a top down construction sequence. The structural methodology demonstrates compliance with Part (A)(2)(a) of the policy. Notwithstanding that the normal policy requirements to assess the existing ground conditions and provide a structural methodology have been met, given the number and proximity of neighbouring properties and the scale of the excavation proposed, it is considered that a precautionary approach, as was adopted in granting permission previously, should again be taken. As such, it is recommended that a condition is again imposed that requires further reassurance that the development will not cause increased risk of flooding to neighbouring properties as a result of the basement structure. A piling method statement is also to be secured as per the approved scheme to address concerns expressed by Thames Water in their observations on the originally approved scheme.

The applicant has already undertaken to adhere to the Code of Construction Practice via the undertakings given the S106 agreement accompanying the approved scheme and this satisfies the requirements of Part (A)(2)(b) of the policy.

The Basement Impact Assessment includes assessment of the structural stability of the retained façade as well as an assessment of nearby buildings and infrastructure, such as sewers, hidden rivers and rail routes. Impact on flood risk is also considered (see Section 8.7.2) and the development would not exacerbate existing flood risk on or adjacent to the site. The current scheme has been designed to minimise the construction period thereby limiting the impact of the development, so far as is reasonably practical for a development of this site, on the amenity of neighbours and the operational of local highway network

(see Section 8.12.1). In terms of archaeological deposits, Historic England have confirmed that they are satisfied that the submitted desk based assessment has demonstrated that there is not a need for on-site investigation in this case and the basement would therefore not be likely to result in the loss of significant archaeological deposits. Accordingly Parts (A)(3), (4), (5) and (6) have all been addressed.

In terms of Part (B) of the basement policy, the scheme replaces an existing building that has total site coverage with a new building of the same extent of site coverage; albeit a hard landscaped courtyard is proposed to the centre of the site. Given the extent of existing site coverage and the lack of any substantive planting on the existing building, the proposed scheme is acceptable in landscaping terms and the additional planting to be accommodated on the proposed building is welcomed. The applicant's drainage strategy is designed to attenuate water run-off from the development to greenfield levels using attenuation tanks located at basement level, with water run-off attenuated elsewhere on the site by the use of green roofs and landscaping. As per the approved scheme, further details of the proposed drainage strategy are to be secured by condition (see Condition 7). This approach addresses the requirements of the London Plan and Thames Water. As such, the scheme accords with Parts (B)(1) and (4) of Policy CM28.1 in the City Plan.

Part (B)(2) of the policy deals with the impact of basement development on existing trees of townscape, ecological or amenity value and requires trees to be retained to be adequately protected. As set out in Section 8.7.3, in this case the Arboricultural Manager does not object to the loss of the existing street trees in Redan Place, which are to be replaced and the recommended tree protection condition would mitigate the construction impact on the trees to the rear of Porchester Court in accordance with this part of the basement development policy.

Part (B)(3) of the basement development policy requires basements to use the most energy efficient means of ventilation and lighting. In this case the submitted Energy and Sustainability Statements demonstrate that the development would be highly sustainable. The basement proposed contains support functions, back of house floorspace and uses, such as the cinema, which do not require natural light or ventilation, thus limiting the demand for extensive lighting and heating/ cooling at basement level where there is no access to natural light or ventilation.

As set out in Section 8.2 of this report, the development is considered to have been sensitively designed as an overall concept, with the street facades seeking to reintroduce active frontages to the Queensway and Redan Place elevations of the site. The only external manifestation of the basement would be the vehicular access to the north elevation in Redan Place, which whilst large in scale for practical reasons, would not appear out of scale in the context of the overall scale of the development. As such the basement proposed, which the submitted Basement Impact Assessment demonstrates can be constructed without harm to the retained historic façade, would not harm the character or appearance of the listed building or the Queensway and Bayswater Conservation Areas or the setting of neighbouring listed buildings. Accordingly the scheme is compliant with Part (B)(6) which seeks to ensure the impact of basement development in design terms is acceptable.

Part (B)(7) of the policy requires basements to be protected from sewer flooding through the installation of a suitable pumped device. The applicant's Flood Risk Assessment

Addendum document identifies the risk of sewer flooding, which is low in this location, and sets out that the scheme will incorporate a suitably specified sustainable drainage system to reduce the risk of flooding to the application site and other properties downstream. It is recommended that further details of the drainage strategy are secured by condition, as per the approved scheme, and subject to this condition the scheme would accord with this part of the basement development policy.

Part (C) of the basement development policy deals with the appropriateness of the scale and extent of basement development. In terms of Part (C)(1), as previously noted the site is already entirely developed and therefore there is no existing 'garden land' on the site. Accordingly, the provision of a replacement development with a basement below the full extent of the site accords with this part of the policy.

In terms of Part (C)(2), as the provision of a replacement development with full site coverage and a hard paved courtyard is acceptable for the reasons previously set out, the provision of soil depth over the basement at ground floor level is not required in this case. Soft landscaping and green roofs are proposed on other parts of the development.

Part (C)(3) of the policy seeks to ensure that basement development is limited to not more than one storey below the lowest original floor level, unless the site is a large site with high levels of accessibility, such that the basement can be constructed without adverse impact on the amenity of neighbouring occupiers and no heritage assets will be adversely affected. The Whiteleys site is located within an area with a significant residential population within close proximity; however, the site itself is with the exception of Porchester Court, an island site with streets separating the site from its immediate neighbours. As a result of this, the site is considered to be one which is highly accessible and is therefore a site where there is potential for basement development comprising more than one additional storey. As set out in Section 8.12.1 the applicant has scoped in significant detail the options available to limit the impact of construction works on the amenity of neighbouring residents and the local highway network. It is considered that, subject to the recommended conditions and the requirements to adhere to the latest version of the Code of Construction Practice in the S106 agreement, the applicant's approach to construction management, which will include further dialogue and consultation with neighbouring residents prior to commencement of works on site, is sufficient to satisfy this part of the basement development policy and justify provision of a basement of more than one additional storey on this accessible site.

Part (D) of the basement development policy relates to basements under public highway. In this case the proposed basement is located within the site and does not extend below the public highway. There are existing vaults below parts of the public highway, but it is not proposed to extend these, but rather they are to be made good and retained. As such, the proposed basement is compliant with Part (D) of Policy CM28.1.

In terms of the impact on the heritage asset, as has been previously outlined in this section of the report, the applicant has demonstrated that the proposed basement can be constructed without prejudicing the retention of the retained façade.

In conclusion, the amended scheme is considered to be an exception site where the provision of a basement of more than a single storey is acceptable and, subject to the recommended conditions relating to the mitigation of flood risk and construction impact

the basement proposed is acceptable in all other regards and accords with Policy CM28.1 in the City Plan.

### 8.7.2 Flood Risk and Prevention

The impact of the development in terms of flood risk has been assessed having regard to the responsibility of the City Council to act as the Lead Local Flood Authority under The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. This responsibility is fulfilled by assessment of the applicant's Flood Risk Assessment and Drainage Strategy by Development Planning and Planning Policy officers with reference to the City Council's Strategic Flood Risk Assessment (2010) and the Preliminary Flood Risk Assessment (2011).

The submitted Flood Risk Assessment (FRA) assesses all relevant sources of flooding and bases its findings on the latest version of the City Council's adopted Strategic Flood Risk Assessment (May 2010) and the more recently compiled flooding data held by the Environment Agency, which is referred to and shown pictorially in the applicant's FRA. In accordance with the requirements of the NPPF, the applicant's FRA is comprehensive in considering the potential for all forms of flooding (fluvial and tidal, groundwater, sewers, surface water and artificial sources). It concludes that the most significant risk is posed by surface water flooding as a result of the designation of the site within a Critical Surface Water Flooding Area and the data held by the Environment Agency. The accurate mapping provided by the Environment Agency shows this risk to be focused on the northern half of the site where it is closest to low points in the public highway along Redan Place and Westbourne Grove further to the north.

In light of these findings the applicant's FRA proposes the following mitigation measures to ensure that the development is sustainable and robust in terms of dealing with flood risk, which are similar to those identified as part of the previously approved scheme:

- A barrier at the vehicular entrance to the basement to prevent surface water flooding entering the basement.
- A pumped drainage network within basement level 3 for use in the event the barrier is breached.
- Flood resilient or resistant design for floor finishes at or below ground level to reduce risk of water ingress into the basement from surface water flooding.
- Location of electrical fittings 1 metre above ground level in the lowest basement level and raised at ground floor level.
- Sealed doors for plant rooms and storage areas within the basement.
- Suitable waterproofing strategy to protect basement from future high groundwater levels.
- Strategy to mitigate the surface water discharge from the development during peak times to reduce risk to site and neighbouring properties (this strategy is set out in the applicant's drainage strategy which is discussed in Section 8.7.1).

These measures are considered to be appropriate given the location of the site and the flooding risks that existing in this location and are to be secured by condition as per the approved scheme. They would provide the development with the necessary resilience to withstand future flooding events in accordance with NPPF and Policy 5.12 in the London Plan (March 2016).



Councillor Hug notes that the Preliminary Flood Risk Assessment published in June 2011 identifies between 51-100 records of sewer flooding in the area of Bayswater to the west of Queensway; whereas the applicant's FRA relies on data provided in Map 10 of the Council's Strategic Flood Risk Assessment (May 2010) (SFRA), which identifies between 1 and 6 recorded incidents of sewer flooding in the whole of the W2 postcode area. The reason for this disparity appears to be that the data presented in the Preliminary Flood Risk Assessment reflects all Thames Water records (apparently non-time limited); whereas the data in the SFRA covers a period of 10 years up to the date of the publication of the SFRA. Within this period Thames Water undertook extensive works along Westbourne Grove in 2007/ 2008 pursuant to planning permission granted in 2007 (05/04297/FULL) to improve the sewer network and alleviate long standing problems with recurring instances of sewer flooding of basements along Westbourne Grove. The works undertaken by Thames Water included the installation of a below ground sewer storage tank/ sewage pumping station measuring 22m depth x 15.5m diameter at corner of Inverness Terrace and Bishop's Bridge Road. It is expected that instances of sewer flooding will therefore have significantly reduced in the Westbourne Grove area, immediately to the north of the application site, since 2008. As a result, as set out earlier in this section of the report, the applicant's FRA identifies surface water flooding is likely to be the most significant risk to both the proposed development and neighbouring properties.

### **8.7.3 Trees and Landscaping**

The extent of tree removal does not differ from the approved scheme and the Arboricultural Manager does not object to the proposals on this basis. He has raised concerns regarding the extent of tree protection details in respect of the trees to be retained to the rear of Porchester Court and suggests that further details should be sought in respect of the way in which these trees are protected during construction works. Given the additional basement excavation proposed in the amended scheme, it is considered that the additional details sought by the Arboricultural Manager are reasonable and the previously imposed tree protection condition has been adapted to address the Arboricultural Manager's concerns. Subject to the amended tree protection condition the amended scheme is considered to be acceptable in trees and landscaping terms and would accord with Policies ENV4, ENV16 and ENV17 in the UDP.

### **8.7.4 Biodiversity & Sustainability**

As per the approved scheme the existing site is considered to comprise examples of habitats of low ecological value, including buildings, hard standing and street trees within the immediate vicinity of the site. The proposed landscaping in the amended scheme will represent an enhancement in biodiversity terms and the provision of living green roofs is welcomed. The detailed design of any new landscaping including green roofs and the inclusion of bird boxes can be reserved by condition as was the case with the approved scheme.

The applicant's BREEAM pre-assessments confirm that the proposal will achieve an 'Excellent' rating in line with Council policy and this is also consistent with the sustainability level that would have been achieved by the approved scheme. The sustainability strategy incorporates energy efficiency measures to reduce carbon emissions and sustainable

construction methods. Water energy measures include SUDs. The energy strategy proposed incorporates a Combined Heat and Power system utilising biofuel, as well as a centralised cooling energy centre that serves the development with chilled water, via a mini-district cooling system/ network on the development site. The energy strategy will deliver a cumulative CO2 emissions reduction of 43%.

As per the approved scheme a condition is recommended to ensure the scheme is designed to avoid overheating, particularly to the residential parts of the development.

Subject to the recommended conditions, the updated sustainability and energy strategies in the amended scheme would accord with Policies S28, S39 and S40 in the City Plan and the relevant policies in Chapter 5 of the London Plan (March 2016).

## **8.8 London Plan**

Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report. The GLA Have assessed the details of the application and, given the scale of the proposals, they are content that the proposed amendments do not give rise to any new strategic planning issues, relative to those considered at the time of granting permission in April 2016. They therefore advise that the application can be determined by the City Council without the need for the application to be referred back to the GLA.

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

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

## **8.10 Planning Obligations**

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below. These remain the same as were secured as part of the previously approved scheme in April 2016 due to the limited viability of the development, which has been tested independently on behalf of the City Council by GVA. They conclude that the development cannot deliver any additional planning obligations beyond those secured in 2016 and that the viability of the development falls below what is considered to be viable, such that some of the obligations offered by the developer are being offered on an ex gratia basis in lieu of what would normally be viewed as being an acceptable level of developer profit. All index figures below are to be indexed from the date of the original S106 agreement.

- i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
- ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
- iii. commencement of development);
- iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;

- v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
- vi. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
- vii. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- viii. Provision of car parking for the residential flats on an unallocated basis;
- ix. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
- x. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
- xi. Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
- xii. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
- xiii. Provision of measures to support employment , training and skills programmes;
- xiv. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further
- xv. changes of use within the centre;
- xvi. Management strategy for the hotel use, including servicing and guest drop off arrangements;
- xviii. Provision of lifetime (25 year) car club membership for each residential flat;
- xix. Provision of S106 agreement monitoring costs.

Transport for London has requested further financial contributions should be secured towards local transportation improvements including bus stop upgrades and funding for the Mayor's cycle hire scheme. However, it is not considered that the increase in residential population will necessitate such increased in demand for public transport to justify the improvements to bus stops or cycle hire docking stations. Furthermore, given the limited viability of the scheme, the development is not capable of delivering these obligations in addition to the obligations that it is already due to deliver, which are set out above in this section of the report.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). In terms of the Westminster CIL, only the uplift in residential, retail and hotel floorspace created by the current application will be CIL liable (£400 per m<sup>2</sup> in the Residential Core Area and £150 per m<sup>2</sup> in the Commercial Core Area), as the previously approved scheme was permitted in April 2016, prior to the adoption of the Westminster CIL on 1 May 2016. However, based on the applicant's floorspace figures, the amended scheme would result in a small reduction of 204m<sup>2</sup> in the residential floorspace and a reduction of 4m<sup>2</sup> in retail and hotel floorspace. Therefore, the scheme is unlikely to generate any Westminster CIL payment. The CIL liability for the Mayor's CIL would be approximately £1.95m (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## 8.11 Environmental Impact Assessment

As established by the Screening Opinion issued on 10 August 2015, the development is an urban development project of insufficient scale to require the submission of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The environmental impacts of the amended scheme proposed by the current application are considered, where relevant, in other sections of this report.

## 8.12 Other Issues

### 8.12.1 Construction Impact

The current application has attracted significant objection from significant number of neighbouring residents and Councillors Smith and Hug in respect of the impact of construction works. Concerns focus on the period of construction required to carry out a development of the scale proposed, the noise impact on neighbouring residents and the impact of the currently proposed construction vehicle route between the Westway (A40) and the application site, which requires vehicles to access the site via Kensington Gardens Square and Garway Road (particularly during the construction works phase), which are smaller local roads containing residential properties, hotels and a school.

In terms of controlling the impact of the development on neighbouring residents, the applicant has undertaken to comply with the City Council's Code of Construction Practice, which was recently updated and strengthened in its most recently adopted form in July 2016. This will require the applicant to prepare a comprehensive Site Environmental Management Plan (SEMP)/ Demolition and Construction Management Plan (see Condition 3) that identifies the measures to be taken to minimise the impact of carrying out the development on the amenity of neighbouring residents, particularly in terms of noise and dust transference. Compliance with the Code of Construction Practice (COCP) will be monitored by the Environmental Inspectorate at the applicant's expense and this monitoring is to be secured via the S106 agreement as per the approved scheme. The hours of works will be limited to prevent excessive disturbance to neighbours (see Condition 2). The applicant will also be required to provide a Construction Logistics Plan to identify the vehicle movements proposed in association with the construction process (Condition 4) and to demonstrate that these would not have a materially adverse impact on the amenity of residents and the operation of the local highway network.

In advance of complying with the COCP and the suite of conditions recommended to control the impact of construction works, the applicant has submitted with the current application a document that seeks to scope the future content of an SEMP for this site. Whilst the measures proposed are largely welcomed and will assist in limiting the impact of construction works throughout the four year construction programme, if detailed out and included in a future SEMP for this site, the concerns of residents and councillors are shared regarding the construction lorry vehicle route proposed, which would result in significant vehicle movements to the west of the site along the south side of Kensington Gardens Square and Garway Road.

The applicant has been asked to reconsider the proposed construction vehicle route via Kensington Gardens Square and Garway Road and their response will be reported verbally to the Committee. It is understood that they have already held discussions with local residents regarding this route and are receptive to considering alternative construction vehicle routes that would avoid the need to route construction vehicles via Kensington Gardens Square and Garway Road. Notwithstanding this, the precise lorry routes and other construction management measures cannot be finalised at application stage on a development of this scale and should the applicant provide a firm undertaking to re-examine the proposed lorry routes in consultation with neighbouring residents, this would need to be captured in due course in the SEMP and Construction Logistics Plan that is submitted pursuant to Conditions 3 and 4 to demonstrate compliance with the COCP.

Both Councillor Hug and Councillor Smith and a number of objectors have asked if bus route No.70 could be diverted during construction works to prevent it contributing to obstructions on the proposed lorry route along Garway Road. However, bus routes are controlled by Transport for London and cannot be reconsidered by them until the timing of construction works has been confirmed and the severity of the impact of construction works on the current route has been assessed. This concern may though be addressed by reconsideration of the construction vehicle routes, as referenced in the preceding paragraph.

Neighbouring residents have requested that the developer should make various undertakings during construction works, such as washing neighbouring windows during construction, install double glazing to prevent noise disturbance and provide sound proofing. However, such measures are not considered to be necessary or reasonable, provided the construction works are carried out within the hours of works required by Condition 2 and the works otherwise adhere to the detailed requirements set out in the COCP adopted in July 2016.

Neighbours in Kensington Gardens Square have asked that planning conditions be used to require the service of party wall notices on properties that would not otherwise require a party wall notice. However, planning conditions cannot be used to replicate or extend the requirements or controls of other legislation and therefore the use of a condition to seek additional controls under the Party Wall Act would not meet the tests for the use of planning conditions set out in the NPPF.

### **8.12.2 Crime and Security**

The Designing Out Crime Advisor has commented that insufficient information has been submitted to demonstrate the security measures that are to be incorporated within the development. This is not dissimilar to the situation at the previously approved scheme, which included a similarly high level assessment of the crime and security measures proposed. In response a condition was imposed on the approved scheme requiring the applicant to apply for approval of a detailed scheme of all measures required to meet Secure by Design standards. It is recommended that the same condition (Condition 16) is imposed to address the concerns raised by the Designing Out Crime Advisor in respect of the amended scheme.

### **8.12.3 Other Matters**

The impact of development on the value of neighbouring properties is not a valid ground for objection and cannot be supported as a ground on which to withhold permission.

An additional condition is recommended to limit the permission and consent that would be granted pursuant to the amended scheme to three years from the date of the originally approved scheme. This is as required by S91 of the Town and Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004, and S18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by s51 of the Planning and Compulsory Purchase Act 2004.

## 9 BACKGROUND PAPERS

1. Application form.
2. Copy of planning permission and listed building consent decision letters dated 26 April 2016.
3. Emails from Councillor Hug dated 14 February 2017 and 3 April 2017.
4. Email from Councillor Smith dated 31 March 2017.
5. Email from the Bayswater Residents Association dated 5 March 2017.
6. Letter from the Greater London Authority dated 27 March 2017.
7. Email from Thames Water dated 18 January 2017.
8. Email from the Designing Out Crime Officer dated 20 January 2017.
9. Memo from the Cleansing Manager dated 23 January 2017.
10. Letter from the Historic England dated 25 January 2017.
11. Letter from the Historic England (Archaeology) dated 26 January 2017.
12. Letter from Transport for London dated 27 January 2017.
13. Email from Environmental Health dated 7 February 2017.
14. Email from The Victorian Society dated 8 February 2017 enclosing letter dated 22 January 2016.
15. Memo from the Arboricultural Manager dated 17 February 2017.
16. Memo from the Highways Planning Manager dated 2 May 2017.
17. Email from the occupier of Churchill House, 137-139 Brent Street dated 15 January 2017.
18. Email from the occupier of 124 Leighton Road dated 15 January 2017.
19. Email from the occupier of 30 Cantelowes Road dated 15 January 2017.
20. Email from the occupier of 69 Gloucester Terrace dated 15 January 2017.
21. Emails from the occupier of Flat 2, 61 Kensington Gardens Square dated 19 January 2017 (x2), 27 January 2017 and 26 February 2017.
22. Email from the occupier of Ground Floor Flat, 69 Kensington Garden Square dated 19 January 2017.
23. Email from the occupier of 98 Westbourne Terrace dated 20 January 2017.
24. Email from the occupier of Flat 2, 63 Kensington Gardens Square dated 21 January 2017.
25. Email from the occupier of 46 Kensington Gardens Square dated 22 January 2017.
26. Email from the occupier of Basement Flat, 19A Sutherland Place dated 24 January 2017.
27. Email from the occupier of 49 Knightsdale Road, Ipswich dated 25 January 2017.
28. Email from the occupier of 66a Kensington Gardens Square dated 28 January 2017.

29. Email from the occupier of 66 Kensington Gardens Square dated 28 January 2017.
30. Email from the occupier of Flat 1, 71 Kensington Gardens Square dated 29 January 2017.
31. Email from the occupier of Flat 3, 69 Kensington Gardens Square dated 29 January 2017.
32. Email from the occupier of Flat 1, 66 Kensington Garden Square dated 29 January 2017.
33. Email from the occupier of Flat 2, 69 Kensington Gardens Square dated 30 January 2017.
34. Email from the occupier of 58 Kensington Gardens Square dated 30 January 2017.
35. Email from the occupier of Ground floor flat, 101 Fordwych Road dated 31 January 2017.
36. Email from the occupier of Flat 6, 61 Kensington Gardens Square dated 3 February 2017.
37. Email from the occupier of Flat 2, 70 Kensington Gardens Square dated 5 February 2017.
38. Email from an occupier of Flat B, 28 Leinster Square dated 7 February 2017.
39. Email from the occupier of Flat 17, Bentley Court, 72-74 Kensington Gardens Square dated 7 February 2017.
40. Email from the occupier of 27 Leinster Square dated 9 February 2017.
41. Email from the occupier of Flat 4, 13 Kensington Garden Square dated 11 February 2017.
42. Email from the occupier of 33 Leinster Square dated 12 February 2017.
43. Email from an occupier of 28B Leinster Square dated 13 February 2017.
44. Email from the occupier of 28D Leinster Square dated 13 February 2017.
45. Email from the occupier of 35D Leinster Square dated 13 February 2017.
46. Email from the occupier of 32 Leinster Square dated 16 February 2017.
47. Email from the occupier of 27b Leinster Square dated 17 February 2017.
48. Email from the occupier of 28a Leinster Square dated 19 February 2017.
49. Email from the occupier of Flat F, 33 Leinster Square dated 19 February 2017.
50. Email from an occupier of 10 Kensington Garden Square dated 22 February 2017.
51. Email from an occupier of 10 Kensington Gardens Square dated 26 February 2017.
52. Email from an occupier of Flat 1, 70 Kensington Gardens Square dated 7 March 2017.
53. Email from an occupier of Flat 1, 70 Kensington Gardens Square dated 7 March 2017.
54. Email from the occupier of 27c Leinster Square dated 20 March 2017.
55. Email from the occupier of Flat 4, 65 Kensington Gardens Square dated 21 March 2017.
56. Email from the occupier of 41b Beauchamp Road dated 21 March 2017.
57. Email from the occupier of Ground and First Floor, 64 Kensington Gardens Square dated 21 March 2017.
58. Email from the occupier of Flat 3, 75 Kensington Gardens Square dated 21 March 2017.
59. Email from the occupier of 77 Kensington Gardens Square dated 21 March 2017.
60. Email from the occupier of Flat B, 3 Westbourne Grove Terrace dated 21 March 2017.
61. Email from the occupier of Flat 6, 71 Kensington Gardens Square dated 21 March 2017.
62. Email from the occupier of Flat 17, Bentley Court, 72-74 Kensington Gardens Square dated 21 March 2017.
63. Email from the occupier of Flat 2, 76 Kensington Gardens Square dated 21 March 2017.

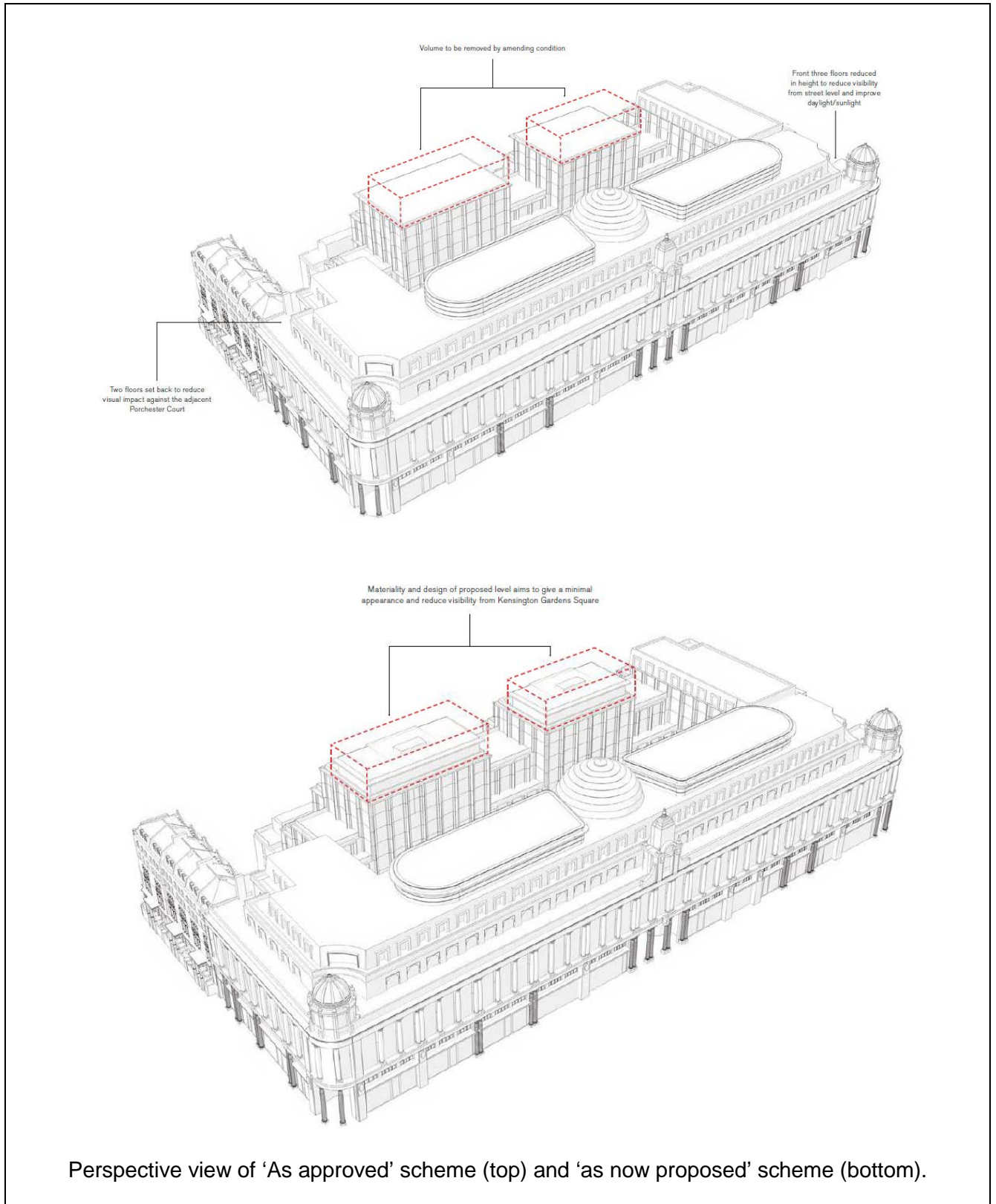
64. Email from the occupier of 66 Kensington Gardens Square dated 21 March 2017.
65. Email from the occupier of Flat 5, 75 Kensington Gardens Square dated 21 March 2017.
66. Email from the occupier of Flat 4, 63 Kensington Gardens Square dated 22 March 2017.
67. Email from an occupier of Kensington Gardens Square dated 22 March 2017.
68. Email from the occupier of Basement Rear Flat, 64 Kensington Gardens Square dated 22 March 2017.
69. Emails from the occupier of Flat 1, Bentley Court, 72-74 Kensington Gardens Square dated 23 March 2017.
70. Email from the occupier of Flat 4, 75 Kensington Gardens Square dated 23 March 2017.
71. Email from the occupier of Flat 1, 50 Kensington Gardens Square dated 23 March 2017.
72. Email from the occupier of Flat 4, 64 Kensington Gardens Square dated 24 March 2017.
73. Email from the occupier of 11 Bentley Court, 72 Kensington Gardens Square dated 24 March 2017.
74. Email from the occupier of 69 Kensington Gardens Square dated 24 March 2017.
75. Email from the occupier of Flat 8, 61 Kensington Gardens Square dated 25 March 2017.
76. Email from the occupier of Flat 7, 71 Kensington Garden Square dated 27 March 2017.
77. Email from the occupier of Apartado 2255, Quinta Do Lago dated 27 March 2017.
78. Email from the occupier of Church Road, Marlow dated 27 March 2017.
79. Email from the occupier of 60B Kensington Garden Square dated 27 March 2017.
80. Email from the occupier of 63 Kensington Gardens Square dated 27 March 2017.
81. Email from the occupier of Flat 7, 71 Kensington Gardens Square dated 27 March 2017.
82. Email from the occupier of 18 Leinster Mews dated 31 March 2017.
83. Email from the occupier of Flat B1, 63 Kensington Gardens Square, dated 12 April 2017.
84. Email from an occupier of 69 Kensington Gardens Square dated 3 May 2017.
85. Email from the occupier of Flat 5, 65 Kensington Gardens Square dated 4 May 2017.

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

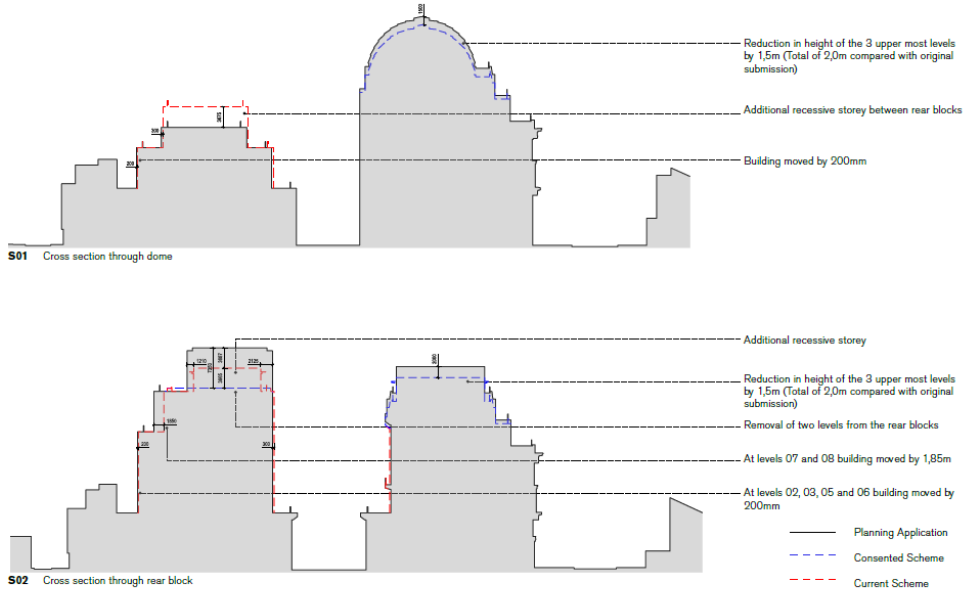
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.go.uk](mailto:ogibson@westminster.go.uk).



10 KEY DRAWINGS

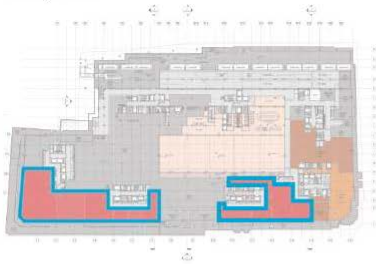


**Cross section**  
 Planning Application Consented Scheme and Current Scheme comparison

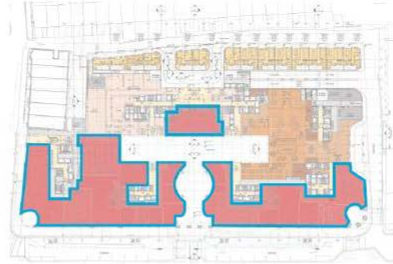


As approved scheme with requirements of conditions imposed in April 2016 shown by blue dotted lines and proposed scheme shown by red dotted lines.

**Planning Consent**



Basement 1 Floor Plan - Total A1 & A3 NIA: 1,310 m<sup>2</sup>

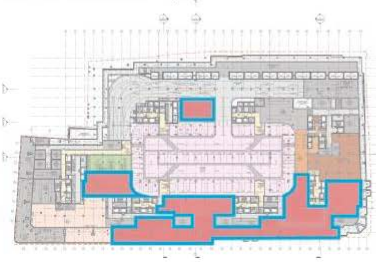


Ground Floor Plan - Total A1 & A3 NIA: 3,281 m<sup>2</sup>

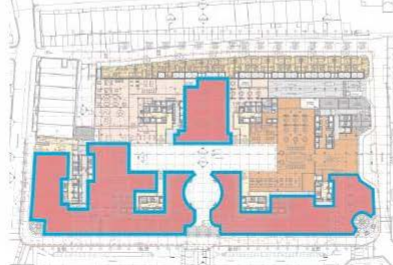


First Floor Plan - Total A1 & A3 NIA: 2,256 m<sup>2</sup>

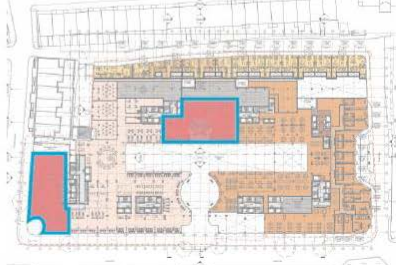
**Minor Material Amendments Proposal**



Basement 1 Floor Plan - Total A1 & A3 NIA: 2,073 m<sup>2</sup>

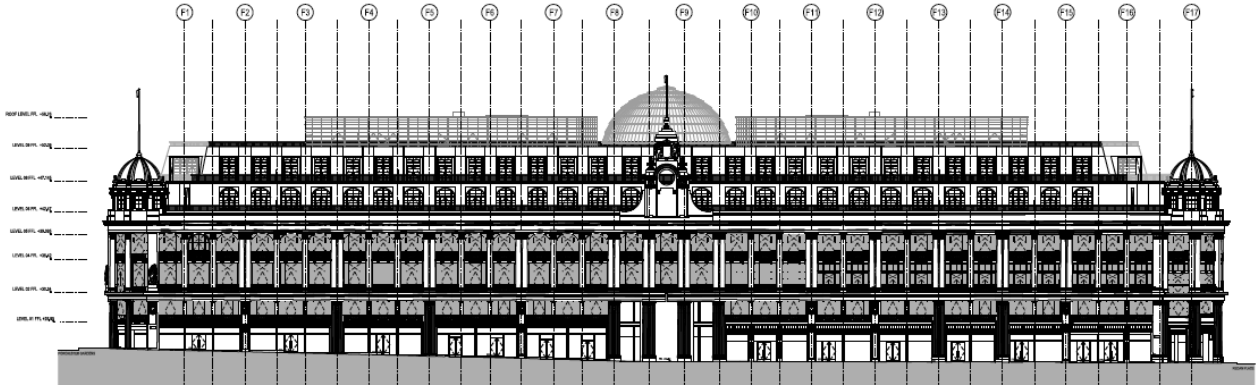


Ground Floor Plan - Total A1 & A3 NIA: 3,656 m<sup>2</sup>

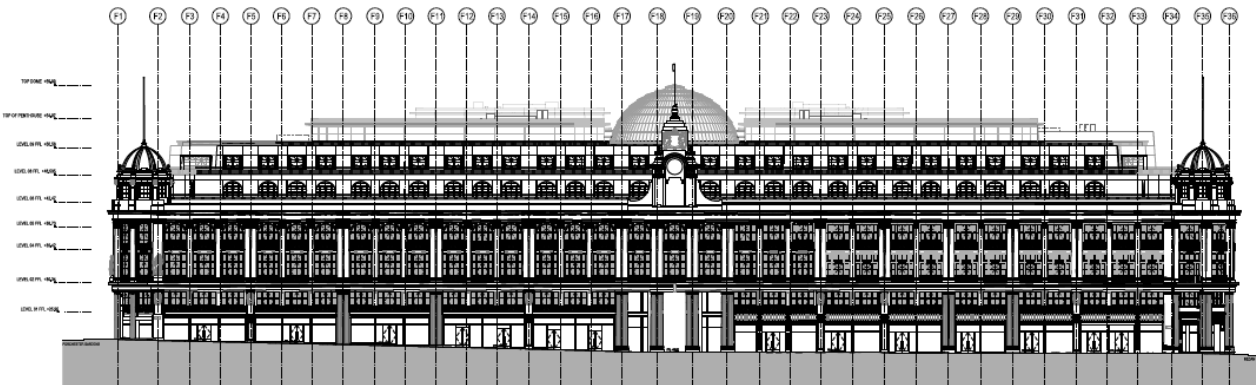


First Floor Plan - Total A1 & A3 NIA: 1,118 m<sup>2</sup>

Location and extent of retail floorspace in approved scheme (top) and as now approved scheme (bottom).

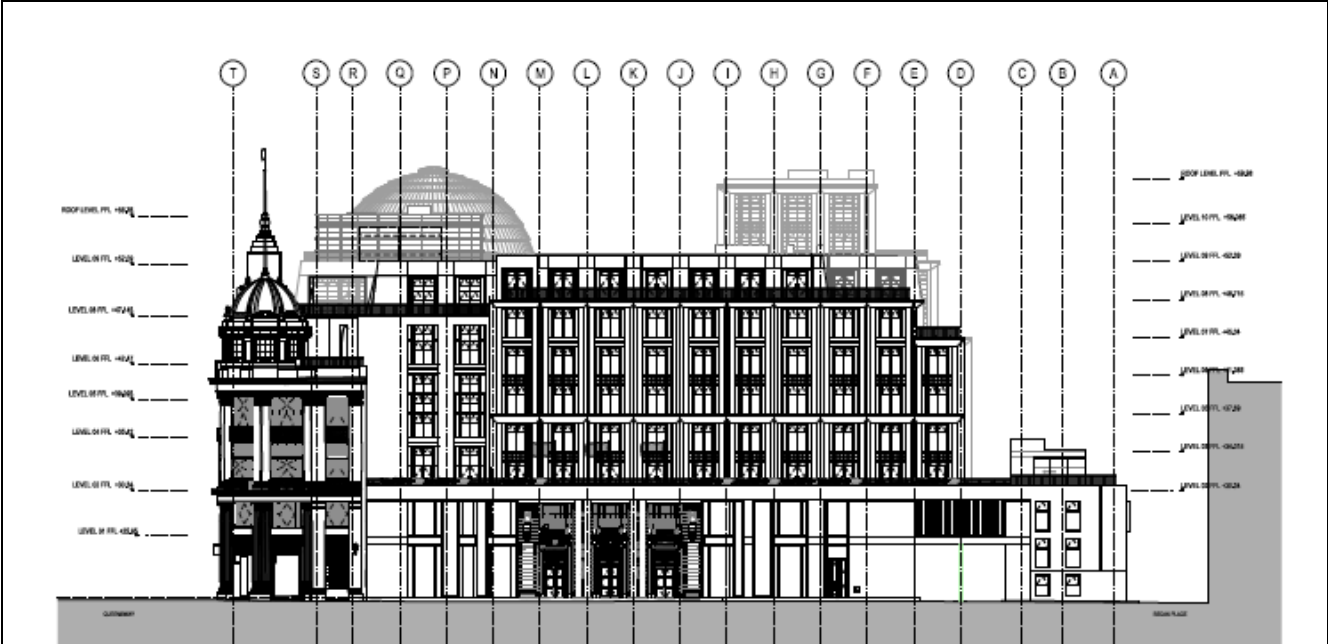


03 Queensway, Proposed East Elevation

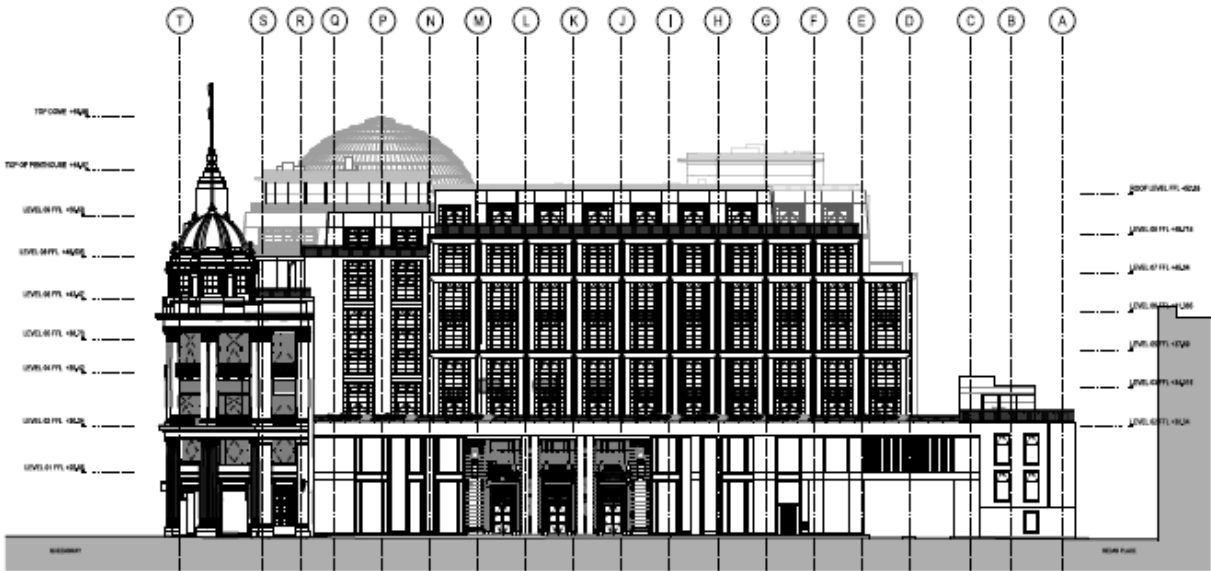


03 Queensway, Proposed East Elevation

As approved Queensway elevation (top) and as now proposed Queensway elevation (bottom).

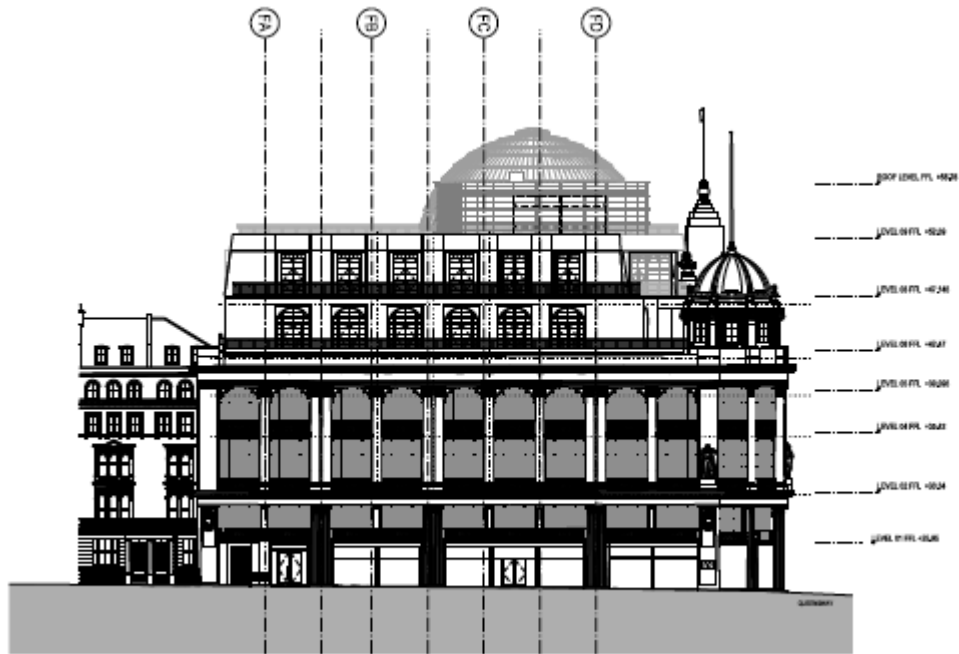


02 Redan Place, Proposed North Elevation

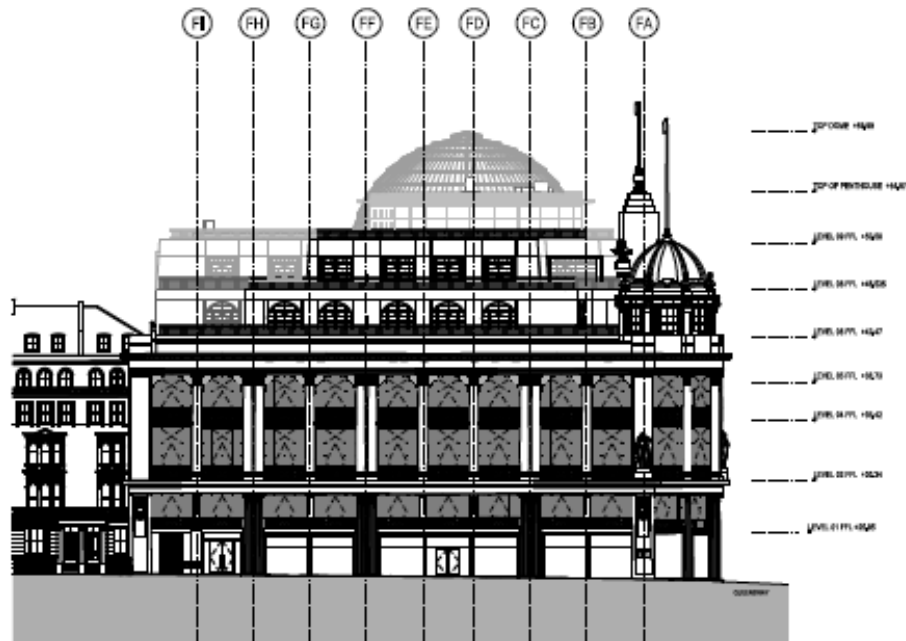


02 Redan Place, Proposed North Elevation

As approved north (Redan Place) elevation (top) and as now proposed north (Redan Place) elevation (bottom).

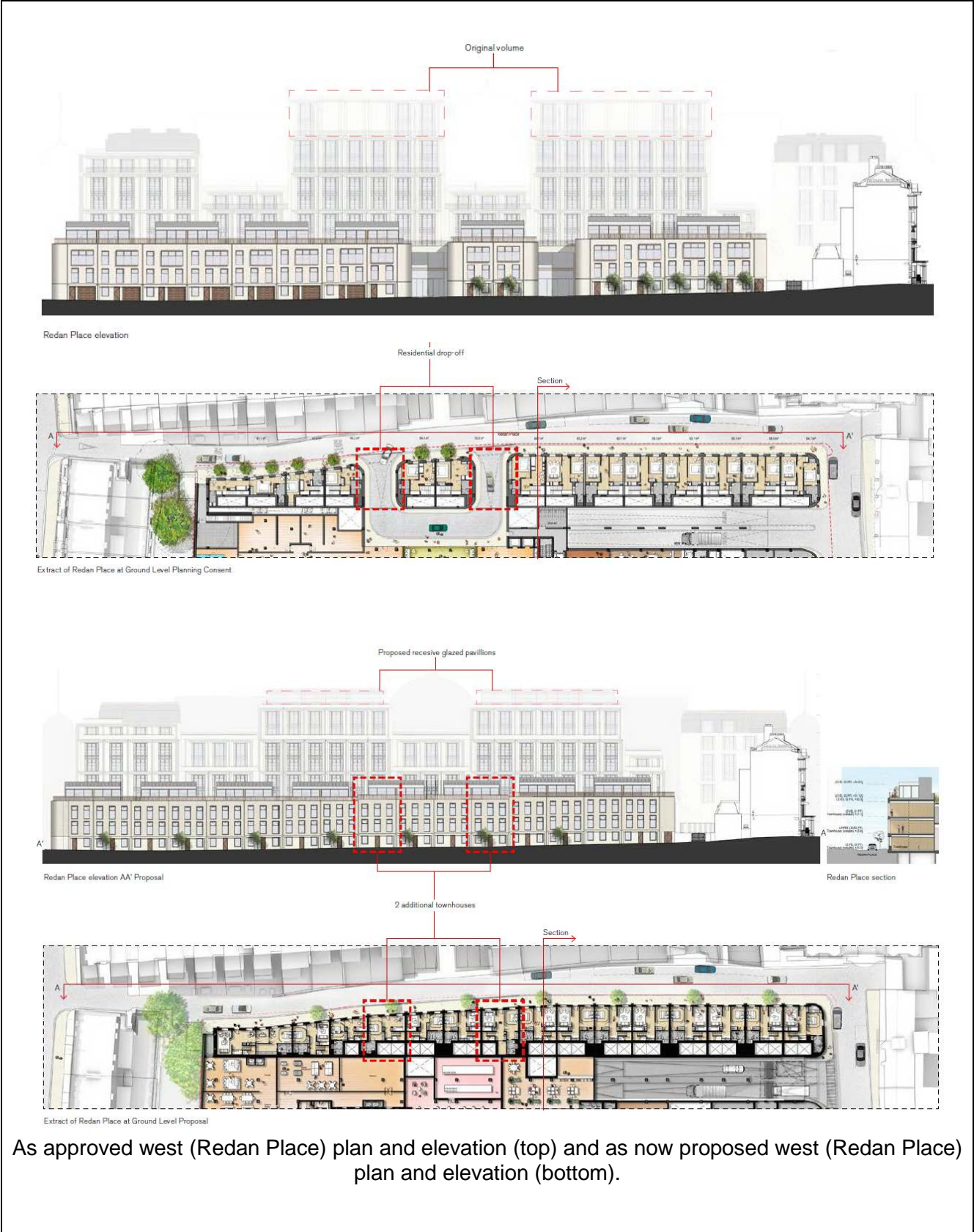


01 Porchester Gardens, Proposed South Elevation



01 Porchester Gardens, Proposed South Elevation

As approved south (Porchester Gardens) elevation (top) and as now proposed south (Porchester Gardens) elevation (bottom).





Views from northern part of Kensington Gardens Square. As approved scheme showing scheme submitted in 2015 (top) and as amended by conditions imposed in April 2016 (bottom).



View from northern part of Kensington Gardens Square as now proposed.

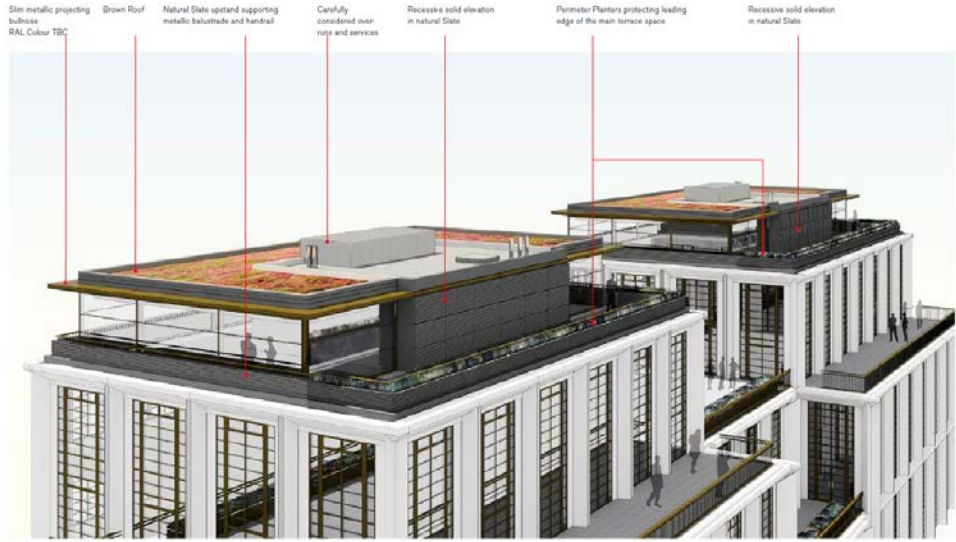




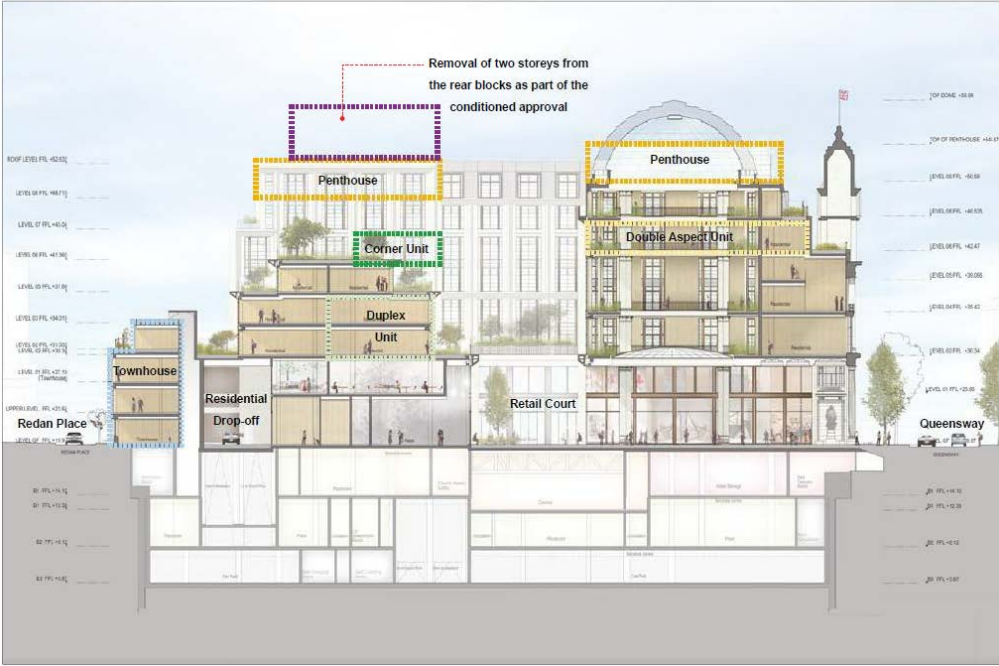
Views from southern part of Kensington Gardens Square. As approved scheme showing scheme submitted in 2015 (top) and as amended by conditions imposed in April 2016 (bottom).



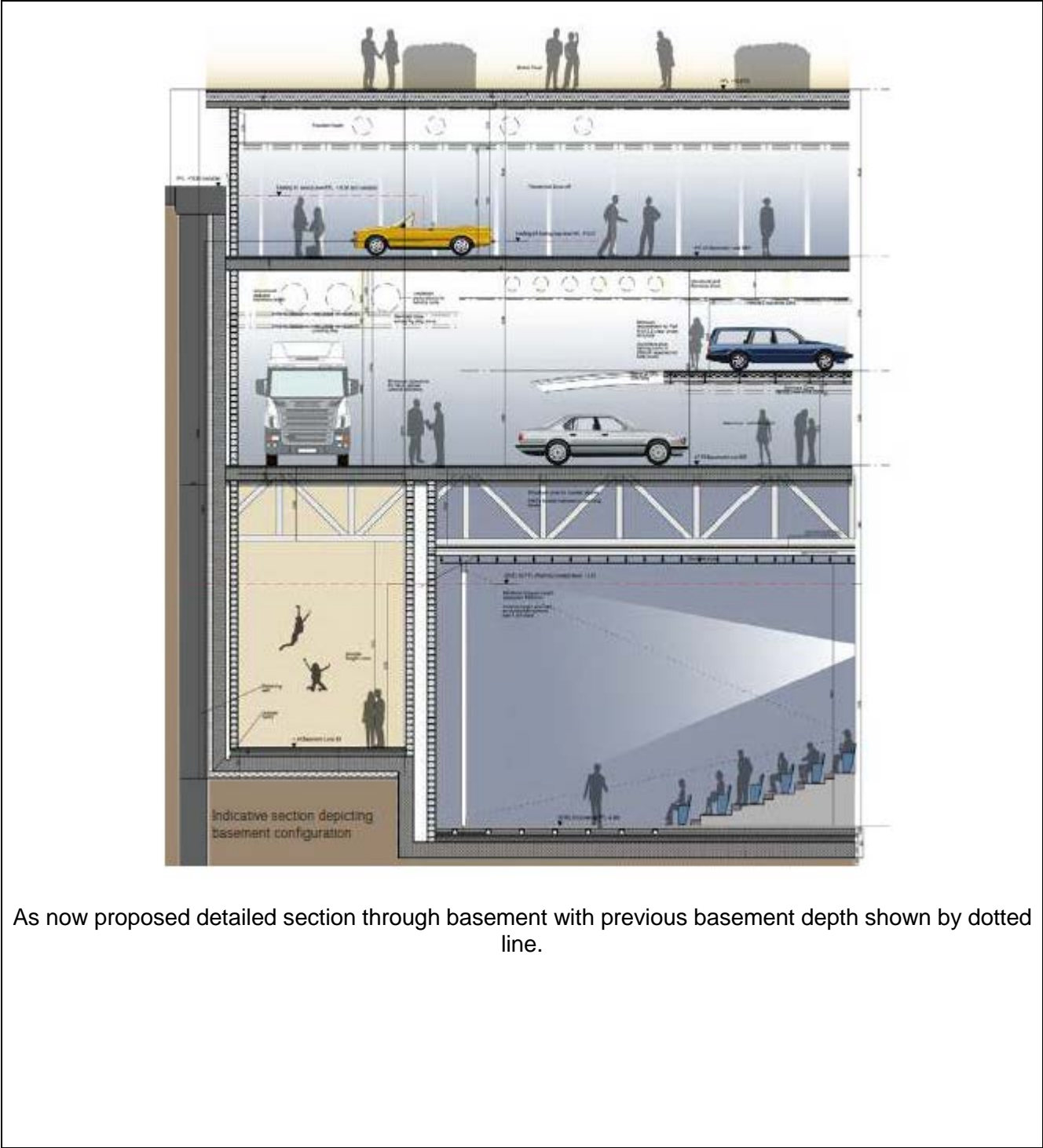
View from northern part of Kensington Gardens Square as now proposed.



Montage of proposed 'Tower Pavilions' to rear 'towers'



As approved section (top) and as now proposed section (bottom) showing additional basement excavation proposed.



As now proposed detailed section through basement with previous basement depth shown by dotted line.

**DRAFT DECISION LETTER**

**Address:** Whiteleys Centre, Queensway, London, W2 4YH,

**Proposal:** Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.

**Reference:** 16/12203/FULL

**Plan Nos:** **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10072/FULL):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-0904-xx02-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0101-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL,

A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-0505-PL, A-1405-0506-PL, A-1405-0507-PL, A-1405-0510-PL, A-1405-0601-PL/01, A-1405-0602-PL, A-1405-0603-PL, A-1405-0604-PL, A-1405-0604A-PL, A-1405-0605-PL, A-1405-0608-PL, A-1405-0609-PL, A-1405-0610-PL, A-1405-0613-PL, A-1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated October 2015 (as amended by the Post-Submission Amendments and Clarifications document dated 24 February 2016), Design and Access Statement (Volumes 1 and 2) dated October 2015 (as amended by the Planning Application Addendum dated 22 February 2016), Heritage Statement dated October 2015, Townscape and Visual Impact Appraisal dated October 2015 (as supplemented by letter from Turley dated 24 March 2016 and attached Hayes Davidson verified views from Kensington Garden Square), Historic Environment Assessment (Issue 2) dated 09/10/15, Transport Assessment (Rev.B) dated 02.11.15 (as amended by Response to Highways Comments document (Rev.A) dated 23/02/16 and letter from Turley dated 3 March 2016 and attached Public Car Park document dated 04/03/16), Servicing Management Plan dated 16/10/15, Daylight and Sunlight Assessment dated 16/10/15, Retail Assessment dated October 2015, Economic Statement dated October 2015, Internal Daylight and Sunlight Report dated 25/09/15, Sustainability Assessment dated October 2015, Climate Change Mitigation Note dated 08/02/16, Environmental Health and Environmental Sciences Note dated 12/02/16, Preliminary Ecological Appraisal (Version 1.0) dated 11/09/15, Noise Impact Assessment (Rev.03) dated 22/10/15, Ventilation and Extraction Statement dated October 2015, Structural Survey and Structural Method Statement dated October 2015, Basement Impact Assessment dated October 2015, Flood Risk Assessment (Rev. P02) dated 23/02/16, Air Quality Assessment (Rev. Final) dated 21/10/15, ARUP Note on Air Quality dated 29/01/16, Energy Statement dated October 2015, Drainage Strategy Report (Rev.P01) dated 16.10.15, Statement of Community Involvement dated October 2015, Construction Management Plan dated 23.10.16 (as supplemented by the Addendum Construction Traffic Management & Vehicle Access (Planning Response) document by A.I.A Consulting Ltd, Tree Survey/ Arboricultural Implications document dated October 2015.

**As Amended by the Drawings and Documents Hereby Approved:** A-011-xx-03, A-031-B1-01, A-031-B2M-01, A-031-B2-01, A-031-B3-01, A-031-00-01, A-031-00UG-01, A-031-01-01, A-031-02-01, A-031-03-01, A-031-04-01, A-031-005-01, A-031-06-01, A-031-07-01, A-031-08-01, A-031-09-01, A-031-rf-01, A-053-xx-01, A-053-xx-02, A-053-xx-03, A-053-xx-04, A-053-xx-06, A-064-xx-00, A-064-xx-01, A-064-xx-02, A-064-xx-03, A-064-xx-04, A-075-00-01, A-075-00-02, A-075-00-03, A-075-00-04, A-075-00-05, A-075-00-06, A-075-00-07, A-075-00-08, A-075-00-09, A-075-00-15, A-075-02-01, A-075-02-02, A-075-02-03, A-075-02-04, A-075-02-05, A-075-02-06, A-075-02-07, A-075-02-08, A-075-02-09, A-075-02-10, A-075-02-11, A-075-02-12, A-075-02-13, A-075-02-01, A-075-02-14, A-075-02-01, A-075-02-15, A-075-02-16, A-075-02-17, A-075-02-18, A-075-02-20, A-075-02-21, A-075-02-21A, A-075-02-22, A-075-02-22A, A-075-02-23, A-075-02-24, A-075-02-25, A-075-02-26, A-075-02-29, A-075-02-30, A-075-02-31, A-075-02-32,

A-075-02-33, A-075-02-34, A-075-02-35, A-075-02-36, A-075-02-37, A-075-03-01, A-075-03-01A, A-075-03-02, A-075-03-02A, A-075-03-03, A-075-03-04, A-075-03-05, A-075-03-06, A-075-03-09, A-075-03-10, A-075-03-11, A-075-04-01, A-075-04-02, A-075-04-03, A-075-04-04, A-075-04-05, A-075-04-06, A-075-04-07, A-075-04-08, A-075-04-09, A-075-04-10, A-075-04-11, A-075-04-12, A-075-04-13, A-075-04-01, A-075-04-14, A-075-04-15, A-075-04-16, A-075-04-17, A-075-04-20, A-075-05-01, A-075-05-02, A-075-05-03, A-075-05-04, A-075-05-05, A-075-05-06, A-075-05-07, A-075-05-08, A-075-05-09, A-075-05-10, A-075-05-11, A-075-06-01, A-075-06-02, A-075-06-02A, A-075-06-03, A-075-06-03A, A-075-06-04, A-075-06-04A, A-075-06-05, A-075-06-05A, A-075-06-06, A-075-06-06A, A-075-06-07, A-075-06-08, A-075-06-09, A-075-06-10, A-075-06-11, A-075-06-12, A-075-06-13, A-075-06-14, A-075-06-16, A-075-07-01, A-075-07-02, A-075-07-03, A-075-07-04, A-075-07-05, A-075-07-05A, A-075-07-06, A-075-08-01, A-075-08-02, A-075-08-03, A-075-08-04, A-075-08-05, A-075-08-05A, A-075-08-06, A-075-08-06A, A-075-08-07, A-075-08-07A, A-075-08-08, A-075-08-09, A-075-08-10, A-075-09-01. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated December 2016, Design and Access Statement dated December 2016 (as supplemented by the Minor Material Amendments Clarification Note dated 4 April 2017), Section 73 Townscape and Visual Impact Appraisal Addendum dated December 2016, Heritage Statement Addendum dated December 2016, Daylight and Sunlight Assessment dated December 2016, Daylight and Sunlight Amenity Within the Site Report by GIA dated 19/12/16, Noise Impact Assessment Addendum dated December 2016, Ventilation & Extraction Statement Addendum dated December 2016, Transport Assessment dated December 2016, Travel Plan dated December 2016, Statement of Community Involvement dated December 2016, Energy Assessment Addendum dated December 2016, Flood Risk Assessment Addendum dated December 2016, Air Quality Assessment Addendum dated December 2016, Drainage Strategy Report dated December 2016, Basement Impact Assessment dated December 2016, Historic Environment Assessment Addendum dated 04/11/16, Operational Waste Strategy dated December 2016, Sustainability Assessment Addendum dated December 2016, Structural Survey & Structural Methodology Statement dated December 2016 (containing drawings S/SK249 P1, S/SK250 P1, S/SK251 P1, S/SK252 P1, S/SK253 P1, S/SK254 P1, S/SK255 P1, S/SK256 P1, S/SK257 P1, S/SK258 P1, S/SK259 P1, S/SK260 P1, S/SK261 P1, S/SK262 P1, S/SK263 P1, S/SK264 P1, S/SK265 P1, S/SK266 P1, S/SK270 P1, S/SK271 P1 and S/SK272 P1) and Construction Management Plan Addendum dated December 2016 (for information only - see Conditions 3 and 4).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a detailed demolition and construction management plan (DCMP) and an updated Basement Impact Assessment Report for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The DCMP shall contain the following:
- i. a construction programme/phasing plan including a 24 hour emergency contact number; site manager contact details including details of regular resident liaison meetings, with local residents, businesses and the recognised amenity societies in respect of the construction programme, including a regular monthly newsletter to be sent out to neighbouring residents, businesses and the local amenity societies, and employ a dedicated Community Liaison Officer;
  - ii. details of the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - iii. locations for loading/unloading and storage of plant and materials used in constructing the development and locations for site accommodation;
  - iv. erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - v. wheel washing facilities and measures to control the emission of dust and dirt during construction; and,
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in CM28.1 and S29 of



Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 **Pre-Commencement Condition.** Before any development (including demolition) takes place on site, you will need to submit a Construction Logistics Plan (CLP) for approval by the City Council in consultation with Transport for London (TfL). This Plan needs to include the predicted number of vehicle site movements, traffic direction and controls on the local feeder roads. This document shall also include a Vehicle Movement Strategy (VMS) for vehicle operators to understand the access and egress strategy for the site. The development shall be carried out in accordance with the agreed Plan.

Reason:

In order to safeguard the impact on Transport for London's Road Network and to protect the environment of residents and the area generally as set out in CM28.1 and S29 of Westminster's City Plan adopted November 2016 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** No impact piling shall take place in respect of the redevelopment behind the retained facade, until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved by the City Council in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and the proposed piling has the potential to impact on that infrastructure, and this condition was requested by Thames Water.

- 6 **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)

- 7 **Pre-commencement condition.** The development hereby permitted shall not commence until a drainage strategy detailing on and off site drainage works has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. The strategy shall include the phasing of construction and provided a detailed maintenance regime of the proposed system. No discharge of foul or surface water from the site shall occur until the relevant phase of the drainage works set out in the approved strategy has been completed. The strategy shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason:

To ensure that the drainage for the proposed development can be adequately maintained, and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the local community.

- 8 The cinema in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses 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). Customers shall not be permitted within the cinema premises before 06.30 or after 23.45 each day.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 9 The gymnasium in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses 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). Customers shall not be permitted within the gymnasium premises before 06.30 or after 23.00 each day.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 11 You must apply to us for approval of 3m x 3m sample panels of the following parts of the development:
- i) typical re-constituted stone bay;
  - ii) typical Portland stone facework;
  - iii) typical brick facework.

The samples 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 samples.

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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 12 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;
- vi) shopfronts, including indicative locations and design principles for display of signage;
- vii) location and size of movement joints;
- viii) step backs in façade;
- ix) interfaces with windows;
- x) interfaces with landscaping;
- xi) interfaces with architectural metalwork;
- xii) ventilation and other services terminations at façade;
- xiii) balconies including method of drainage;
- xiv) railings and balustrades;
- xv) integral lighting;

- xvi) the interface of the re-positioned entrance screen with new structure;
- xvii) the link structures to the cupolas at 6th floor level;,, xviii) the north cupola;
- xviii) CCTV details and locations.

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 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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 13 You must apply to us for approval of a scheme of public art to be installed in the retail court. You must not start work on the public art until we have approved what you have sent us. Before any retail units open you must have agreed the public art scheme and a timetable for installation with the City Council. 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)

- 14 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within 12 month of completing the development (or within any other time limit we agree to in writing).

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway 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 (November 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)

- 15 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
  - b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

## Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 16 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of the secure by design measures for the development. These drawings must be at a scale of 1:100. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C16BB)

## Reason:

To reduce the chances of crime without harming the special architectural and historic interest of this listed building and the character of the Queensway Conservation Area as set out in S29 of Westminster's City Plan adopted in November 2016 and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 17 You must provide the public toilet (including a disabled toilet) shown on drawing A-031-00-01 for shoppers and visitors to the retail court prior to occupation of the retail floorspace. Thereafter you must permanently retain the public toilet in accordance with the approved drawings. (C26UB)

## Reason:

To ensure that adequate public toilets are provided within the development to serve the retail accommodation as set out in policy SOC8 of our Unitary Development plan that we adopted in January 2007.

- 18 Details of the final layout of the retail accommodation (units to be Class A1 and Class A3 uses), including the provision of tables and chairs in the open retail court at the rear (including hours of use), shall be submitted to and approved by the City Council before the retail uses commence. Thereafter the development shall be carried out in accordance with the approved layout.

## Reason:

To control the layout and mix of retail uses within the development, which forms part of the Queensway/Westbourne Grove District Centre, in accordance with Policies S13, S21 and S24 in Westminster's City Plan that we adopted in November 2016 and Policy SS6 in the Unitary Development Plan that we adopted in January 2007.

- 19 Customers shall not be permitted within the retail premises (Class A1 and A3 units) before 07.00 or after 23.30 each day.

## Reason:

To safeguard the amenities of existing residents and future residents in the development, as set out in S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7, SS6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 20 The hotel accommodation hereby approved as part of the development shall only be used for hotel purposes and you must not use it for any other purpose, including any other uses within Class C1 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). The hotel's ancillary restaurant(s) and bar(s) must be closed to non-residents of the hotel between the hours of 24.00 (midnight) to 08.00 hours.

Reason:

We cannot grant planning permission for unrestricted Class C1 use in this case because it would not meet TACE 2 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S22, S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 21 A Servicing Management Plan (SMP) for the commercial uses shall be submitted to and approved by the City Council in consultation with Transport for London before the occupation of these parts of the development. This approved SMP shall be maintained for the life of the development. The SMP should be a practical document for everyday use and should identify process, storage locations, hours of servicing, scheduling of deliveries and staffing arrangements as well as the delivery size vehicles, how these vehicles will be managed including access and use of the service yard at basement level, and to demonstrate that the servicing will not affect access arrangements to the public car park and residential car parking areas. The development shall be carried out in accordance with the approved SMP, unless an alternative SMP has been submitted and approved by the City Council.

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

- 22 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. Deliveries and collections associated with the development shall only take place between the hours of 07.00 to 20.00 hours Monday to Saturday and between 10.00 and 16.00 hours on Sundays and Bank Holidays. No delivery vehicles shall wait either on Queensway or on Redan Place.

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

- 23 You must provide 103 residential car parking spaces at basement level 1 for the 129 residential flats as 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)

- 24 Notwithstanding the cycle parking shown on the submitted drawings, you must apply to us for approval of revised drawings showing the provision of not less than 238 cycle parking spaces for the occupiers of the residential part of this development. You must then provide the residential cycle parking spaces we approve and commercial cycle parking spaces shown the drawings hereby approved prior to occupation for the residential and commercial uses. Thereafter the cycle parking 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 (March 2016).

- 25 Prior to the occupation of the development, a minimum of 20% of the car parking spaces in the basement residential car park and the public car park shall be fitted with active electric charging points and 20% of the spaces to be passive. Thereafter these charging points shall be maintained in working order.

Reason:

To ensure that a number of electric charging points are provided in the basement car parks for the residential occupiers of this development and the users of the public car park and in accordance with policy 6.13 in the London Plan (March 2016).

- 26 Details of a vehicle signalling and access system for the basement car park shall be submitted to and approved by the City Council prior to use of the basement level car parking and shall thereafter maintained in working order for the life of the development.

Reason:

In the interests of highway safety of the users of the car park as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 27 The blue badge car parking spaces as shown within the basement car parking shall be provided prior to occupation of the development.

Reason:

To ensure that the blue badge parking is provided as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 28 The public car park at basement level 2 comprising of a minimum of 36 spaces shall be provided prior to the occupation of the retail accommodation hereby provided and shall be maintained for the life of the development.

Reason:

To ensure that a public car park is provided for the retail accommodation in accordance with policy TRANS 25 of our Unitary Development Plan that we adopted in January 2007.

- 29 A minimum vertical clearance of 4.5 metres within the basement service area and the ramp to the service area shall be maintained at all times.

Reason:

To make sure that the service bay and ramp will be available for all types of vehicles for which they have been designed, 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 adopted in November 2016 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

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

- 31 Any structure (including awnings, canopies and signage) over the footway (public highway) must maintain 2.6 metre vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 32 You must provide the waste management system in accordance with the drawings hereby approved and as set out in the Operational Waste Strategy dated December 2016, prior to occupation of the residential and commercial parts of the development. Thereafter you must permanently retain 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/ occupying the residential and commercial uses.

Reason:



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

- 33 No coaches shall drop off or collect guests using the hotel.

Reason:

In the absence of any dedicated coach parking for the proposed hotel use and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2, TRANS 3 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 34 Before you begin to use the new commercial accommodation you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the commercial accommodation
- (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 development;
- (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 commercial 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 adopted in November 2016 and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 35 The development hereby approved shall achieve Building Research Establishment methods (BREEAM) 'Excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the Energy Statement before you start to use the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 36 (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 (November 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.

- 37 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.

- 38 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 36 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 39 You must apply to us for approval of details of the ventilation system to get rid of cooking smells in respect of the Class A3 units and the ancillary hotel restaurant/ kitchens, including details of how it will be built and how it will look. You must not begin the Class A3 and the Class C1 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 (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 40 The point of extract discharges associated with the Class A3 uses and the hotel's kitchen and ancillary restaurant shall be at least 1 metre above the ridge level of any building within 20 metres of the development.

Reason:

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

- 41 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.

- 42 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 41 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:

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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 43 (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 (November 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.

- 44 A detailed scheme to prevent overheating based on a whole house ventilation scheme with the residential windows closed shall be submitted to and approved by the City Council and you must implement the scheme we approve prior to occupation of the residential flats and thereafter maintain it for the lifetime of the development.

Reason:

To ensure that the residential flats do not suffer from overheating and provide a high quality living environment in accordance with Policy S29 in Westminster's City Plan that we adopted in November 2016.

- 45 The measures as set out in the Design Recommendations in the revised Flood Risk Assessment Addendum dated December 2016; namely, the installation of a flood barrier to the basement entrance in Redan Place, a pumped drainage network to Basement Level 3, the position of electrical fittings, the provision of sealed food proof doors within the basement and a suitable sustainable drainage system (details of which are reserved by Condition 7), shall be implemented prior to the occupation of the

development. These measures shall not be removed unless approved by the City Council.

Reason:

To reduce the flood risk on the site and to mitigate the impact on the adjoining residential and commercial properties.

- 46 Prior to the commencement of the excavation of the additional basement floors, a detailed report shall be submitted to the City Council to demonstrate that this part of the proposed development together with the flood risk measures will not increase the flood risk to neighbouring properties in Kensington Gardens Square and Redan Place.

Reason:

To ensure that there is no flood risk on or off site resulting from the proposed development.

- 47 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 48 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)

- 49 **Pre Commencement Condition.** You must apply to us for approval of an amended tree protection method statement that demonstrates the ways in which you will protect the trees which you are keeping, as shown on drawings hereby approved. The amended tree protection method statement must include full details of canopy and root pruning to trees to the rear of Porchester Court, which is required to accommodate the development. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

## Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 50 The creche hereby approved shall only be used for this purpose and for no other user within Class D1 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). Customers/ users of the creche shall not be permitted within the creche premises before 07.00 or after 21.00 each day.

## Reason:

We cannot grant planning permission for unrestricted Class D1 use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 51 This permission must be commenced no later than 26 April 2019.

## Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

**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 (November 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](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an

**Assumption of Liability Form immediately.** On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk, , **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 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 4 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)

- 5 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)

6 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

8 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to public realm contribution, an affordable housing contribution, highway works associated with the development including the Stopping Up and Dedication of Land, a play space contribution, adherence to the Construction Code of Practice, Site Environmental Management Plan and construction monitoring, unallocated parking for the flats, the provision of a public car park and its management, provision of a cinema and the social and community uses (gym and creche), employment, training and skills provision, a management strategy for the shopping centre and hotel uses including the distribution of A1/A3 in the centre, provision of car club membership for residential units and section 106 monitoring costs.

9 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)

10 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to make a record of the building. You must give given Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the



building. Historic England's address is:

Historic England, Architectural Investigations Section,  
1 Waterhouse Square,  
138-142 Holborn,  
London,  
EC1 2ST

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 12 Condition 6 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)

- 13 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. These might include the measures required by Condition 16. You should also check whether these features will need planning approval.

You should contact:

David Fisher on 020 8217 3813 or by email [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk)

He is based at:

Lower Ground  
Bow Road Police Station  
111-117 Bow Road  
London E3 2AN

- 14 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](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

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

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

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

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

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

- 16 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 17 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](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 18 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- Window cleaning - where possible, install windows that can be cleaned safely from within the building.,
  - Internal atria - design these spaces so that glazing can be safely cleaned and maintained, Lighting - ensure luminaires can be safely accessed for replacement.
  - Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use

equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 19 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.  
www.opsi.gov.uk/SI/si1992/Uksi\_19923004\_en\_1.htm

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

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

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

- 20 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.
- 21 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 22 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 23 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)
- 24 Stopping Up: The area hatched red on drawing number A13039-T-106 must be stopped up prior to the commencement of the development and at no cost to the City Council, subject to any minor alterations to be agreed by the City Council as Local Highway Authority.
- 25 Dedication of Land: The area hatched blue on drawing number A13039-T-106 must be dedicated prior to the occupation of the development , at no cost to the City Council, subject to minor alterations agreed by the City Council as Local Highway Authority.
- 26 In respect of the piling condition recommended by Thames Water you are advised to contact Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.
- 27 Thames Water expects the developer to demonstrate what measures he will undertake to minimise ground water discharges into the public sewer. They advise that a Groundwater Risk Management Permit will be required to discharge groundwater into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects a developer to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer .Permit enquiries should be made to Thames Water Risk Management Team by telephoning 0203 577 9483 or emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [ww.thameswater.co.uk/wastewaterquality](http://ww.thameswater.co.uk/wastewaterquality).
- 28 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes. The applicant is advised to take account of this minimum pressure in the design of the development.
- 29 Thames Water advise that this site falls within the highly flood sensitive Counters Creek Catchment area, and they will expect surface water to be attenuated to Greenfield run-off rates.
- 30 In respect of Condition 7, you are advised that Thames Water prefer all surface water to be disposed of on site using SUDs as per policy 5.13 of the London Plan. It is important that the

applicant liaises with Thames Water prior to an application being submitted to discharge this condition.

- 31 You are reminded of the need to apply for planning permission for the placing of tables and chairs on the public highway.
- 32 In respect of any lighting to the crane, this needs to be turned off in the evening in order to safeguard the amenities of neighbouring residents, and all lighting associated with the construction close to sensitive receptors shall be limited to working hours only and site lighting should be kept to a minimum.

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:** Whiteleys Centre, Queensway, London, W2 4YH,

**Proposal:** Variation of Condition 1 and removal of Condition 2 of listed building consent dated 27 April 2016 (RN: 15/10069/LBC) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, hotel (Class C1), cinema (Class D2), gym (Class D2), creche (Class D1) and public car park with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.

**Reference:** 16/12204/LBC

**Plan Nos:** **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10069/LBC):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-0904-xx02-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0101-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL, A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-0505-PL, A-1405-0506-PL, A-1405-0507-PL,

A-1405-0510-PL, A-1405-0601-PL/01, A-1405-0602-PL, A-1405-0603-PL, A-1405-0604-PL, A-1405-0604A-PL, A-1405-0605-PL, A-1405-0608-PL, A-1405-0609-PL, A-1405-0610-PL, A-1405-0613-PL, A-1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated October 2015 (as amended by the Post-Submission Amendments and Clarifications document dated 24 February 2016), Design and Access Statement (Volumes 1 and 2) dated October 2015 (as amended by the Planning Application Addendum dated 22 February 2016), Heritage Statement dated October 2015, Townscape and Visual Impact Appraisal dated October 2015 (as supplemented by letter from Turley dated 24 March 2016 and attached Hayes Davidson verified views from Kensington Garden Square), Historic Environment Assessment (Issue 2) dated 09/10/15, Transport Assessment (Rev.B) dated 02.11.15 (as amended by Response to Highways Comments document (Rev.A) dated 23/02/16 and letter from Turley dated 3 March 2016 and attached Public Car Park document dated 04/03/16), Servicing Management Plan dated 16/10/15, Daylight and Sunlight Assessment dated 16/10/15, Retail Assessment dated October 2015, Economic Statement dated October 2015, Internal Daylight and Sunlight Report dated 25/09/15, Sustainability Assessment dated October 2015, Climate Change Mitigation Note dated 08/02/16, Environmental Health and Environmental Sciences Note dated 12/02/16, Preliminary Ecological Appraisal (Version 1.0) dated 11/09/15, Noise Impact Assessment (Rev.03) dated 22/10/15, Ventilation and Extraction Statement dated October 2015, Structural Survey and Structural Method Statement dated October 2015, Basement Impact Assessment dated October 2015, Flood Risk Assessment (Rev. P02) dated 23/02/16, Air Quality Assessment (Rev. Final) dated 21/10/15, ARUP Note on Air Quality dated 29/01/16, Energy Statement dated October 2015, Drainage Strategy Report (Rev.P01) dated 16.10.15, Statement of Community Involvement dated October 2015, Construction Management Plan dated 23.10.16 (as supplemented by the Addendum Construction Traffic Management & Vehicle Access (Planning Response) document by A.I.A Consulting Ltd, Tree Survey/ Arboricultural Implications document dated October 2015.

**As Amended by the Drawings and Documents Hereby Approved:** A-011-xx-03, A-031-B1-01, A-031-B2M-01, A-031-B2-01, A-031-B3-01, A-031-00-01, A-031-00UG-01, A-031-01-01, A-031-02-01, A-031-03-01, A-031-04-01, A-031-005-01, A-031-06-01, A-031-07-01, A-031-08-01, A-031-09-01, A-031-rf-01, A-053-xx-01, A-053-xx-02, A-053-xx-03, A-053-xx-04, A-053-xx-06, A-064-xx-00, A-064-xx-01, A-064-xx-02, A-064-xx-03, A-064-xx-04, A-075-00-01, A-075-00-02, A-075-00-03, A-075-00-04, A-075-00-05, A-075-00-06, A-075-00-07, A-075-00-08, A-075-00-09, A-075-00-15, A-075-02-01, A-075-02-02, A-075-02-03, A-075-02-04, A-075-02-05, A-075-02-06, A-075-02-07, A-075-02-08, A-075-02-09, A-075-02-10, A-075-02-11, A-075-02-12, A-075-02-13, A-075-02-01, A-075-02-14, A-075-02-01, A-075-02-15, A-075-02-16, A-075-02-17, A-075-02-18, A-075-02-20, A-075-02-21, A-075-02-21A, A-075-02-22, A-075-02-22A, A-075-02-23, A-075-02-24, A-075-02-25, A-075-02-26, A-075-02-29, A-075-02-30, A-075-02-31, A-075-02-32, A-075-02-33, A-075-02-34, A-075-02-35, A-075-02-36, A-075-02-37, A-075-03-01, A-075-03-01A, A-075-03-02, A-075-03-02A, A-075-03-03, A-075-03-04, A-075-03-05, A-075-03-06, A-075-03-09, A-075-03-10, A-075-03-11, A-075-04-01,

A-075-04-02, A-075-04-03, A-075-04-04, A-075-04-05, A-075-04-06, A-075-04-07, A-075-04-08, A-075-04-09, A-075-04-10, A-075-04-11, A-075-04-12, A-075-04-13, A-075-04-01, A-075-04-14, A-075-04-15, A-075-04-16, A-075-04-17, A-075-04-20, A-075-05-01, A-075-05-02, A-075-05-03, A-075-05-04, A-075-05-05, A-075-05-06, A-075-05-07, A-075-05-08, A-075-05-09, A-075-05-10, A-075-05-11, A-075-06-01, A-075-06-02, A-075-06-02A, A-075-06-03, A-075-06-03A, A-075-06-04, A-075-06-04A, A-075-06-05, A-075-06-05A, A-075-06-06, A-075-06-06A, A-075-06-07, A-075-06-08, A-075-06-09, A-075-06-10, A-075-06-11, A-075-06-12, A-075-06-13, A-075-06-14, A-075-06-16, A-075-07-01, A-075-07-02, A-075-07-03, A-075-07-04, A-075-07-05, A-075-07-05A, A-075-07-06, A-075-08-01, A-075-08-02, A-075-08-03, A-075-08-04, A-075-08-05, A-075-08-05A, A-075-08-06, A-075-08-06A, A-075-08-07, A-075-08-07A, A-075-08-08, A-075-08-09, A-075-08-10, A-075-09-01. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated December 2016, Design and Access Statement dated December 2016 (as supplemented by the Minor Material Amendments Clarification Note dated 4 April 2017), Section 73 Townscape and Visual Impact Appraisal Addendum dated December 2016, Heritage Statement Addendum dated December 2016, Basement Impact Assessment dated December 2016, Historic Environment Assessment Addendum dated 04/11/16 and Structural Survey & Structural Methodology Statement dated December 2016 (containing drawings S/SK249 P1, S/SK250 P1, S/SK251 P1, S/SK252 P1, S/SK253 P1, S/SK254 P1, S/SK255 P1, S/SK256 P1, S/SK257 P1, S/SK258 P1, S/SK259 P1, S/SK260 P1, S/SK261 P1, S/SK262 P1, S/SK263 P1, S/SK264 P1, S/SK265 P1, S/SK266 P1, S/SK270 P1, S/SK271 P1 and S/SK272 P1) .

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 apply to us for approval of full details of the following parts of the development:

- All proposed works of refurbishment, alteration and/or replacement of windows, within the historic facades, including the secondary glazing system. This is to be based on a detailed condition survey and on the underpinning principle, that windows are to be retained and repaired where possible and only replaced where demonstrably beyond repair.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 apply to us for approval of full details of the following parts of the development:

- i) the replacement patterned stone floor behind the column line within the main entrance area. This must include samples of the proposed replacement stone and jointing details;
- ii) the floor finishes to the circular covered corners to the retained facade.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 apply to us for approval of full details of the following parts of the development:

- A detailed methodology for the dismantlement, storage and re-assembly/ repositioning of the stone entrance screen and the central staircase and the central dome.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 Before any demolition to the relevant parts takes place you must apply to us for approval of a Level 4 Survey of the following parts of the building:

- i) the octagonal atrium and dome;
- ii) the 1922 restaurant.

The Level 4 survey shall be in accordance with Historic England's "Understanding Historic Buildings: A Guide to Good Recording Practice". You must not remove any of these elements until we have approved what you have sent us.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of full details of the following parts of the development:

- i) the re-created central atrium, including details of columns, balconies, balustrades and the second floor glazed screen;
- ii) shopfronts to the retained facades, including indicative locations and design principles for display of signage;
- iii) railings and balustrades to the retained facades;
- iv) fixtures and fittings to windows of retained facade;
- v) integrated lighting to retained facade;
- vi) the plaster ceiling between the atrium and the facade columns;
- vii) the re-positioned statues from the entrance screen;
- viii) the interface of the re-positioned entrance screen with new structure;
- ix) the link structures to the cupolas at 6th floor level;
- x) the proposed northern cupola.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 All new work and improvements to the retained facades 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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 The development hereby permitted shall be begun no later than 26 April 2019.

**Reason:**

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

**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 March 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building., , 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 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)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given English Heritage the opportunity to make a record of the building. You must give Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the building. Historic England 's address is:, ,

Historic England , Architectural Investigations Section,  
1 Waterhouse Square,  
138-142 Holborn,  
London,  
EC1 2ST

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 3

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

3
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>33-35 Praed Street, London, W2 1NR</b>		
<b>Proposal</b>	Removal of Condition 3 and variation of Conditions 1 and 6 of planning permission dated 9 August 1993 (RN: 93/03674/FULL) for: Use of basement to third floors (inclusive) as a doctors group practice (Class D1) with basement car parking (6 spaces). Namely, to allow the use of the premises as a school (Class D1) for a temporary period of three years, allow use of the basement level parking area as a school hall and vary the hours of use of the premises to allow the school use to operate between 07.45 and 18.00 hours Monday to Friday. (Application under Section 73 of the Town and Country Planning Act 1990)		
<b>Agent</b>	Cushman and Wakefield		
<b>On behalf of</b>	Education Funding Agency		
<b>Registered Number</b>	16/12277/FULL	<b>Date amended/ completed</b>	23 December 2016
<b>Date Application Received</b>	23 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

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

## 2. SUMMARY

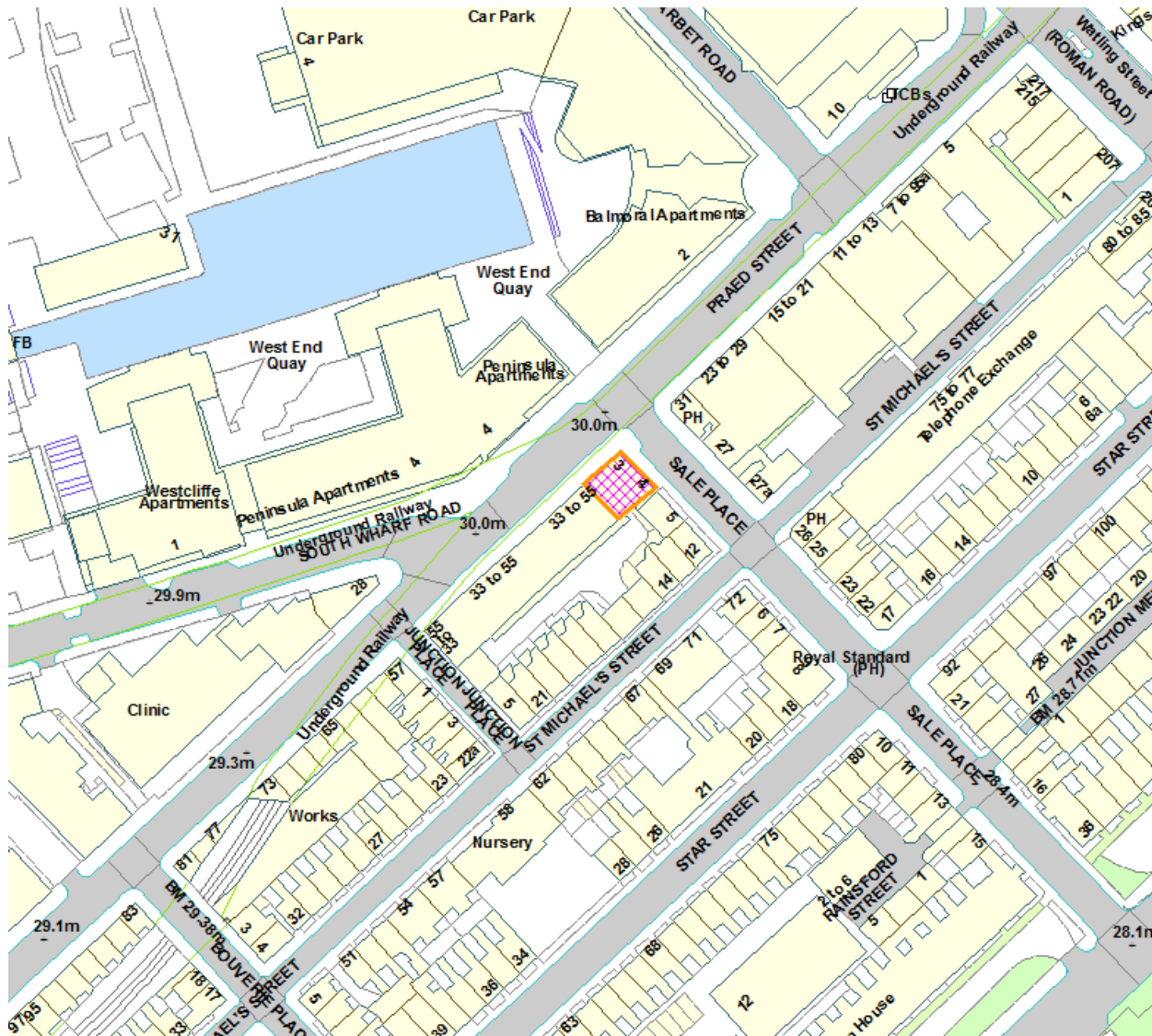
<p>The application site is an unlisted four storey building located at the junction of Praed Street and Sale Place adjacent to the Bayswater Conservation Area. Planning permission is sought for the removal of Conditions 3 and variation of Condition's 1 and 6 of the planning permission dated 9 August 1993 (RN: 93/03674/FULL) for the use of the basement to third floors (inclusive) as a doctors group practice (Class D1) with basement car parking (6 spaces). The amendments sought are namely to allow for the use of the premises as a school (Class D1) for a temporary period of three years, allow the use of the basement level parking area as a school hall and allow the variation of the hours of use of the premises to enable the school use to operate between 07.45 and 18.00 hours Monday to Friday. (Application under Section 73 of the Town and Country Planning Act 1990)</p>
---

The key issues in this case are:

- The acceptability of the loss of the doctor's surgery use and the introduction of the school use.
- The impact of the change of use on the amenity of neighbouring residents.
- The acceptability of the proposal in transportation terms.

The planning application is considered acceptable in land use, amenity, design and transportation terms and is in accordance with policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP), subject to conditions set out in the draft decision letter appended to this report, and is therefore recommended for conditional approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



Front elevation in Praed Street.



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Regret loss of Doctors use but cautiously support the school occupying the site for three years. Concern from a traffic point of view as Praed Street is a very busy street. Concern regarding coach drop off being done safely, lack of car parking space for parents dropping off and collecting pupils, cycle provision should be required, risk of dead frontage at ground floor level particularly Praed Street and noise/congregation of pupils on street.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

We reluctantly support the application providing that the property reverts back to Doctor's use at the end of the three year period and the travel plan is monitored and enforced.

### THE ST MARYLEBONE SOCIETY

No objection.

### MARYLEBONE ASSOCIATION

No objection.

### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

No objection to the loss of basement car spaces or servicing impact. Picking up/dropping off of pupils likely to be acceptable subject to School Travel Plan seeking to reduce number of pupils travelling by car.

### CLEANSING MANAGER

Initial objection on the grounds of lack of details regarding waste storage provision. Revised proposals acceptable.

### TRANSPORT FOR LONDON

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 508.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

2 objections on one or all of the following grounds

#### Land use

- Loss of doctors surgery

#### Amenity

- Noise from children disturbing residents.
- Overlooking to housing opposite and to the rear.

#### Transportation/ Parking

- Servicing to rear could obstruct residents access to car park and cause noise disruption to nearby residents.
- Potential for parking congestion.

#### Other Issues

- Potential for rear access road used as exercise area which would be disruptive and dangerous.
- Antisocial behaviour at rear access means not suitable for use of premises by young children.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted four storey building located at the junction of Praed Street and Sale Place adjacent to the Bayswater Conservation Area. There is a rear access to the property via a service road to car parking. The lawful use of the application site is as a doctor's surgery pursuant to the 1993 planning permission (see Section 6.2 of this report).

### 6.2 Recent Relevant History

#### 93/03674/FULL

Use of basement to third floors (inclusive) as a doctor's group practice (Class D1) with basement car parking (6 spaces).

Application Permitted 9 August 1993

Condition 1 of that permission states *"The accommodation hereby approved shall only be used for doctor's surgery purposes and for no other purposes (including any other purposes within Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987) or in provision equivalent to that class in any statutory instrument revoking and re-enacting that Order"*.

Condition 3 of that permission states *"The whole of the car parking accommodation on the drawings shall be provided and retained permanently for the accommodation of vehicles for doctors/staff and for disabled patients"*.

Condition 6 of that permission states *"The surgery use hereby permitted shall not be carried out except between the hours of 08.00 to 19.00 Monday to Friday and 09.00 to 12.00 (noon) on Saturday and not at all on Sundays and Bank Holidays"*.

Copy of Decision letter included in background papers).

## 7. THE PROPOSAL

Planning permission is sought for the removal of Condition 3 and variation of Conditions 1 and 6 of the planning permission dated 9 August 1993 (RN: 93/03674/FULL) for the use of

basement to third floors as a doctors group practice (Class D1) with basement car parking (6 spaces) to allow the use of the premises as a school (Class D1) for a temporary period of three years, including allowing the use of the basement level parking area as a school hall and variation of the hours of use of the premises to allow the school use to operate between 07.45 and 18.00 hours Monday to Friday. No external physical alterations are proposed as part of the current application.

The school, the Minerva Primary Academy, is due to be moving to a permanent site at North Wharf Road where it will be sited at the eastern end of the mixed use redevelopment of the former North Westminster Community School site. This redevelopment of the former North Westminster Community School site is not set for completion until 2018/2019. For this reason the proposed use is for a temporary period of three years. The school currently temporarily occupies a site at 157 Edgware Road. The school currently has 105 pupils and 20 staff although it is anticipated that during the temporary period of occupation at the site pupil numbers will increase to 130 pupils and 22 staff.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Doctors Surgery**

Policy SOC4 of the adopted Unitary Development Plan (UDP) states that the retention of facilities for health service uses that meet local needs will be encouraged. There has been an objection to the loss of the surgery; however, the premises are currently vacant and appears to have been for some time. The applicant states that it has been vacant for the past two years and has been marketed during this period for Class D1 use. This is supported by the submission of a marketing report which confirms that the property had been marketed as a Class D1 use since July 2013 and that in that time it has failed to attract a replacement medical use. This is apparently reflective of the fact there is little demand for large surgeries in the Paddington Area. The marketing report also identifies 50 NHS General Practices within a 1.5 miles radius of the property, all of which are listed as able to take on new patients.

The proposal is for a temporary change of use and in this case it is considered that the loss of the health service can be justified if the replacement use is considered acceptable. A condition is recommended that the use as a school is for 3 years only. The premises would have to be returned to its previous lawful use as a surgery following the end of this temporary period. Any alternative use, even an alternative use within Class D1 would need the benefit of a planning permission due to the restrictions imposed by Condition 1 of the 1993 permission.

#### **8.1.2 Replacement Primary School Use**

The proposed primary school use would accord with Policy SOC1 of the adopted UDP and Policy S34 of the adopted City Plan which encourage new social and community facilities throughout Westminster. Whilst acceptable in land use terms, the use as a primary school would also need to comply with adopted policies that seek to protect the amenities of neighbouring occupiers and highway safety, which are considered later in this report.

No provision of outside playspace is made at the site. It is intended that the basement main hall will be used as a play space. On occasions, when necessary, physical education classes will take place at external facilities as is currently the case at the schools current temporary premises at 157 Edgware Road. Whilst it is unfortunate that no outside provision is possible, it is recognised that given this is the situation at the schools existing site and as such provision would have amenity impacts for nearby residents, it is considered that the lack of outside playspace is acceptable on a temporary basis.

The Praed Street frontage of the site is within the Secondary Frontage of the Praed Street District Centre. The South East Bayswater Residents Association have requested that this frontage has a window display rather than a "dead frontage". Policy SS17 of the UDP states that non-A1 service or office uses at ground floor level in shopping frontages will be required to maintain a window display. It is not considered reasonable to add a condition requiring that a window display is provided in this case as such a condition was not attached to the original 1993 planning permission for the use of the building as a doctors surgery.

## **8.2 Townscape and Design**

The proposal does not involve any external physical works.

## **8.3 Residential Amenity**

### **8.3.1 Daylight/ Sunlight and Sense of Enclosure**

The proposal does not involve any works outside the existing envelope of the building and therefore would not result in any detrimental impact in terms of loss of daylight or sunlight, nor would it cause an increased sense of enclosure.

### **8.3.2 Privacy**

Objections have been received on the grounds of overlooking to the flats opposite and to the rear. The flats opposite the front of the building are on the other side of Praed Street approximately 20 meters away. It is not considered that a significant loss of privacy to these properties would result from the change of use. The windows to the rear of the premises are proposed as obscure glazed. It is recommended that a condition is attached requiring that these windows are obscure glazed and fixed shut to ensure there is no loss of privacy to the rear of the properties fronting Sale Place and St Michael's Street. The applicant has stated that if necessary the building will be mechanically ventilated which would be the subject of a further planning application. The proposal is therefore acceptable in overlooking terms and compliant with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### **8.3.3 Noise Disruption**

Objections have been received regarding the potential noise disruption to residents caused by school children, in particular by the potential use of the rear access road for the exercising and the congregation of pupils outside the building. There is no intention by the school to use the access road as a school playground and it is not considered likely that primary school children would congregate outside the building unattended. This objection

is therefore not considered sustainable as noise from the proposed use would be contained within the envelope of the building. The scheme would therefore be compliant with Policy ENV6 in the City Plan and S32 in the City Plan.

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

Picking up and setting down of pupils is often the biggest concern with school uses and objections have been received on this ground. In this case, a survey carried out as part of the submission stated that of 93 pupils that attend the existing site on Edgware Road, 14 said they come by car. The Transport Statement reports that this could rise to 130 pupils and, if the same ratio is observed, it might then be expected that some 19 or 20 pupils would arrive by car.

It is intended that there will be before and after school clubs which will mean that the pupils are not all set down and picked up at the same time. The Highways Planning Manager does have some concerns about the effects of this activity on Praed Street, in the afternoon when some parents will inevitably arrive early and will want to park while they wait for their children to come out which could mean 10-15 cars parked on Praed Street at the end of each school day. However, he has concluded that bearing in mind the application is for only three years and the pick up/ drop off strategy outlined in the Transport Statement and the School Travel Plans aim to reduce travel by car, the application can be considered acceptable in this case. A condition is recommended requiring the submission of a full School Travel Plan within 6 months of the use commencing so the survey can be carried out in relation to the new site rather than the school's existing temporary premises nearby in Edgware Road

With regard to servicing, it is planned that refuse collection will take place on-street from Praed Street. The Cleansing Manager has confirmed that the waste/recycling storage provision is adequate. This will be secured by condition.

The school will not be preparing any of its own food on site. However, deliveries will be required before and after the school lunch period for the food to be dropped off and collected from an external site. Such servicing will be via the rear entrance of the property which is located on the rear access road between the properties on Praed Street and St Michael's Street. Objections have been received on the grounds that servicing to rear could obstruct resident's access to their car park which uses the same access road and could also cause noise disruption to nearby residents. The Highways Planning Manager has no objection to the servicing impact of the proposal which is not envisaged to be significantly different to servicing of the existing lawful medical use.

The proposal involves the loss of basement car spaces which had been designated for the medical use and the conversion of this space to form a school hall. The Highways Planning manager has no objection to the loss of these car parking spaces.

South East Bayswater Residents Association have raised concerns regarding the safety of drop off and collection of pupils by coaches and/ or mini buses for school outings. The school has stated that coach travel is rarely used for school trips as public transport is generally used; however, when necessary their intention is to use the existing coach pick up facilities in Harbet Road, which is a few minutes' walk away.

The relevant London Plan cycle parking space provision standards for schools are 1 space per 8 staff members and 1 space per 8 students, plus 1 visitor space per 100 students. So for 20 staff and 130 students 20 cycle parking spaces should be provided overall. The applicant has stated that such a provision for primary school children is unnecessary because of the limited number of pupils at that age who would travel to school by bike. Instead they have indicated provision for 4 spaces for staff within an undercroft area at the rear of the building, 1 short stay cycle space in the entrance lobby and scooter storage space for pupils for 30 scooter spaces. Given the particular circumstances of this case, including the young age of pupils and the temporary nature of the proposed school use, this level of cycle parking provision is considered to be acceptable by the Highways Planning Manager.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The access arrangements to the property will be unaltered by the proposal. Level access is provided at the ground floor level entrance and an internal lift serves all levels of the building.

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

None relevant.

### **8.8 London Plan**

This application does not raise any strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposal does not raise any environmental impact issues and is of insufficient scale to require an Environmental Impact Assessment.

### **8.12 Other Issues**

Objections have been received regarding apparent antisocial behaviour occurring at the entrance of the rear service road which serves the rear of the building and that this means the site would not be suitable for use as a school. The area is some distance from the site itself and as the service road is not proposed to be used for pupil access this is not anticipated to have an adverse impact on the operation of the proposed use. In any case it

would appear that this would be a law enforcement issue rather than one which should restrict the use of the application property.

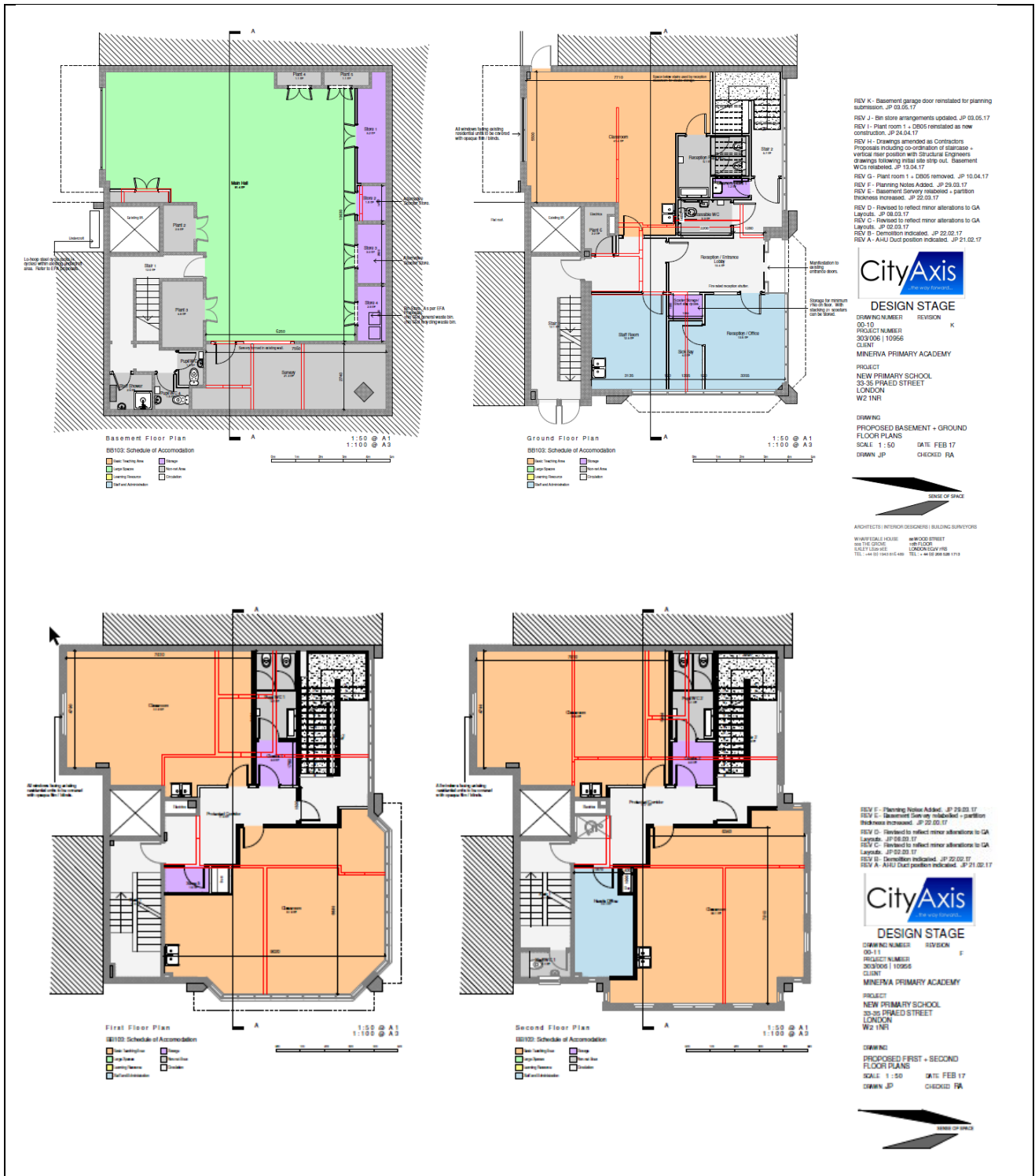
## 9. BACKGROUND PAPERS

1. Application form.
2. Response from South East Bayswater Residents Association dated 1 February 2017.
3. Response from Marylebone Association dated 4 February 2017.
4. Response from The St Marylebone Society dated 4 February 2017.
5. Response from Paddington Waterways & Maida Vale Society dated 9 February 2017.
6. Responses from the Cleansing Manager dated 18 January 2017 and 2 May 2017.
7. Response from Transport For London dated 26 January 2017.
8. Response from Highways Planning Manager dated 17 February 2017.
9. Letter from occupier of 14 St Michaels Street, London, dated 26 January 2017.
10. Letter from occupier of 5 Sale Place, London, dated 30 January 2017.
11. Decision letter for planning permission dated 9 August 1993

(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: RICHARD LANGSTON BY EMAIL AT [rlangston@westminster.gov.uk](mailto:rlangston@westminster.gov.uk).

### 10. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** 33-35 Praed Street, London, W2 1NR,

**Proposal:** Removal of Condition 3 and variation of Conditions 1 and 6 of planning permission dated 9 August 1993 (RN: 93/03674/FULL) for: Use of basement to third floors (inclusive) as a doctors group practice (Class D1) with basement car parking (6 spaces). Namely, to allow the use of the premises as a school (Class D1) for a temporary period of three years, allow use of the basement level parking area as a school hall and variation of the hours of use of the premises to allow the school use to operate between 07.45 and 18.00 hours Monday to Friday. (Application under Section 73 of the Town and Country Planning Act 1990)

**Reference:** 16/12277/FULL

**Plan Nos:** Drawings as approved by Planning Permission dated 9 August 1993 (RN 93/3674), 2418/50, 51A, 52, 53, 54, 55, 61-65 inclusive and Plan 2,

As amended by documents and drawings hereby approved., Location Plan; 01001P1; 1002P1; 1003P1; 1004P1; 1005P1; 00-10RevK; 00-11RevF; 00-12RevF; covering letter received 7th April 2017; Planning Statement; Travel Plan; Transport Plan; covering letter dated 23rd December 2016; Waste Strategy dated 2nd May; Marketing Report dated July 2015

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641 7923

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

- 1 The accommodation hereby approved shall only be used for doctors' surgery purposes and for no other purpose (including any other purpose within Class D1 of the Schedule of Town and Country Planning (Use Classes) Order 2015 or in provision equivalent to that class in any statutory instrument revoking and re-enacting that Order), except as a primary school for a temporary period of three years from the date of this decision letter.

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet SOC1, SOC4, ENV6 ENV13 and TRANS 22 of our Unitary Development Plan adopted January 2007 and S29 and S34 of our City Plan adopted November 2016.

- 2 The means of access and egress suitable for people with disabilities which is shown in drawing Nos. 2418.51A and 52-55 inclusive (approved by the planning permission dated 9th August 1993) shall be permanently maintained unless otherwise approved in writing by the City Council as local planning authority.

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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 3 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.

- 4 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:
- between 08.00 and 18.00 Monday to Friday;
  - between 08.00 and 13.00 on Saturday; and ,
  - not at all on Sundays, bank holidays and public holidays.

You must carry out 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 You must provide the waste store shown on drawing 00-10RevK; before the school use hereby approved commences. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 6 The use of the premises shall not be carried out except between the hours of 07.45 to 18.00 Monday to Friday and not at all at the weekends and Bank holidays.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 7 Within six months of the school operating, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the school,
  - (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 school;
  - (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 (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 8 The glass that you put in the windows in the south eastern elevation to the rear of the property facing the rear of properties fronting Sale Place and St Michael's Street at ground to 3rd floor must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 9 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 (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 10 The number of pupils allowed within the school premises at any time shall be restricted to a maximum of 140.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**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 (November 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.

This page is intentionally left blank

# Agenda Item 4

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

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	75 Harley Street, London, W1G 8QL		
<b>Proposal</b>	Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Howard de Walden Estates Ltd		
<b>Registered Number</b>	17/00438/FULL 17/00439/LBC	<b>Date amended/ completed</b>	19 January 2017
<b>Date Application Received</b>	19 January 2017		
<b>Historic Building Grade</b>	II* (No. 75)		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

<p>For Sub- Committee's consideration:</p> <p>1. Does the Sub-Committee consider that:</p> <p style="padding-left: 40px;">i) The principle of a land use swap with 13-14 Park Crescent is acceptable?</p> <p>2. Subject to 1. above, grant conditional permission, subject to the completion of a legal agreement to secure:</p> <p>(i) To provide a minimum of 945m2 (GEA) of residential floorspace at 13-14 Park Crescent, or an alternative site in the vicinity of the site, prior to first occupation of any part of the development            (iii) The costs of monitoring the S106 agreement.</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 it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;            b) The Director of Planning shall consider whether the permission should be refused on the grounds</p>
---

that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Grant conditional listed building consent.

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

## 2. SUMMARY

The application involves two buildings on the west side of Harley Street. Both buildings are in mixed medical and residential use. No. 75 is a Grade II\* listed building. Both properties are situated within the Harley Street Conservation Area and the Harley Street Special Policy Area.

Permission is sought to use the Harley Street buildings as a children's cancer clinic, together with rear extensions at first floor level, internal alterations and the erection of plant at rear fourth floor and roof level. The application is linked to 13-14 Park Crescent West by way of a land use swap to enable the existing residential accommodation at Harley Street to be replaced at 13-14 Park Crescent, a Grade I listed building situated on the eastern side of the historical crescent.

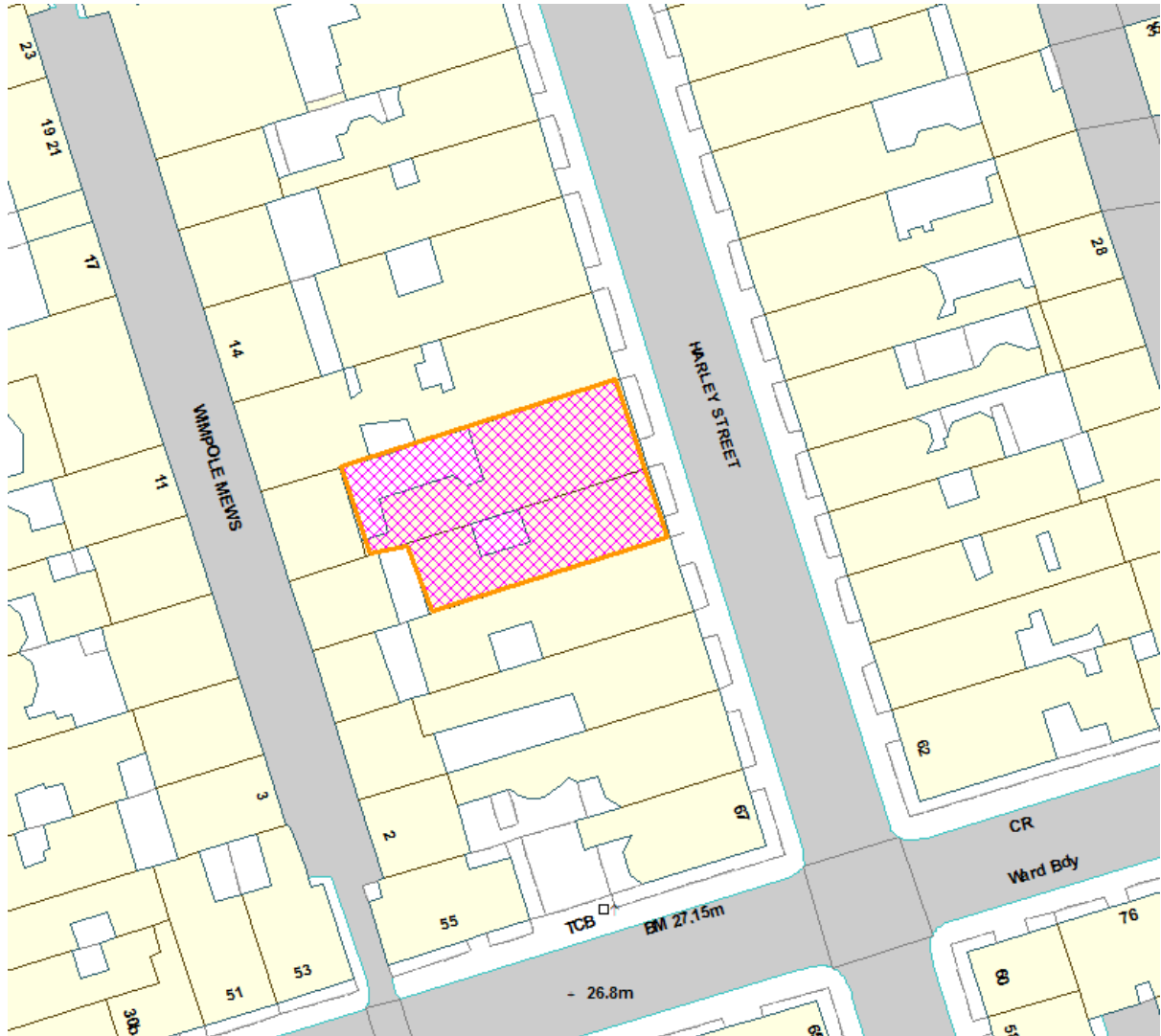
The key issues for consideration are:

- The introduction of a medical use and the relocation of the residential accommodation;
- The impact of the proposed alterations and extensions on the special interest of the Grade II\* listed building and on the character and appearance of the Harley Street Conservation Area;
- The impact the medical use will have on highways/traffic movements/servicing;
- The impact on residential amenity.

For the reasons set out in the main report, the introduction of a specialist children's cancer clinic is considered to be an appropriate use to enhance the role of the Harley Street Special Policy Area and the relocation of the existing residential floorspace off-site is considered to result in accommodation of an improved standard of residential quality. The alterations proposed to the Harley Street buildings are considered acceptable in design and heritage terms and would not adversely impact on residential amenity. The application is therefore recommended for conditional approval subject first to the completion of a legal agreement to secure the provision of the off-site residential accommodation.



### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Authorisation to grant received.

### MARYLEBONE ASSOCIATION

No objections raised.

### ENVIRONMENTAL HEALTH

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42; Total No. of replies: 16 letters of objection on the following grounds:

#### Land Use

- \* The existing consulting suites contribute to the character of the surrounding area
- \* The proposal will cause disruption and result in the eviction of existing medical practices
- \* A large hospital would not be in keeping with the conservation area contrary to the unique status of the Harley Street area
- \* 5 hospitals (Harley Street Clinic, Weymouth Hospital, Princess Grace Hospital, the London Hospital and the Heart Hospital) already exist within a 200m radius
- \* There is already a shortage of consulting space/rooms in the area after the eviction of many practices from Harcourt House following a permission granted for a hospital and private residence
- \* The proposals will result in a change to the character of the neighbourhood to one of bland uniformity, made up of big business, operating solely for financial gain
- \* The proposals will erode the balance between residential and medical uses in the area
- \* The land use swap only replaces residential floorspace and not residential units
- \* There is no control over the delivery of the replacement residential accommodation

#### Amenity

- \* Loss of light and overshadowing

#### Design

- \* Adverse impact on the listed fabric
- \* Removal of original staircase on the first floor, knocking through the party walls, the erection of a first floor extension and opening up internal areas, are significant interventions that do not preserve the grade II\* listed building
- \* Permission has previously been refused for lifts and banisters within No. 75 and internal alterations to a protected building should not be allowed
- \* Although No. 73 is not listed, it is one of the most complete 'undisturbed' historical buildings and the former home of William Gladstone

#### Highways

- \* Increase in medical facilities will increase short stay visitors to the area increasing traffic and congestion
- \* Increase in diesel traffic contravening government proposals

#### Other Issues

- \* Increased rents are forcing out local businesses
- \* Inconvenience to existing patients
- \* Loss of job security and financial hardship

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site involves two buildings on the west side of Harley Street. 73 Harley Street is an unlisted building comprising medical use over basement, ground, and first to third floors and one residential flat at fourth floor level. No. 75 is a Grade II\* listed building in medical use at ground and first floors and residential accommodation at basement and second to fourth floor levels.

Both properties are situated within the Harley Street Conservation Area and the Harley Street Special Policy Area. The Harley Street conservation area audit identifies no.73 Harley Street as an unlisted building of merit.

The application is linked to 13-14 Park Crescent, a Grade I listed building situated on the eastern side of the historical crescent, within the Regent's Park Conservation Area. Works are currently underway on this site to demolish the building behind a retained façade and for the erection of a new building for residential and a social and community use.

### 6.2 Recent Relevant History

#### 73 Harley Street

In September 1990 planning permission was refused for the change of use of the rear part of the basement to medical use. Appeal dismissed 5 June 1991.

In May 2013 planning permission was granted for the change of use of the fourth floor from residential use to medical consultancy (Class D1) use as part of a land use swap with 65-69 New Cavendish Street. This permission has not been implemented and has lapsed.

#### 75 Harley Street

No relevant planning history

#### 13-14 Park Crescent West

In May 2015 planning permission was granted for the demolition behind retained front façade and erection of new 6-storey building and new mews building for use as 4 x residential units (2 x 3 Bed and 2 x 4 Bed) over ground to fourth floor mezzanine level, use of sub-basement and basement level and new mews building to the rear as community space (Class D1). Replacement front windows and installation of plant at sub-basement level and ground floor.

Permission was subsequently granted in January 2016 for alterations to the 2015 permission involving additional excavation at sub-basement level (for plant and lift pits),

relocation of lifts and entrances, introduction of ventilation grilles, internal alterations, alterations to the proposed fenestration pattern and other minor alterations.

Both applications were subject to a legal agreement that required the D1 community space to be made ready for occupation, at below market rent for 10 years from first occupation.

## 7. THE PROPOSAL

The proposals seek to change the use of both Harley Street buildings to Class D1 use to provide a children's cancer clinic, together with rear extensions at first floor level, internal alterations and the erection of plant at rear fourth floor level at 75 Harley Street and at roof level at No. 73. The internal alterations include the insertion of a lift within the rear part of No. 75 and the insertion of openings in party walls to provide circulation between the two buildings.

The applicants have requested that the application is linked to 13-14 Park Crescent West by way of a land use swap to enable the existing residential accommodation at Harley Street to be replaced at Park Crescent West. A planning application to enable the existing D1 use at Park Crescent to be converted to residential accommodation has not yet been submitted.

## 8. DETAILED CONSIDERATIONS

### 8.1 LAND USE

#### **Proposed medical use**

The site lies within the Harley Street Special Policy Area (HSSPA) and both Harley Street buildings are currently occupied by a number of medical practices including specialist consulting rooms, dental practices and established clinics. A number of objections from existing medical tenants have been received on the loss of existing accommodation, the shortage of consulting space within the vicinity, and the fact that a large hospital would be contrary to the unique character of the HSSPA.

The proposals seek to introduce a specialist Children's Cancer Centre providing radiation oncology and radiation therapy clinical research. The applicant argues that the proposed Centre will expand the range and quality of cancer services in this area for a particular patient group that is currently not well served in the Harley Street medical area, particularly since the London Clinic no longer provide children's cancer treatment services. The proposed Centre will be supported by the facilities at the Harley Street Clinic which is situated at 79 Harley Street and will provide a one-stop facility for the diagnosis and treatment of a wide range of childhood cancers avoiding the need to visit numerous different locations. The applicant therefore argues that the proposal is in accordance with the Howard de Walden Estate's long term strategy for the Harley Street medical area to enhance the range and quality of healthcare services it can offer to patients in London and further afield.

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities and all development that supports and enhances the role of the HSSPA as an international centre of medical excellence. Part 3 of the policy states that existing

medical facilities, including consultation rooms, will be protected, and their loss will only be allowed in exceptional circumstances.

Despite the objections raised, the proposed introduction of a specialist cancer care clinic would clearly be in accordance with both Policy CM2.1 and S34 which encourages new social and community facilities throughout Westminster. A number of objections have been received on the loss of existing consulting rooms, however, these are only protected when proposals result in a net loss of medical floorspace. In this case there would be an overall uplift in medical floorspace and the introduction of a specialist children's cancer clinic, where no other similar facility exists, is considered in this instance to be an appropriate use to enhance the role of the HSSPA.

The applicant has also provided information regarding the availability of consulting rooms within the vicinity of the site and argues that there are more than sufficient available medical suites to accommodate the existing medical tenants. It is understood that the Howard de Walden Estate is currently refurbishing medical consulting accommodation at 61 Harley Street, 55 New Cavendish Street, and 86 Harley Street which will be available for occupation in the coming months with further schemes proposed at 17 Harley Street and 142-146 Harley Street to provide further consulting accommodation (totalling over 20,000 sq ft in the next 12-18 months). The Estate is also willing to offer alternative accommodation to the occupiers of this building.

#### Loss of residential

The current proposal to convert both buildings however would result in the loss of one residential unit in 73 Harley Street and four flats within No. 75 (as summarised in the table below):

USE	EXISTING	PROPOSED	CHANGE
<b>MEDICAL / D1</b>			
73-75 Harley Street	1,297	2,345	+1,048
13-14 Park Crescent West	888	0	-888
	<b>2,185</b>	<b>2,345</b>	<b>+160</b>
<b>RESIDENTIAL</b>			
73-75 Harley Street	945	0	-945
13-14 Park Crescent West	1,482	2,427	+945
	<b>2,427</b>	<b>2,427</b>	<b>0</b>

As a standalone scheme, the proposals for 73-75 Harley Street would be unacceptable as it involves the loss of 5 flats (945sqm of residential floorspace), contrary to policy S14.

The proposal however involves the relocation of existing residential flats within the Harley Street buildings to 13-14 Park Crescent West. Works are currently underway on this site to demolish the building behind a retained façade and for the erection of a new building (and mews building) for residential and a social and community use. The land-use swap with Park Crescent would result in the entire building being used for residential purposes (as set out in the table above).

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. CM47.1 states that 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 D1 floorspace. Both sites are within Marylebone High Street ward and 13-14 Park Crescent is only some 300m to the north of 73-75 Harley Street. Furthermore there is a net increase in medical accommodation across the two sites in accordance with CM47.1 and as all the residential would be contained within one building, without relying on the shared access arrangement that currently exists in Harley Street, it is considered that the proposed relocation of the residential to Park Crescent would provide superior residential quality.

An application for the residential swap to Park Crescent has yet to be submitted. However, initial plans provided by the applicant indicate that space designated as a social and community use at lower ground and part ground and first floor levels would be converted to residential, providing seven new flats. Despite the objections raised, there would therefore be a net increase in residential units in accordance with Policy S14 and three of the flats would be provided with outdoor amenity space. A full assessment of the acceptability of the residential layout, including mix of units and standard of accommodation, would be made once the application to convert the consented D1 space has been submitted.

Sub-Committee's views are sought on the principle of a land-use swap between these two sites. Subject to the swap being considered acceptable, a legal agreement would then be required to secure the provision of the residential off-site, and to ensure that there is no net loss in residential use. It is considered that this would ensure the deliverability of the residential to address the objection raised on this point.

#### **Loss of consented social and community use**

13-14 Park Crescent was formerly occupied as law courts and the 2015 planning permission granted permission for 4 flats and a community space (for Chabad Lubavitch, for use for weekly classes, lectures and workshops on Jewish topics, religious services, Shabbat meals, and counselling services). The permission was subject to a legal agreement requiring the community space to be made ready for occupation, at below market rent for 10 years from first occupation. Chabad Lubavitch has confirmed that they no longer want this space, and the applicant argues that in these circumstances that a D1 medical use would be in accordance with the legal agreement, and thereby enabling a land-use swap to take place with 73-75 Harley Street. However, the legal agreement only enables a D1 occupier to use the space once a full marketing assessment has been submitted to demonstrate that an alternative voluntary or charitable user cannot be found. A marketing assessment has not been carried out and therefore the proposed medical use would not be in accordance with the legal agreement. However, it is considered that the offer of a specialist children's cancer centre at Harley Street would offset the loss of the former social and community use. The application to convert the community space to residential would require a deed of variation to the existing legal agreement to enable the swap between the two sites to take place.

## 8.2 Townscape and Design

75 Harley Street is a Grade II Star listed four storey terraced town house, c.1773-74 by John White in partnership with the plasterer Thomas Collins. 75 Harley Street is a good example of its type, despite suffering a number of unsympathetic alterations, such as the subdivision of principle rooms and alterations to the rear façade. No.73 is unlisted but is identified in the Harley Street conservation area audit as an unlisted building of merit.

### **Impact on historic plan form**

The proposed internal demolition relates to non-historic walls that detract from the original plan form. The proposals preserve the surviving elements of special interest from the original building and reverse decades of unsympathetic internal subdivision and alteration. The original plan form is largely restored in the parts of the building where the special interest is concentrated. The restoration of the building to a single occupancy building without the modern subdivisions is particularly welcomed. Objections have been received on this point. However 75 Harley Street was built as a single family dwelling and its restoration to single occupancy allows the original plan form to be re-established, with the removal of unsympathetic subdivision.

The proposed lift in 75 Harley Street is positioned behind the principle stair in place of the existing secondary stair. Objections have been received on the loss of this stair, however the stair is not original, probably having been replaced when the existing lift was installed, around which it wraps.

Linking openings in the party walls behind the lift are proposed at all levels. The areas proposed to be affected are to the rear and in the part of 75 Harley Street where the special interest is weak. No openings in the party walls are now proposed in areas of special interest.

Objections have been received referring to past refusals preventing unsympathetic alterations to the principle stair, including adding secondary hand rails and stair lifts. This application proposes no such alterations and reverses unsympathetic enclosure of the upper portion at second and third floor levels. This proposal restores the principle stair to its original volume and details and this is therefore welcomed.

### **Design, height and bulk**

The remodelling of the rear elevation to 75 Harley Street is welcomed, unsympathetic elements have been removed and the façade is more unified with the adjoining buildings. The proposed materials and architectural detailing are considered to be in keeping with the original building with timber sliding sash windows to match those adjacent. A lift overrun is proposed but this is set back from the rear elevation and would have no impact on any street level views and, from the limited views available from neighbouring properties, would not appear inappropriate or out of character.

A first floor extension is proposed over the rear basement and ground floors. Objections to the principle of this extension have been received. However, the detailed design of the rear extensions are considered acceptable, subject to an amending condition reducing the size of the proposed dormers in the mansard roof.



Plant is also proposed at roof level and on the fourth floor flat roof at the rear of No. 75. This is contained behind a high parapet wall and is considered to have limited impact on the listed building.

### **Summary**

The proposals provide a more sympathetic and historically accurate rear façade and reverse much of the unsympathetic work to 75 Harley Street, particularly to the areas of the building where the special interest is concentrated. The proposals are considered to be in accordance with the Council's 2007 UDP specifically DES 4, 5, 6, 9 and 10 and City Plan policies S25 and S28.

## **8.3 Residential Amenity**

### **8.3.1 Sunlight and Daylight**

UDP Policy ENV 13 aims to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m<sup>2</sup>). In implementing Policy ENV 13 the lighting levels advised in publications by the Building Research Establishment (BRE) with regard to natural lighting values are used.

Policy S29 of the City Plan states that the council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

The closest residential properties to this site are the mews properties at the rear of the site at 4, 6 and 8 Wimpole Mews. There is also residential accommodation adjoining the site within 71 and 77 Harley Street and also opposite the site at 66, 68, 70 and 72 Harley Street. The applicant has submitted a detailed daylight and sunlight report by Right of Light Consulting Surveyors which assesses the impact of the development on the properties facing the rear extensions which demonstrates that there would be no material losses of daylight or sunlight to surrounding windows. Whilst one letter of objection has been received on the grounds of loss of light and overshadowing, it is not considered that the application could be refused on these grounds.

### **8.3.2 Sense of Enclosure/Privacy**

The proposal involves rear extensions to both 73 and 75 Harley Street which would be in close proximity to the rear facades of 6 and 8 Wimpole Mews. The extensions would have little impact on the outlook from No. 6 Wimpole Mews as this property has no habitable windows in its rear elevation. There are bedroom windows at rear first floor level within 8 Wimpole Mews which would be within 3m of the proposed extension at 75 Harley Street. Whilst there would be some increased sense of enclosure to these windows, they are obscure glazed and as such it is not considered that the application could be argued to demonstrably impact on sense of enclosure or loss of privacy. No objections from these neighbouring occupiers have been received on these grounds.

All windows at lower ground and ground floor, and within the new first floor extension, would be obscure glazed and this would be secured by condition.

### **8.3.3 Impact of additional medical floorspace**

It is anticipated that there would be some 50-60 doctors and staff, with a maximum of between 200-250 patients and visitors attending per day. Operating hours are likely to be from 07:00 to 19:00 on weekdays and 09:00 to 17:00 on weekends with staff arriving approximately 30 minutes ahead of these times to set up for the day's patients and leaving some 60 minutes afterwards. Whilst the additional medical accommodation proposed would be an intensification of the existing use on the site, patient arrival and departure would clearly be spread throughout the day, and in this location it is not considered that the intensification of the existing use would be materially harmful to adjoining and adjacent residential occupiers.

### **8.3.4 Plant**

The proposal includes two areas for external plant, one at roof level at No. 73 and one at fourth floor level at No. 75. Plant is also contained within the building envelope at basement level. An acoustic report has been submitted with the application and assessed by Environmental Health who 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 noise standards for operational plant.

## **8.4 Transportation/Parking**

### **Servicing**

The applicant states that servicing will be undertaken in conjunction with the Harley Street Clinic which is located at 81-83 Harley Street. Any deliveries to the proposed clinic will be made to the existing clinic and then moved to the application site. In the event that a letting with the Harley Street clinic does not proceed, then servicing of the building will be direct from Harley Street. There is on-street parking immediately in front of the building but there is a section of single yellow line just to the north outside No 77 Harley Street where vans can stop to service the building. There is a further section of single yellow line opposite on the east side of Harley Street.

The Highways Planning Manager estimates that the site would generate approximately 7 trips a day (5-6 deliveries and 1-2 refuse collections) and that a condition could be imposed to secure the submission of a Service Management Plan (SMP) once the occupier of the building is confirmed.

### **Drop-off and Pick-up**

The number of staff and patients, as set out above, is likely to be more than the existing approved use of the site, and objections have been received on the grounds of increased traffic. The applicant argues that the bulk of patients/visitors are likely to arrive by public transport rather than by car or taxi, and given the public transport facility and accessibility (PTAL6b) in the area, the Highways Planning Manager considers that the level of trips generated is unlikely to have a significant impact on the public highway.

An objection has been received on the grounds that the proposed use would subsequently increase diesel traffic contravening government proposals. The site is within the Ultra Low Emission Zone (ULEZ) within which all vehicles will need to meet the governments exhaust emission standards.

**Cycle parking/Refuse**

The London Plan requires 1 space per 5 staff members. Whilst no staffing numbers have been provided, three spaces are likely to be the minimum requirement and these spaces are secured by condition.

Details for the storage of refuse, medical waste and recycling will also be secured by condition.

**8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

**8.6 Access**

The existing entrances into the buildings have three steps above pavement level. There are also secondary steps down to the basement level, which will be used as access to the bicycle storage areas. The proposal includes the installation of a Sesame Access lift to the front of No. 73. This will provide step free access for all into the buildings.

**8.7 Other UDP/Westminster Policy Considerations**

None.

**8.8 London Plan**

Policy 3.17 of the London Plan supports the provision of high quality health and social care and states that development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking.

**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**

To ensure that the proposal would not result in the loss of residential accommodation, it is recommended that permission is subject to a planning obligation requiring the provision of 945sqm of residential floorspace (ready for occupation) at 13-14 Park Crescent, or an alternative site within the vicinity of the site, on or before the date of occupation of the site for medical purposes (Class D1).

As the application relates to a medical use CIL is not liable.

**8.11 Environmental Impact Assessment**

Not applicable.

**8.12 Other Issues**

**Biodiversity**

The roof over the rear mews has roof lights and a 'green roof'. This is welcomed in biodiversity terms, further details of the type of green roof are dealt with by condition.

**Other issues**

Objections have been received on the grounds of increased rents, the inconvenience to existing patients and loss of job security and financial hardship. Regretfully these are not matters which could justify a refusal of planning permission.

**9. BACKGROUND PAPERS**

1. Application form
2. Response from Marylebone Association, dated 15 February 2017
3. Memo from Environmental Health, dated 31 January 2017
4. Memo from Highways Planning Manager dated 11 April 2017
5. Letter from occupier of 6 Kingsley Grange, London, dated 13 April 2017
6. Letter from occupier of 54 Review Road, London, dated 6 April 2017
7. Letter from occupier of 28 Harley Place, London, dated 14 February 2017
8. Letter from occupier of Cavendish House, 240 East End Rd, dated 18 April 2017
9. Letter from occupier of 28 Northampton park, London, dated 10 April 2017
10. Letter from occupier of 34 Garth Rd, London, dated 16 April 2017
11. Letter from occupier of 21, Keystone Crescent, dated 7 April 2017
12. Letter from occupier of 10, Capel gardens, dated 9 April 2017
13. Letter from occupier of 75 Harley Street, London, dated 5 April 2017
14. Letter from occupier of Flat 3, 98 Brunswick Park Road, dated 13 April 2017
15. Letter from occupier of Southend Hospital, Prittlewell Chase, dated 11 April 2017
16. Letter from occupier of 124 Hendon Lane, London, dated 6 April 2017
17. Letter from occupier of 73 Harley Street, General Dentist, dated 18 April 2017
18. Letter from occupier of 36 Vivian Way, London, dated 18 April 2017
19. Letter from occupier of 2 Belsize Square, London, dated 6 April 2017
20. Letter from occupier of 6 Sherwood road, London, dated 18 April 2017

(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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

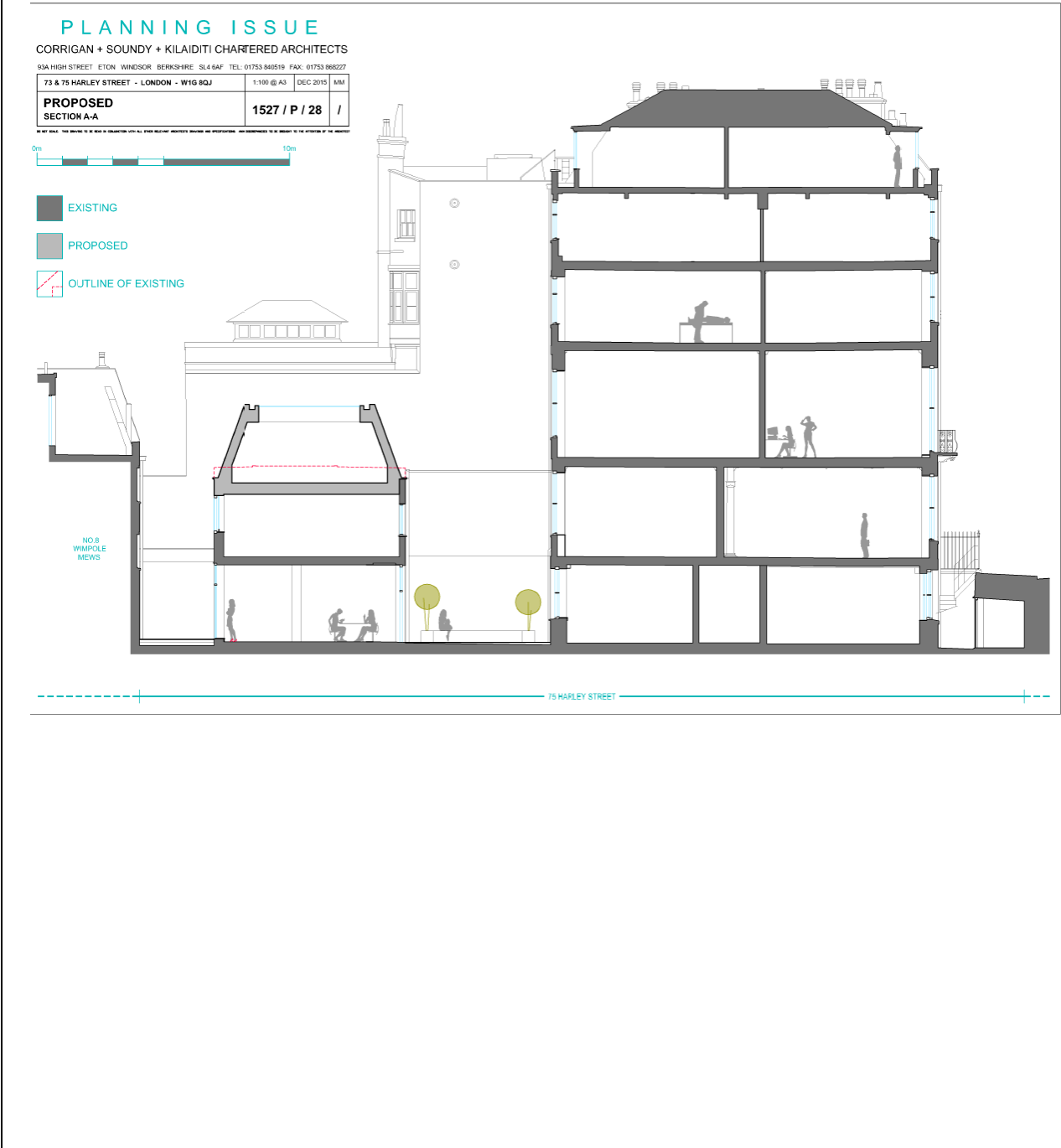
10. KEY DRAWINGS



Proposed rear elevation



Proposed Section A-A



**DRAFT DECISION LETTER**

**Address:** 75 Harley Street, London, W1G 8QL,

**Proposal:** Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)

**Reference:** 17/00438/FULL

**Plan Nos:** 1527 P 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47; Plant Noise Assessment Report 7113/PNA dated 22 July 2016.

**Case Officer:** Jo Palmer

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

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

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

**Reason:**

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

- 2 Except for 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the occupation of the new medical (Class D1) floorspace hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.



## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 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 occupy the new medical (Class D1) floorspace hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

## Reason:

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

- 5 You must provide each cycle parking space shown on the approved drawings prior to the occupation of the new medical (Class D1) floorspace hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

## Reason:

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

- 6 You must use the building for medical purposes. You must not use it for any other purpose, including any within Class D1 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:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 7 Patients shall not be permitted within the medical premises before 07.00 or after 21.00 on Monday to Fridays and between 09:00 to 17:00 on Saturdays and Sundays. (C12AD)

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 (1) Where noise emitted from the proposed plant and machinery at basement level 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 at basement level 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 (November 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 plant and machinery at fourth and roof level 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 5 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 at fourth and roof level 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 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.

(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:**

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (November 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 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

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

- 11 You must 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 and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 12 The glass that you put in the basement, ground and first floor rooms in the rear elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

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

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

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 14 You must apply to us for approval of details of the following parts of the development:

1. New windows and roof lights (Scale 1:20 and 1:5)
2. New doors and glass canopy (Scale 1:20 and 1:5)
3. Lift overrun (Scale 1:20 and 1:5)
4. Dormers to mews mansard (Scale 1:20 and 1:5)

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

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

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 15 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 facing the street unless they are shown on drawings we have approved. (C26MA)

**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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 16 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:**

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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

- the redesign of the dormer windows to the mansard roofs to conform with the SPG on Roofs

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 and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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

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

**Reason:**

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

**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 (November 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 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)

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (108AA)
- 4 Conditions 8, 9 & 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 5 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 accommodation off-site.

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:** 75 Harley Street, London, W1G 8QL

**Proposal:** Use of all floors as medical use (Class D1) in association with a land use swap with 13-14 Park Crescent. Internal alterations to join the buildings including extensions at first floor level and external alteration to front and rear of the building. Installation of plant to 4th floor and roof. (site includes 73 and 75 Harley Street)

**Reference:** 17/00439/LBC

**Plan Nos:** 1527 P 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47

**Case Officer:** Jo Palmer

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

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

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

Reason:

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

- 2 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 not disturb existing original floor boards and doors in situ unless changes are shown on the approved drawings. (C27MA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 details of the following parts of the development: , ,

1. New windows and roof lights (Scale 1:20 and 1:5)
2. New doors and glass canopy (showing ventilation details) (Scale 1:20 and 1:5)
3. Lift overrun(Scale 1:20 and 1:5)
4. Dormers to mews mansard (Scale 1:20 and 1:5)
5. Facade cleaning

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)



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

- the redesign of the dormer windows to the mansard roofs to conform with the SPG on Roofs

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan 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)

This page is intentionally left blank

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>25 Kensington Gore, London, SW7 2ET</b>		
<b>Proposal</b>	Use of the property as a hotel (Class C1) providing 7 bedrooms.		
<b>Agent</b>	Boyer Planning		
<b>On behalf of</b>	Albert Properties Holding Ltd.		
<b>Registered Number</b>	17/00401/FULL	<b>Date amended/ completed</b>	19 January 2017
<b>Date Application Received</b>	18 January 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee consider that the circumstances of this case outweigh the strong policy presumption to protect residential accommodation?
2. Subject to 1. above, grant conditional permission.

## 2. SUMMARY

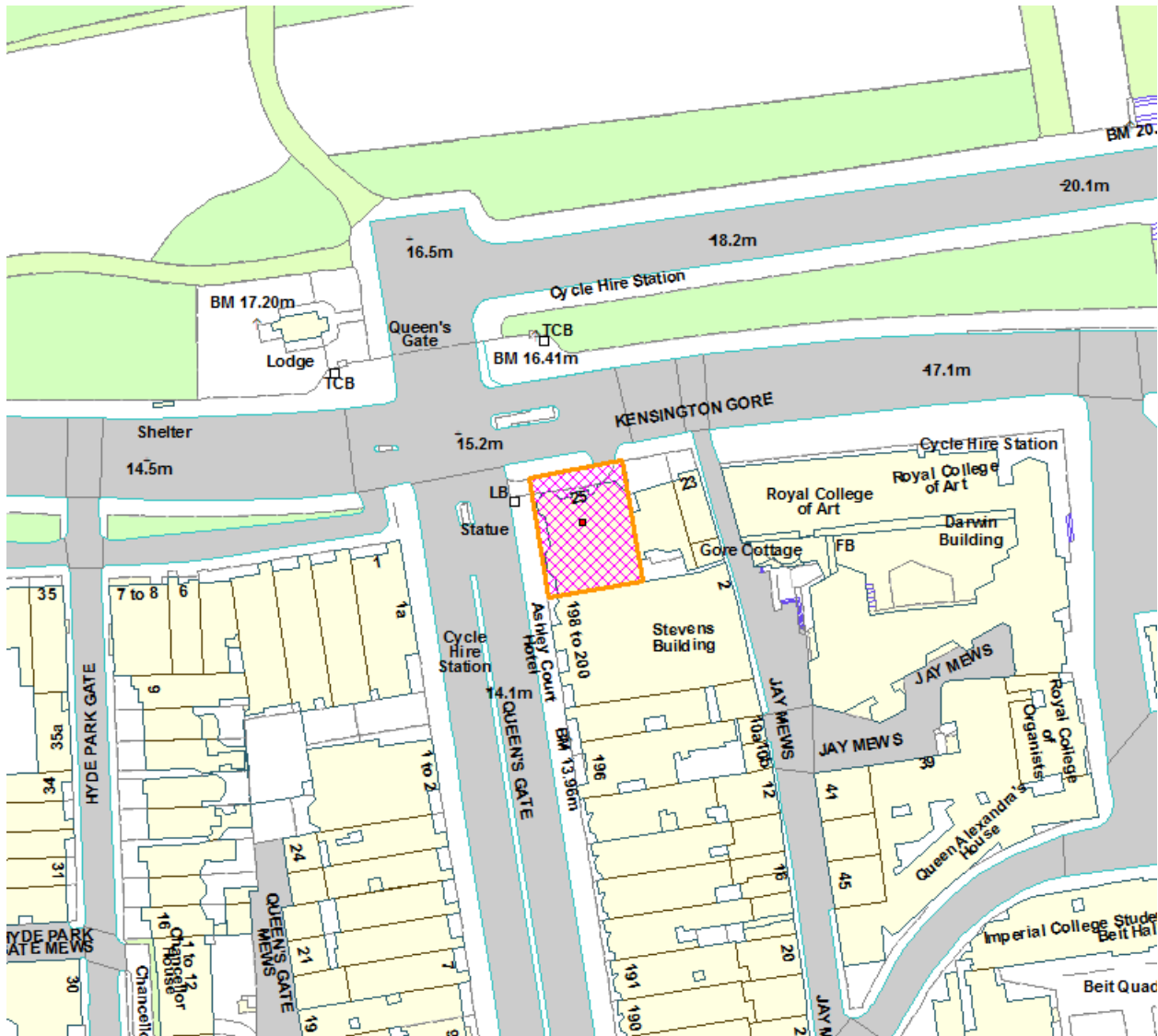
No. 25 Kensington Gore is a Grade II listed single family dwelling located in the Knightsbridge Conservation Area. Permission is sought for the use of the property as a hotel (Class C1) providing 7 bedrooms and ancillary facilities.

The key issues for consideration are:

- \* The impact of the proposals in land use terms.
- \* The impact on the amenity of neighbouring residential occupiers.

There is a strong policy presumption within Policy S14 of the Westminster's City Plan to protect residential accommodation. Given this, Committee's views are sought as to whether the circumstances put forward by the applicant outweigh the strong policy presumption to protect residential accommodation in this instance.

# LOCATION PLAN



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

3. PHOTOGRAPHS



Front of property from Kensington Gore



**Entrance Hall and Staircase**



**Ground Floor Dining Room**



**First Floor Ballroom**

#### 4. CONSULTATIONS

##### KNIGHTSBRIDGE ASSOCIATION

Raise concern over car parking facilities and comment that reception should not be permitted beyond 11pm to safeguard neighbours.

##### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

No response received.

##### CLEANSING MANAGER

Revised waste storage details required.

##### HIGHWAYS PLANNING MANAGER

Recommend a Servicing Management Plan and cycle spaces be secured by condition.

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

No. Consulted: 11

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

No. 25 Kensington Gore is a Grade II listed building located in the Knightsbridge Conservation Area. The site is located in the Knightsbridge Central Activities Zone and falls within the Knightsbridge Strategic Cultural Area of the City Plan. The property is in use as a seven bedroom single family dwelling (Class C3).

No. 25 Kensington Gore was completed in 1875 by Albert Sassoon, a notable businessman and philanthropist. Subsequently the building was in embassy use before being transferred to the Royal College of Art in the twentieth century, who used it as offices, teaching space, workshops and studios.

##### 5.2 Recent Relevant History

Planning permission and listed building consent were granted in February 1995 for alterations and renovation of existing house with additions to the third floor and rear in connection with use as a dwelling house.

#### 6. THE PROPOSAL

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

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	1,695	0	-1,695
Hotel (Class C3)	0	1,695	+1,695
Total	1,695	1,695	0



## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The application proposes the change of use of a single-family dwelling (Class C3) to a 7-bedroom hotel (Class C1). No physical alterations are proposed.

#### **Loss of residential unit**

The loss of the residential unit (Class C3) is contrary to Policy S14 of the City Plan which seeks to protect all residential floorspace.

Policy S14 states that proposals that would result in the reduction in number of residential units will not be acceptable, except in particular circumstances, such as when a converted house is being returned to a single family dwelling, or where two flats are joined to create a family-sized dwelling.

In this instance, the unit is a seven bedroom single-family dwelling amounting to 1,695 sqm. It is acknowledged that the proposals would result in the loss of an exceptionally large home. The applicant has advised that the dwelling is occupied very infrequently and, given its size, is always under-occupied.

Given its lack of use, the applicant has actively sought an alternative use for the property, which respects its historic significance. The applicant has advised that consideration was given to sub-divide the property to provide residential flats. However, given the building's Grade II listed status they did not consider such a scheme would be either successful or feasible.

The rooms on the Queens Gate side of the property at ground and first floor level are very large. It is understood that during first owner Sir Albert Sassoon's occupation they were created by amalgamating the existing rooms to provide single rooms for entertaining and dining on the ground floor and as a ballroom on the first floor. The panelling in the dining room on the ground floor was originally made for the Prince of Wales Pavilion at the 1878 Paris Exhibition by Messrs Gillows and was returned to England after the exhibition and purchased by Sassoon. The ballroom at first floor level is similarly grand, and is thought to have been originally designed by Daukes in a Louis XVI style.

From a historic building perspective, the City Council considers that the existing and seemingly original arrangement of the building is such that internal alterations to create the number of rooms required as part of a residential conversion to flats (i.e. installation of ensembles, kitchens etc.) are likely to harm the original layout and therefore its special character. This is especially true of the ground and first floor where the room sizes do not lend themselves to the scale that is generally associated with residential properties. The upper storeys do not possess the same scale as the rooms below and could possibly be converted, subject to detailed design.

The proposed hotel use would retain the property as a whole whilst providing public access to the currently private interior. The applicant has identified this as a form of public benefit, although this is not recognised formally by development plan policies.

In terms of location, the property has both frontages close to the busy main roads of Kensington Gore and Queen's Gate. There are no gardens or sizable amenity space which reduces the appeal of a house of this size in terms of its potential for family occupation. Prior to the current owner's extensive five year renovation of the building in the early 1990s, the property had been in non-residential use for most of the twentieth century.

Given its listed status of the building, the inflexibility of the property for residential conversion and its otherwise likely continued use as an under occupied large seven bedroom, single family dwelling with limited outdoor amenity space, the Committee is asked to consider whether the the proposed use of the property as a boutique hotel, serving visiting members of the public, would outweigh the strong policy presumption against the loss of residential accommodation in this case.

### **Proposed hotel use**

The application site is located within the Knightsbridge Strategic Cultural Area where Policy S9 of the City Plan considers that appropriate town centre uses are acceptable, including hotels. Policy S23 further explicitly directs new hotels to this area. The introduction of a new hotel use in this location is therefore considered acceptable in principle.

The application proposes a number of ancillary facilities to the hotel including spa/fitness facilities at basement level, bar/billiard room/siting room at ground floor level, and drawing room/breakfast room/dining room areas at first floor level.

Whilst it is appreciated that the majority of 'luxury' hotels within Westminster provide bars, restaurants and other facilities that are also open to members of the public, there is not enough information in the applicant's submission to assess the potential impact on neighbouring residential amenity if any of these areas were open to the public. The closest residential occupiers being those in the flats in the adjoining No. 24 Kensington Gore and No. 197 Queen's Gate.

Given the location of hotel bedrooms directly above, it would be in the interests of the hotel to ensure that non-hotel guests to these areas were properly managed. Conditions could be applied restricting hours of opening to members of the public to protect the amenity of nearby residents, restricting the restaurant use and number of covers and requiring them to operate in accordance with an approved Servicing and Operational Management Plan.

Accordingly, a condition is recommended requiring that should permission be granted these facilities shall only be used by hotel guests. If the uses of these areas are to be extended beyond guests of the hotel, a further planning application with supporting information will be required.

Notwithstanding the policy presumption to protect residential accommodation, the proposed use is considered appropriate in this central area of Westminster, close to many of London's attractions and with good access to public transport. It is considered that the small scale of the hotel would not have a significant effect on residential amenity or local environmental quality subject to the recommended conditions.

## 7.2 Townscape and Design

The application does not propose any external or internal alterations.

## 7.3 Residential Amenity

### Noise

Conditions have been recommended to restrict the use of the bar, dining room and other ancillary facilities to hotel guests only. In addition, conditions are added to ensure that no music should be audible outside the premises, to control internal noise and the submission of a Servicing and Operational Management Plan.

Subject to adherence to these conditions and approval of an acceptable Servicing and Operational Management Plan the proposed hotel use is considered acceptable in amenity terms, compliant with policies S29 of Westminster's City Plan and ENV13 of the UDP which seek to protect residential amenity.

### Ventilation/Extraction

A kitchen already exists at the property and includes an extract duct running to main roof level, however no details of the ventilation and extraction equipment have been provided. A condition is therefore recommended requiring submission of these details for approval prior to commencement of the hotel use. Additional conditions requiring compliance with the City Council's standard noise and vibration policies are also recommended, which the ventilation/extraction will need to adhere to.

## 7.4 Transportation/Parking

Policy S42 of Westminster's City Plan and TRANS20 of the UDP require off-street servicing provision. While there are areas marked out on the submitted drawings for back of house functions, there is no off-street servicing provision and vehicles will remain on-street. The applicant has indicated they will not use the existing vehicle drop-off.

It is anticipated that servicing of a hotel use would be at a higher level than the existing single residential dwelling and in order for the operator of the proposed development to demonstrate that the site is to be closely managed it is recommended that a Servicing Management Plan is secured by condition.

The London Plan requires 1 cycle parking space per 20 bedrooms (minimum 2 spaces). No cycle parking is proposed within the site, however ample space exists on site to accommodate 2 cycle parking spaces. A condition is not considered necessary in this instance.

Revised details of how waste is to be stored on the site, including the bin capacities used to store the residual waste, food waste, waste cooking oil and recyclable materials separately, is also recommended to be secured by condition.

The Knightsbridge Association has raised concern that the application does not mention car parking facilities, which may create problems for people living locally and that reception should not be permitted beyond 11pm, so as to safeguard neighbours. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The Highways Manager considers that the impact of the change of use on parking levels will be minimal.

A Servicing and Operational Management Plan is also required by condition which should address these concerns in detail.

#### **7.5 Economic Considerations**

The economic benefits generated are welcomed.

#### **7.6 Access**

No changes to the access arrangements are sought. A lift providing access to all floors already exists within the building.

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

None relevant.

#### **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.

This development does not generate a Mayor CIL or WCC CIL payment.

#### **7.11 Environmental Impact Assessment**

The application is not a sufficient scale to require an Environmental Impact Assessment.

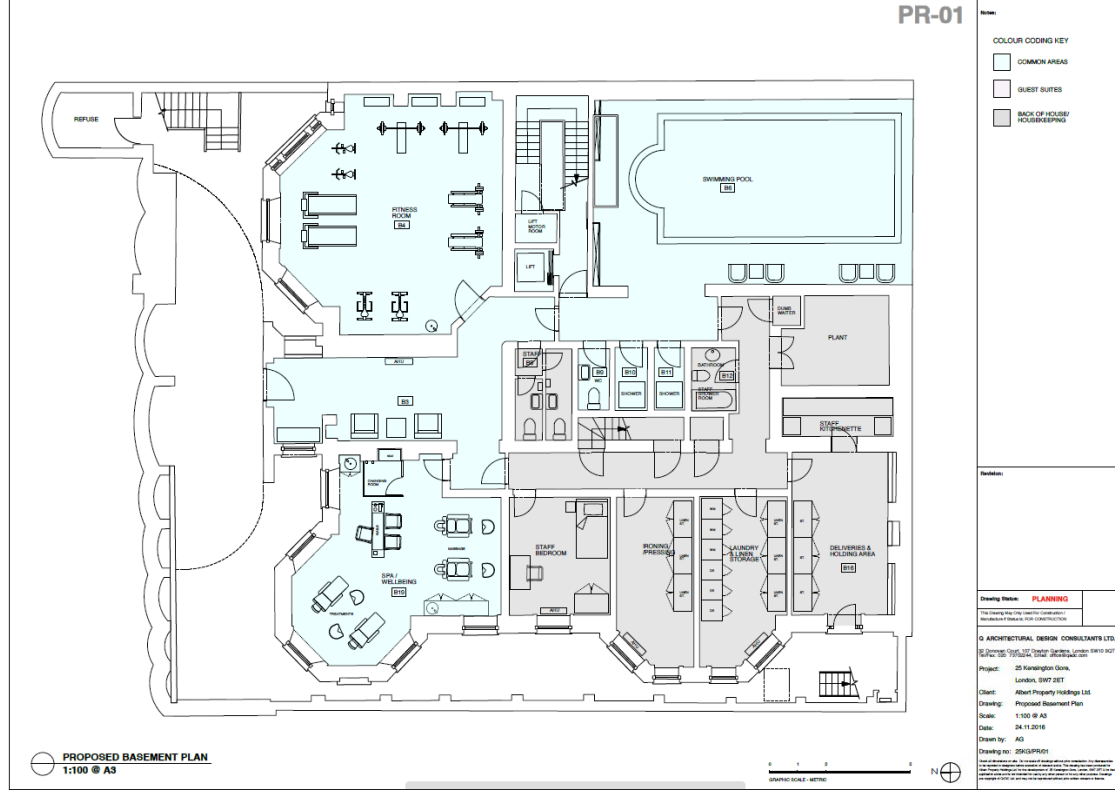
### **8. BACKGROUND PAPERS**

1. Application form.
2. Response from Knightsbridge Association dated 1 February 2017.
3. Response from Highways Planning Manager dated 6 February 2017.
4. Response from Cleansing Manager dated 27 January 2017.

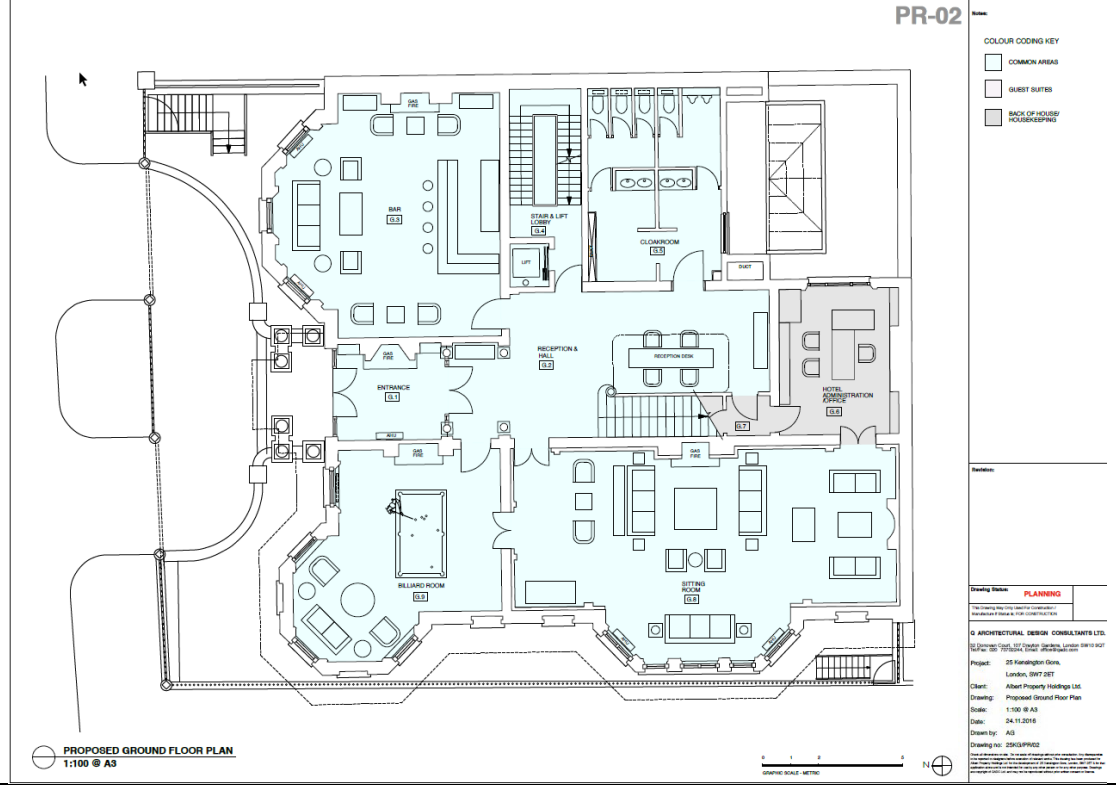
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

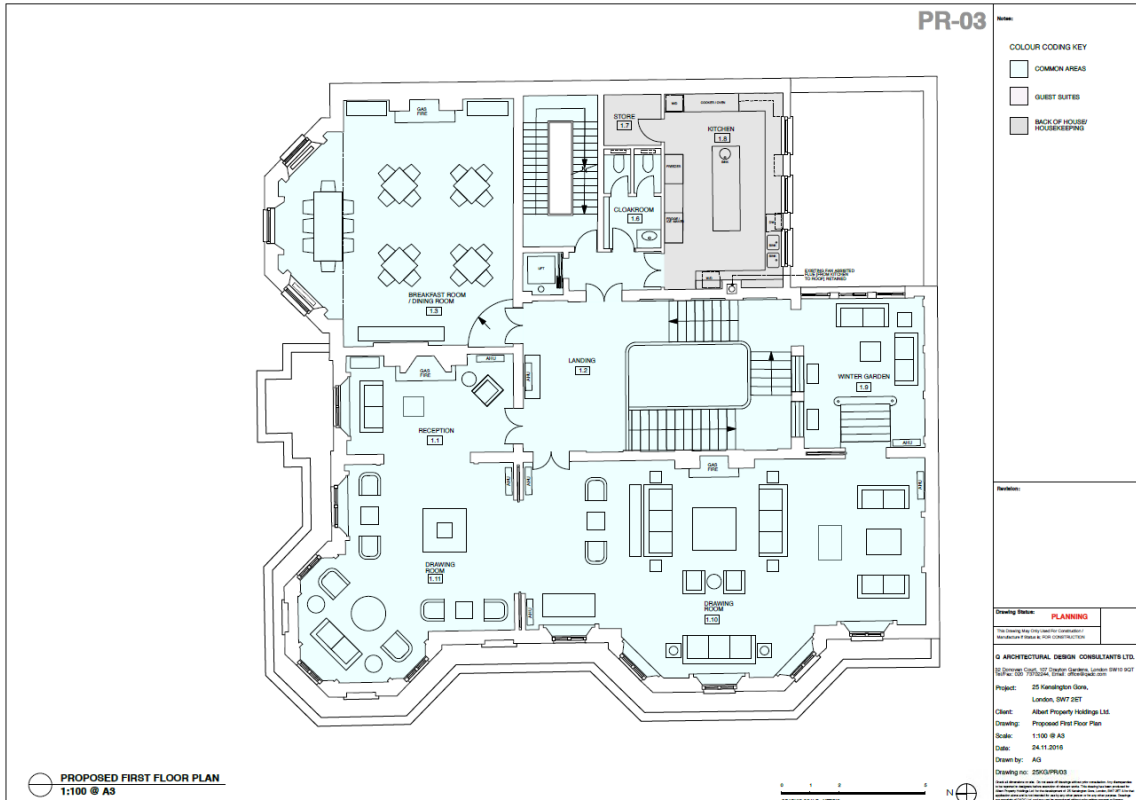
### Proposed Basement Plan



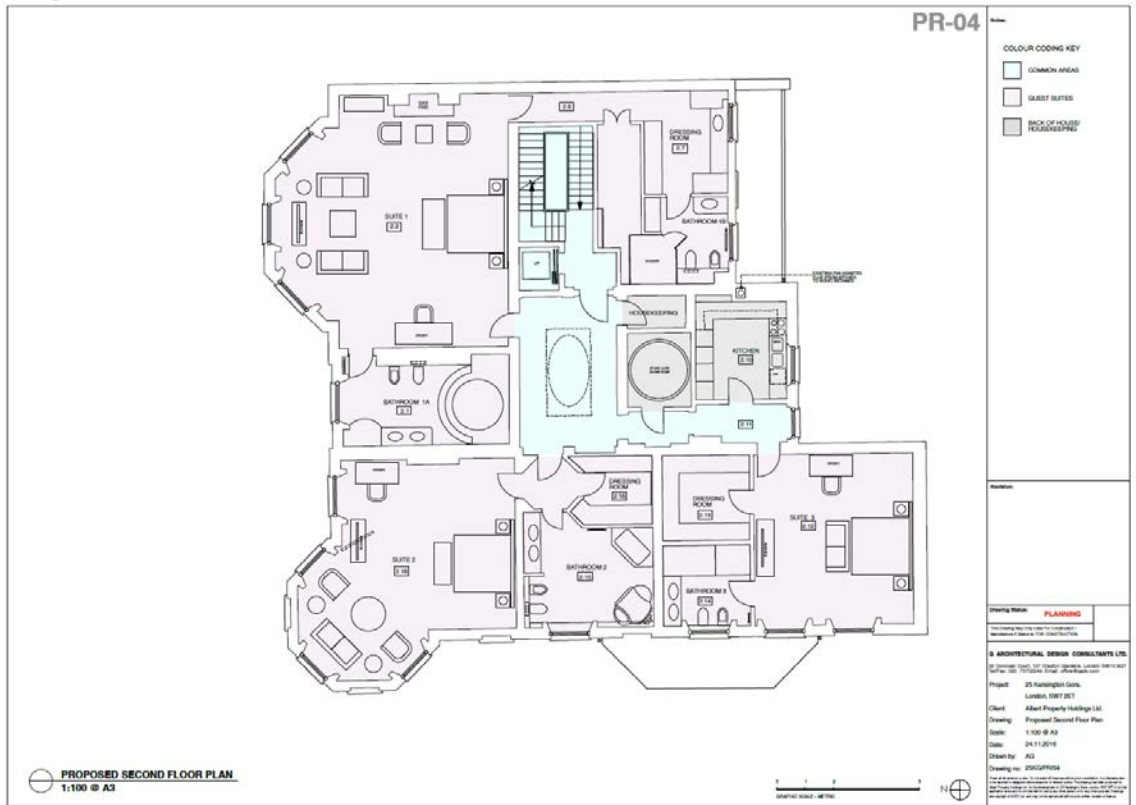
### Proposed Ground Floor Plan



### Proposed First Floor Plan

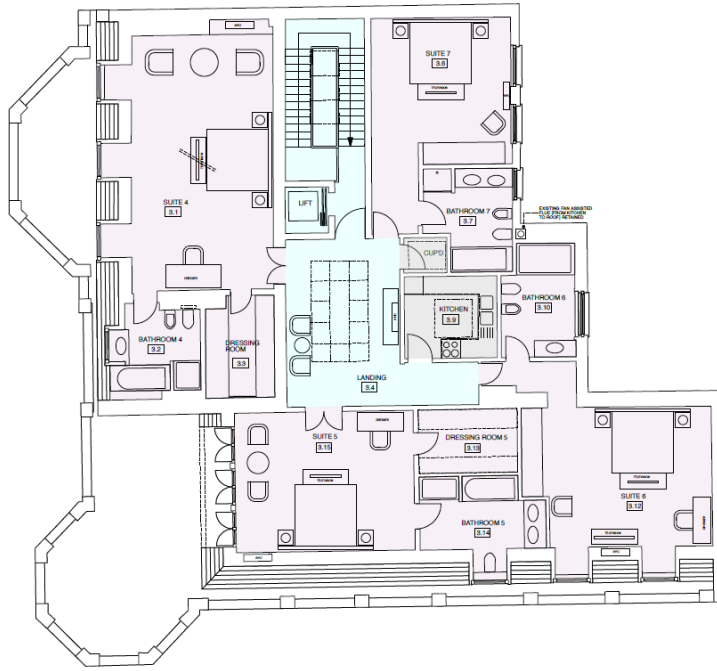


### Proposed Second Floor Plan



# Proposed Third Floor

PR-05



- COLOUR CODING KEY**
- COMMON AREAS
  - GUEST SUITES
  - BACK OF HOUSE/ HOUSEKEEPING

Revisions:

Drawing Status: **PLANNING**

**Q ARCHITECTURAL DESIGN CONSULTANTS LTD.**  
 22 Dronson Court, 107 Dronson Gardens, London SW10 9GT  
 Tel: 020 7599 5000 Email: info@qad.co.uk

Project: 25 Kensington Gate,  
 London, SW7 2ET  
 Client: Albert Property Holdings Ltd.  
 Drawing: Proposed Third Floor Plan  
 Scale: 1:100 @ A3  
 Date: 24.11.2016  
 Drawn by: AG  
 Drawing no: 25KGP/005

**PROPOSED THIRD FLOOR PLAN**  
 1:100 @ A3



**DRAFT DECISION LETTER**

**Address:** 25 Kensington Gore, London, SW7 2ET

**Proposal:** Use of the property as a hotel (Class C1) providing 7 bedrooms.

**Reference:** 17/00401/FULL

**Plan Nos:** Site location plan; 25KG/EX/01; 25KG/EX/02; 25KG/EX/03; 25KG/EX/04;  
25KG/EX/05; 25KG/PR/01; 25KG/PR/02; 25KG/PR/03; 25KG/PR/04; 25KG/PR/05.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

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

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

Reason:

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

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

- 3 The spa/fitness facilities at basement level, bar/billiard room/sitting room at ground floor level, and drawing room/breakfast room/dining room areas at first floor level shall only be used as an ancillary part of the hotel use and must only be used by hotel guests.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)



- 4 You must apply to us for approval of revised details of how waste is going to be stored on the site, including the bin capacities used to store the residual waste, food waste, waste cooking oil and recyclable materials 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the hotel. You must not use the waste store for any other purpose. (C14CD)

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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 5 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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 6 (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 (November 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.

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

Reason:

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

- 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 (November 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 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 (November 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 does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA  
Secretary - Considerate Hoteliers Association

C/o Wheelwright's Cottage  
Litton Cheney  
Dorset DT2 9AR

E-mail: info@consideratehoteliers.com  
Phone: 01308 482313

(I76AA)

- 4 You must get listed building consent for any work inside the building that would affect its character. (I02AA)
- 5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

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 6

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

6
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING SUB APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>New Scotland Yard , 8-10 Broadway, London, SW1H 0BG</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 27th April 2016 (RN: 15/07497/FULL) for 'demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.' NAMELY, to allow for an increase in the number of residential units; omission of one basement level; reduction in car parking spaces; amendments to the parking, delivery and servicing strategy; reduction in retail area at ground and lower ground floor; reduction in size of ground floor pavilion building; building height and footprint changes, including both a reduction and increase in heights; and alterations to internal layouts and external elevations.		
<b>Agent</b>	Bilfinger GVA		
<b>On behalf of</b>	BL Development Ltd		
<b>Registered Number</b>	16/11027/FULL	<b>Date amended/ completed</b>	4 January 2017
<b>Date Application Received</b>	18 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

- |   |
|---|
| <p>1. Grant conditional permission, subject to the concurrence of the Mayor of London, and subject to the completion of a deed of variation of the legal agreement dated 27 April 2016 to secure the following:</p> <ul style="list-style-type: none"> <li>i. Provision of affordable housing on-site;</li> <li>ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);</li> <li>iii. All highway works surrounding the site required for the development to occur including</li> </ul> |
|---|

- vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - v. Unallocated car parking;
  - vi. Walkways agreement;
  - vii. A contribution of £8,909 towards Legible London signage;
  - viii. Dedication of highway and associated costs;
  - ix. Free lifetime (25 years) car club membership for residents of the development;
  - x. Employment and Training Strategy for the construction phase and the operational phase of the development.
  - xi. Costs of monitoring the S106 agreement.
  - xii. Provision of tree planting on Victoria Street.
  - xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).
  - xiv. A payment of £405,000 towards carbon-off setting (index linked).
2. If the deed of variation to the S106 legal agreement dated 27 April 2016 has not been completed by 27 June 2017 then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. The nearest listed buildings lie immediately adjacent to the north of the site, the grade I listed 55 Broadway and grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond. The site is located within the Core Central Activities Zone (CAZ).

The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is now vacant and demolition works have commenced on site in connection with the planning permission dated 27 April 2016 (RN: 15/07497/FULL).

This latest application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary of Condition 1 of the planning permission dated 27 April 2016 (RN: 15/07497/FULL), which granted planning permission for the demolition of 10 Broadway, the New Scotland Yard

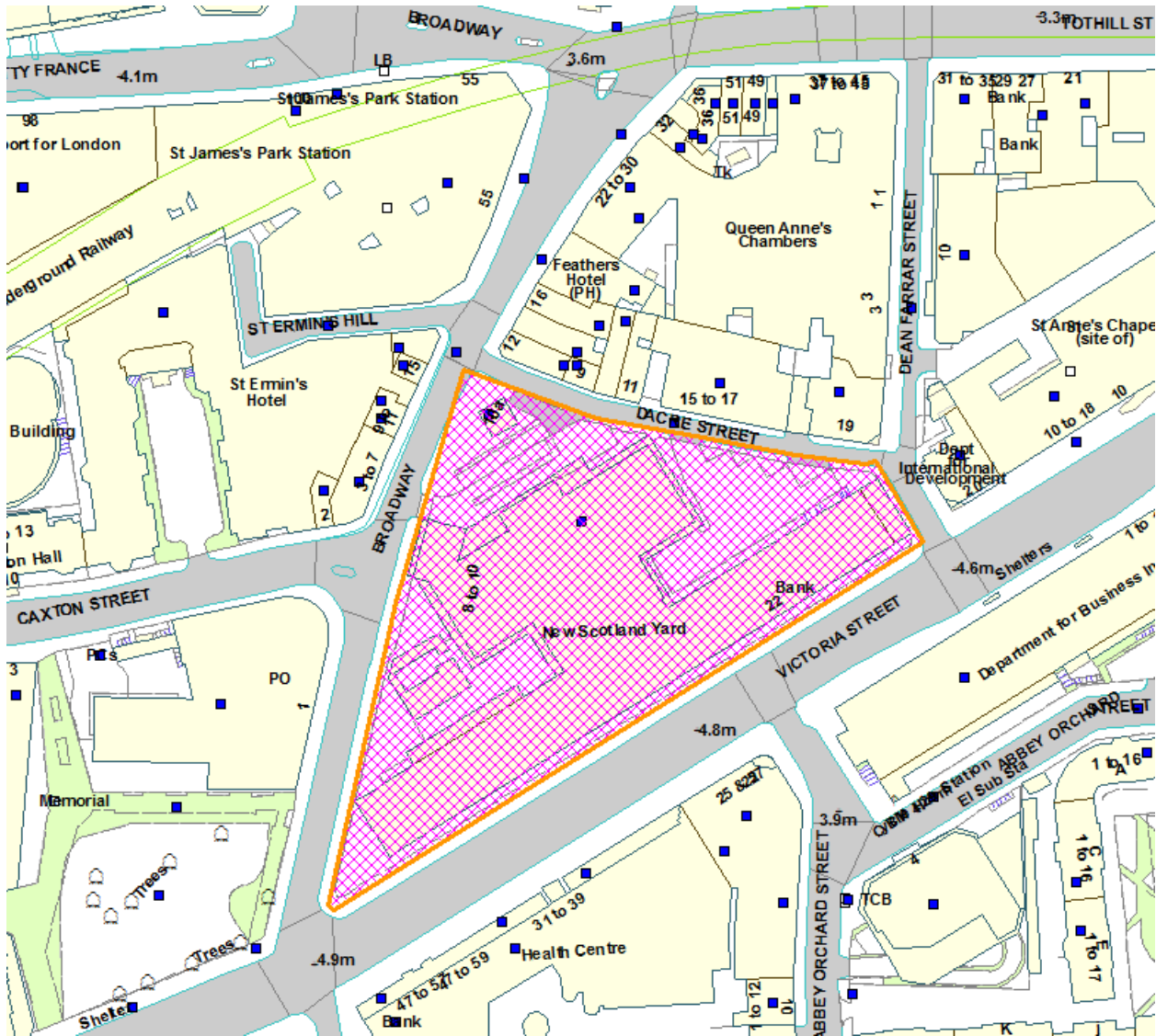
Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium).

The amendments to the approved scheme, for which permission is now sought, are:

- (a) To increase in the number of residential units from 268 units to provide up to 295 units;
- (b) A reduction in basement levels from 4 to 3;
- (c) A reduction in retail area at ground and lower ground floor (with a reduction in retail frontage of approximately 3m);
- (d) A reduction in size of the ground floor pavilion building;
- (e) Changes to the building height and massing, including both a reduction and increase in heights (Buildings 1, 3, 5 and 6 reduced in height; and Buildings 2 and 4 increased in height by 225 mm and 275 mm);
- (f) Alterations to internal layouts and external elevations;
- (g) A reduction in the number of car parking spaces from 182 spaces to 163 spaces; and
- (h) Amendments to the parking, delivery and servicing strategy.

The proposed amendments are considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies, including those policies that have been adopted since the determination of the previous applications in April 2016, in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). It is therefore recommended that planning permission is granted, subject to the conditions set out in the draft decision letters appended to this report.

### 3. LOCATION PLAN



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



**4. PHOTOGRAPHS**

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



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



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



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

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Any response to be reported verbally. Once the City Council has resolved to determine the application, it should be referred back to the Mayor for his decision.

### WESTMINSTER SOCIETY:

No objection.

### THORNEY ISLAND SOCIETY:

Whilst regretting the permission to the original scheme, welcome the variation to the consented scheme. The benefits will be:

- Reduction in number of basement floors will be less disruptive to neighbours;
- Reduction in parking spaces will reduce the number of vehicles on local roads;
- Increase in number of flats will presumably make at least some slightly more affordable to Londoners.

### HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING:

Any response to be reported verbally.

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

### HIGHWAYS PLANNING MANAGER:

No objection to the reduction in car parking spaces. Any highway changes will need to be subject to separate detail design and statutory processes by the Highway Authority. Do not make any additional comments or raise any additional concerns which were not addressed in the original application.

(Original comments: Object to the proposed building line being brought forward of the existing in a number of locations on Victoria Street, resulting in a loss of highway. This is a concern as the proposal reintroduces an active frontage to Victoria Street. The levels of cycle parking and car parking spaces are acceptable. The unallocated car parking (i.e. a space would not be allocated to a specific unit), electric car charging points, and car club membership offers are welcomed. The design of each basement car lift is acceptable. A Delivery and Service Management Plan is required to clearly outline how servicing will occur on a day to day basis; and the pedestrian link between Victoria Street and Broadway should be secured with a formal Walkways Agreement/ s106.)

### TRANSPORT FOR LONDON:

TfL is satisfied that in transport terms the application is generally in accordance with London Plan policy. Reduction in level of car parking from 182 to 163 spaces is supported by TfL. TfL asks that its previous financial contribution request to deliver a new Cycle Hire Docking Station is reconsidered, in addition to a lower level of car parking provision.

**HISTORIC ENGLAND:**

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

**ENVIRONMENTAL HEALTH:**

No objection to the variations proposed.

**BUILDING CONTROL:**

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

**ARBORICULTURAL MANAGER:**

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

**METROPOLITAN POLICE DESIGNING OUT CRIME**

This application raises no additional security concerns.

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

**ENVIRONMENT AGENCY**

No objections or conditions to request.

**VICTORIA BID**

Note the increase in number of residential units from 268 to 295 and ask the council to re-examine the consented delivery and servicing actions for the site to ensure they are fit for purpose so as to minimise the impact of vehicles attending the site during its lifespan. Would like to see more trees and infrastructure in Victoria and believe the development has a role to play in bringing these elements forward. The ground floor green infrastructure should not be reduced.

**CLEANSING MANAGER**

Object to the introduction of a chute system. The use of the chute is contrary to section 4.2.5 of the Westminster City Recycling and Waste Storage Requirements, which states that "Chute systems are not permitted as their use for dry mixed recyclables has not demonstrated the quality required of these materials for reprocessing. Refer to the Waste Regulations 2012".

**VICTORIA NEIGHBOURHOOD FORUM**

Any response to be reported verbally.

**LONDON BOROUGH OF LAMBETH**

Any response to be reported verbally.

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

No. Consulted: 2158; No. of replies: 0

**PRESS ADVERTISEMENT / SITE NOTICE (x6):**

Yes

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

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is now vacant and demolition works have commenced on site in connection with the planning permission dated 27 April 2016 (RN: 15/07497/FULL).

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

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

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

**6.2 Recent Relevant History**

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

On 27 April 2017 planning permission was granted for:

Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three

residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces (15/07497/FULL).

## 7. THE PROPOSAL

The application seeks to vary of Condition 1 of the planning permission dated 27 April 2016 (RN: 15/07497/FULL), which granted planning permission for the demolition of 10 Broadway, the New Scotland Yard Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium).

The amendments to the approved scheme, for which permission is now sought, are:

- a. To increase in the number of residential units from 268 units to provide up to 295 units;
- b. A reduction in basement levels from 4 to 3;
- c. A reduction in retail area at ground and lower ground floor (with a reduction in retail frontage of approximately 3m);
- d. A reduction in size of the ground floor pavilion building;
- e. Changes to the building height and massing, including both a reduction and increase in heights (Buildings 1, 3, 5 and 6 reduced in height; and Buildings 2 and 4 increased in height by 225 mm and 275 mm);
- f. Alterations to internal layouts and external elevations;
- g. A reduction in the number of car parking spaces from 182 spaces to 163 spaces; and
- h. Amendments to the parking, delivery and servicing strategy.

*Table 1. Existing, previously approved and proposed floor space figures (GEA)*

Use	Existing (sqm)	Previously approved (sqm)	Proposed (sqm)	+/- (Previously Approved v Proposed)
Offices (B1)	49,152	14,826	14,911	+85
Retail/ Restaurant (A1 & A3)	0	4,039	2,885	-1,154
Residential (C3)	0	49,638	51,517	+1,879
Plant	5,212	10,042	9,966	-76
Car Park/ Facilities	3,988	15,607	8,631	-6,976
<b>Total</b>	<b>58,352</b>	<b>94,152</b>	<b>87,910</b>	<b>-6242</b>



For the avoidance of doubt, this report focuses on the amendments proposed to the scheme originally granted permission and consent on 27 April 2016 and does not seek to replicate the full assessment of the originally approved scheme, which is set out in the report to the Planning Applications Committee dated 23 February 2016, which can be obtained from the City Council's website. In assessing the amendments proposed, this report considers all material changes in circumstance that have occurred since April 2016, including amendments that have occurred to adopted development plan policies.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Amendments to Residential Accommodation

There is a minor change to the quantum of residential floorspace proposed with an increase of 1879 sqm. This is largely as a result of internalising some of the existing balcony spaces.

The application proposes to increase the number of residential units to be delivered from 268 units to provide up to 295 units. This is to be achieved by amending the mix of units to comprise a larger number of smaller units. This change in the mix of units is shown in Tables 2 and 3.

*Table 2. Approved Residential mix and tenure*

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	63	69	26%
2 bed	4	120	124	46%
3 bed	0	59	59	22%
4 bed	0	9	9	3%
5 bed	0	7	7	3%
<b>Total</b>	<b>10</b>	<b>258</b>	<b>268</b>	<b>100</b>

*Table 3. Proposed Residential mix and tenure*

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	76	82	28%
2 bed	4	159	163	55%
3 bed	0	38	38	13%
4 bed	0	6	6	2%
5 bed	0	6	6	2%
<b>Total</b>	<b>10</b>	<b>285</b>	<b>295</b>	<b>100</b>

The residential mix is heavily weighted towards 1 and 2 bed units and fails to meet the Council's Policy H5 in the UDP, which normally requires 33% of units to be family sized (3 or more bedrooms). The City Council may accept a lower level of family sized accommodation having regard to the nature of the development and the character of the

environment. It is considered that there is a case for a lower amount of family housing in this Central Activities Zone location.

All of the units within the amended scheme would accord with the space standards set out in the Government's National Technical Standards and Policy 3.5 in the London Plan (March 2016).

### **8.1.2 Affordable Housing Provision**

The current scheme generates a requirement for the provision of 25% of the residential floorspace (12,879 sqm) on-site to be provided as affordable housing or, if this is not practical or viable and affordable housing cannot be provided off-site in the vicinity, a financial contribution of £59,165,050 to the Affordable Housing Fund in lieu of on-site provision.

As per the approved scheme, the current scheme proposes 10 x affordable units on site together with a payment in lieu of £10,000,000. The 10 x on-site affordable units would be located at fourth and fifth floor levels in the easternmost building fronting Victoria Street, Building 6.

The viability of the development has been independently assessed on behalf of the City Council by viability consultants Gerald Eve LLP. This detailed viability assessment concludes that the provision of affordable housing on-site is unviable and that it is also insufficiently viable to provide any financial contribution to the Affordable Housing Fund. Notwithstanding this, as per the approved scheme, the applicant continues to offer 10 x affordable units on site and an ex-gratia financial contribution of £10m to the Affordable Housing Fund.

Given that the limited viability of the development has been evidenced, it is considered that the offer of 10 x on-site affordable units together with a £10m financial contribution to affordable housing provision elsewhere in the City is acceptable in the particular circumstances of this case.

### **8.1.3 Amendments to Retail Floorspace**

The consented proposals provide 4,039 sqm of retail floorspace where as the current proposals provide 2,885 sqm. The loss of retail floorspace is largely at lower ground floor level, and a minor loss of previously approved ground floor retail frontage of 3m as a result of design development.

As a consequence, whilst the retail floorspace would be reduced by 1,154 sqm relative to the approved scheme, the current scheme would retain sufficient ground floor retail floorspace so as to continue to deliver active and vibrant retail frontages, and an attractive retail environment with the new central pedestrian walkway. As such, despite the reduction in retail floorspace, the amended scheme is therefore in accordance with Policy SS6 in the in the UDP and S21 in the City Plan.

## 8.2 Townscape and Design

The amendments to the design of the proposed buildings are relatively minor and it is not considered that they will have any material effect on key views or impact on surrounding conservation areas. While some of the architectural detail is different, it is not considered that it leads to any reduction in the overall architectural quality of the development. The key changes are:

### 8.2.1 Amendments to the building height and massing

There are minor variations in height of the approved buildings with buildings 1, 3, 5 and 6 being reduced and 2 and 4 increased in height.

- Building 1 - 275mm below consented
- Building 2 - 225mm over consented
- Building 3 - 875mm below consented
- Building 4 - 275mm over consented
- Building 5 - 775mm below consented
- Building 6 - 325mm below consented

All the variations are minor. The footprints of the upper two levels of buildings 1, 2 and 4 have also been amended slightly. There is no discernible impact on key views or to the overall composition, mass and form of the development.

### 8.2.2 Amendments to the façade design

Minor changes are proposed to the façade design, the most noticeable being the relocation of the columns to the corner of the podium, which helps to provide a more robust look to the podium, emphasising its load bearing role in the overall design. Other changes to the facades are minor and have no significant visual impact on the overall design.

### 8.2.3 Amendments to materials

While the detail of materials is conditioned for further approval of samples, the applicants have indicated some changes to the material palette that they want to use. The proposed use of opaque interlayered glass panels is intended to be replaced by a more conventional use of pre-cast panels within the façade design. The use of interlayer glass was always considered challenging in the context of residential development and it is no surprise that the applicants have sought the use of a more conventional material in the development. There is no objection to the principle of pre-cast panels but the detail, colour and quality would need to be assessed with the submission of sample materials. The applicants also want to change the colour of the façade to buildings 1 and 6 from a brown/terracotta colour to a grey palette. Again, it is not considered that there is any in principle concern over the change in colour palette, but further detail is required to agree the precise colour of pre-cast panel that may be acceptable. Conditions are proposed requiring the submission of sample materials for approval.

### **8.3 Residential Amenity**

The minor variations in height and massing of the approved buildings, with buildings 1, 3, 5 and 6 being reduced, and 2 and 4 increased by 225mm (building 2) and 275mm (building 4), are not considered to raise any adverse residential amenity issues in terms of loss of light or enclosure. The amendments are considered to accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### **8.4 Transportation/Parking**

#### **8.4.1 Amendments to Car Parking**

The application proposes to reduce the number of car parking spaces from 182 to 163, which is as a result of the omission of one basement level.

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

The reduction in car parking spaces is welcomed by Transport for London and The Thorney Island Society.

#### **8.4.2 Amendments to Cycle Parking**

The application proposes to increase the number of cycle parking spaces from 723 to 753 cycle parking spaces including long stay cycle parking spaces and short-stay spaces. This level of provision is acceptable and meets London Plan standards.

#### **8.4.3 Amendments to servicing**

There are minor changes to the serving arrangements as a result of the omission of one basement level. As per the approved scheme, the current scheme provides two servicing areas. The first is at street level within the northern end of the site, which will allow large HGV vehicles, including refuse collection to service the site within a controlled environment. The second area is now relocated from basement level 1 to lower ground floor level and is for smaller vehicles, such as white vans.

The applicant has demonstrated that the majority of servicing can occur off street and only very limited servicing, such as mail deliveries may occur via on-street. The applicant indicates that servicing will be managed through a Servicing Management Plan although one has not been submitted to support the application. It is therefore recommended that details of a Servicing Management Plan is secured by condition.

### **8.5 Economic Considerations**

As per the approved the scheme, the economic benefits associated with this mixed use development, comprising residential, office, and retail accommodation within this part of the Central Activities Zone is welcomed. The optimisation of housing delivery is a key

strategic objective for the Council. The provision of new residential accommodation is supported under policies S14 of the City Plan and H3 of the UDP and will help both the Council and Mayor deliver new homes in the capital. In addition to construction employment, new jobs will also be created on site once the scheme is operational. This includes those working in the office, retail and residential elements of the scheme.

## **8.6 Access**

As per the approved scheme, the flats are designed to Lifetime Homes standard and over 10% of the units throughout the development are also designed to be wheelchair accessible in line with London Plan accessible housing policy 3.8. Level access will be provided for the new retail and restaurant/ café units on the ground floor which can be accessed directly from the street.

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

### **8.7.1 Basement Development**

A material change in circumstances since the determination of the previously approved scheme in April 2016 is the adoption of the new basement development policy (Policy CM28.1), which was adopted in the City Plan in November 2016.

Part (C) of the basement development policy deals with the appropriateness of the scale and extent of basement development.

Part (C)(3) of the policy seeks to ensure that basement development is limited to not more than one storey below the lowest original floor level, unless the site is a large site with high levels of accessibility, such that the basement can be constructed without adverse impact on the amenity of neighbouring occupiers and no heritage assets will be adversely affected. The site is an island site with streets separating the site from its immediate neighbours. As such, the site is considered to be one which has the potential to be highly accessible and is therefore a site where there is potential for basement development comprising more than one additional storey, as is proposed, to be carried out without materially adverse impacts being caused to the amenity of neighbouring occupiers.

The amendments propose to reduce the number of basement levels from 4 to 3. The reduction in number of basement levels is acceptable and accords with Policy CM28.1 in the city Plan. The Thorney Island Society welcome the reduction in basement levels which they consider will be less disruptive to neighbours.

## **8.8 London Plan**

Once the City Council has resolved to determine the application, this application will be referred back to the Mayor for decision.

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

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

## 8.10 Planning Obligations

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below. These remain the same as were secured as part of the previously approved scheme in April 2016 due to the limited viability of the development, which has been tested independently on behalf of the City Council by Gerald Eve LLP. They conclude that the development cannot deliver any additional planning obligations beyond those secured in 2016 and that the viability of the development in fact falls below what would commonly be considered to be 'viable', such that some of the obligations offered by the developer are being offered on an ex gratia basis. All index figures below are to be indexed from the date of the original S106 agreement.

- i. Provision of affordable housing on-site;
- ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Unallocated car parking;
- vi. Walkways agreement;
- vii. A contribution of £8,909 towards Legible London signage;
- viii. Dedication of highway and associated costs;
- ix. Free lifetime (25 years) car club membership for residents of the development;
- x. Employment and Training Strategy for the construction phase and the operational phase of the development.
- xi. Costs of monitoring the S106 agreement.
- xii. Provision of tree planting on Victoria Street.
- xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).
- xiv. A payment of £405,000 towards carbon-off setting (Index linked payable to the City Council in accordance with policy 5.2 of the London plan (FALP) (2015)).

Transport for London has requested a financial contribution should be secured towards the provision of a new on-site Cycle Hire Docking Station. However this request is not considered to meet CIL regulations and the proposed levels of cycle parking provision exceeds policy requirements. Furthermore, given the limited viability of the scheme, the development is not capable of delivering this obligation in addition to the obligations that it is already due to deliver, which are set out above.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). In terms of the Westminster CIL, only the uplift in floorspace created by the current application will be CIL liable (£400 per m2 in the Residential Core Area and £150

per m2 in the Commercial Core Area), as the previously approved scheme was permitted in April 2016, prior to the adoption of the Westminster CIL on 1 May 2016.

Based on the applicant's floorspace figures, the amended scheme would result in a reduction of 6242 sqm in floorspace. Therefore, the scheme is unlikely to generate any Westminster CIL payment. The CIL liability for the Mayor's CIL would be approximately £4.4m (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.11 Environmental Impact Assessment**

As per the approved scheme, officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application

### **8.12 Other Issues**

The minor amendments are not considered to raise any other issues which were not considered in the approved scheme.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Thorney Island Society dated 9 January 2017
3. Response from Westminster Society dated 17 January 2017
4. Response from Highways Planning Manager dated 10 March 2017
5. Response from Transport for London dated 16 January 2017
6. Response from Historic England dated 23 January 2017
7. Response from Environmental health dated 22 March 2017
8. Response from Building Control dated 12 January 2017
9. Response from Arboricultural Manager dated 24 January 2017
10. Response from Met Police Designing Out Crime Officer dated 10 January 2017
11. Response from Environment Agency dated 26 January 2017
12. Response from Victoria Business Improvement District dated 1 February 2017
13. Response from Cleansing Manager dated 16 January 2017

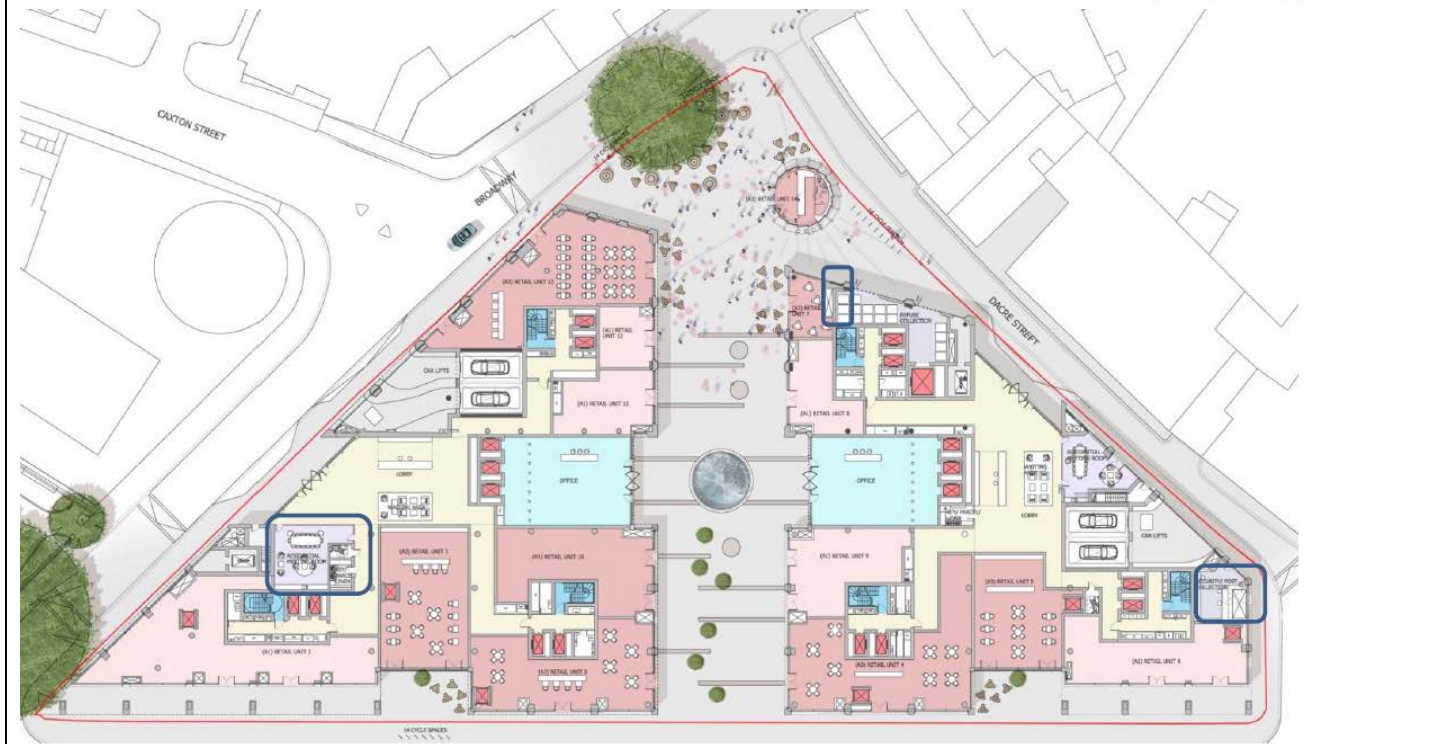
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)

10. KEY DRAWINGS



Ground level – Consented Scheme

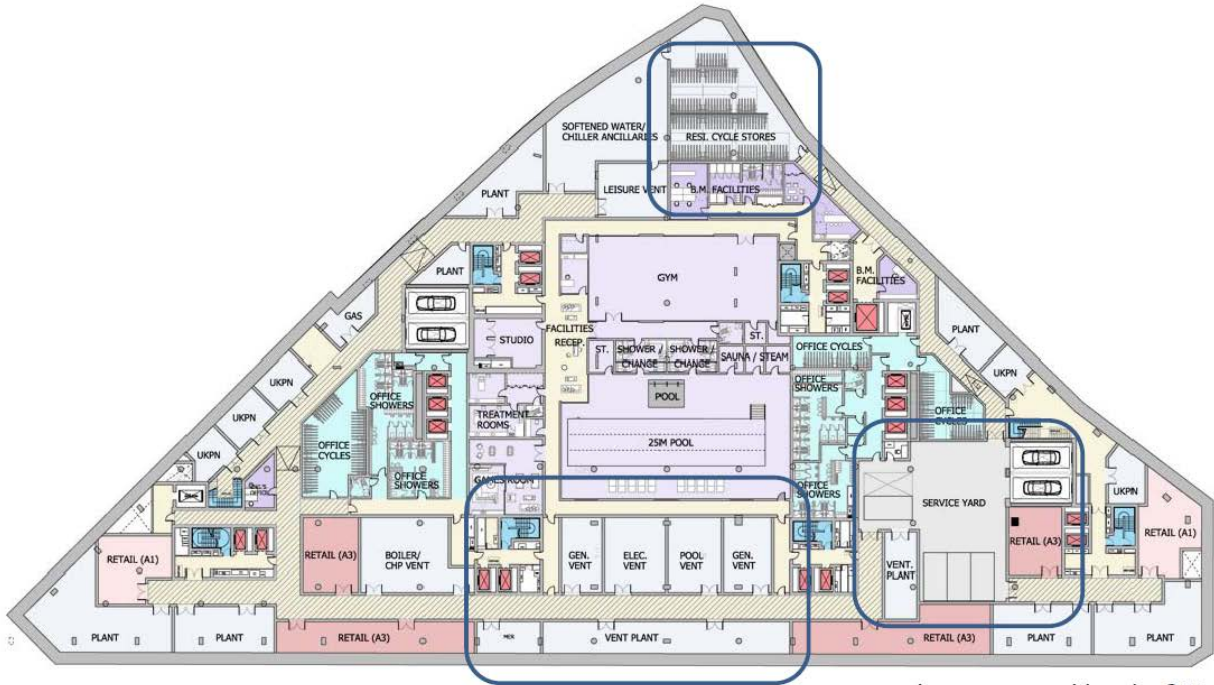


Ground level – Loss in Retail Area identified – S73 Application





Lower ground level – Consented Scheme



Lower ground level – S73 Application

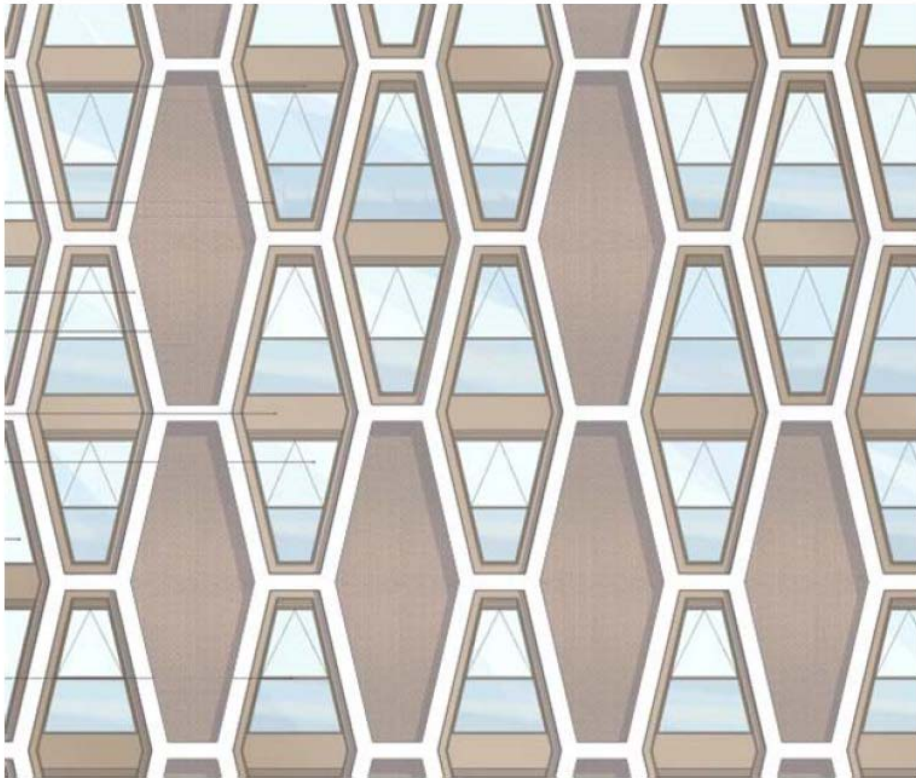
PLANNING SCHEME



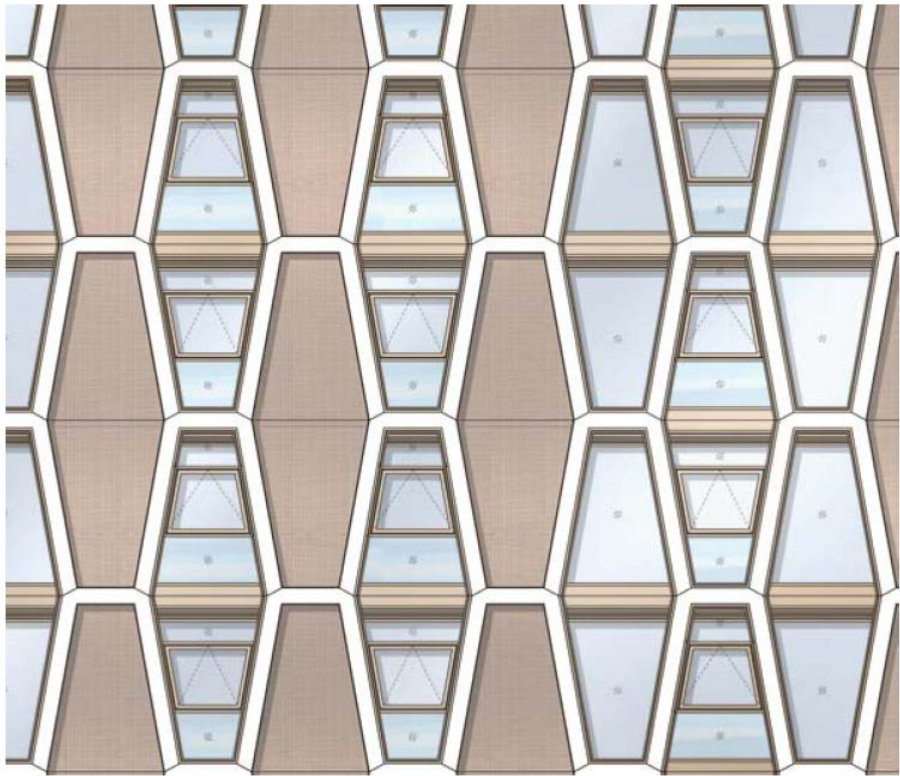
AMENDED SCHEME



CONSENTED SCHEME



S73 SCHEME



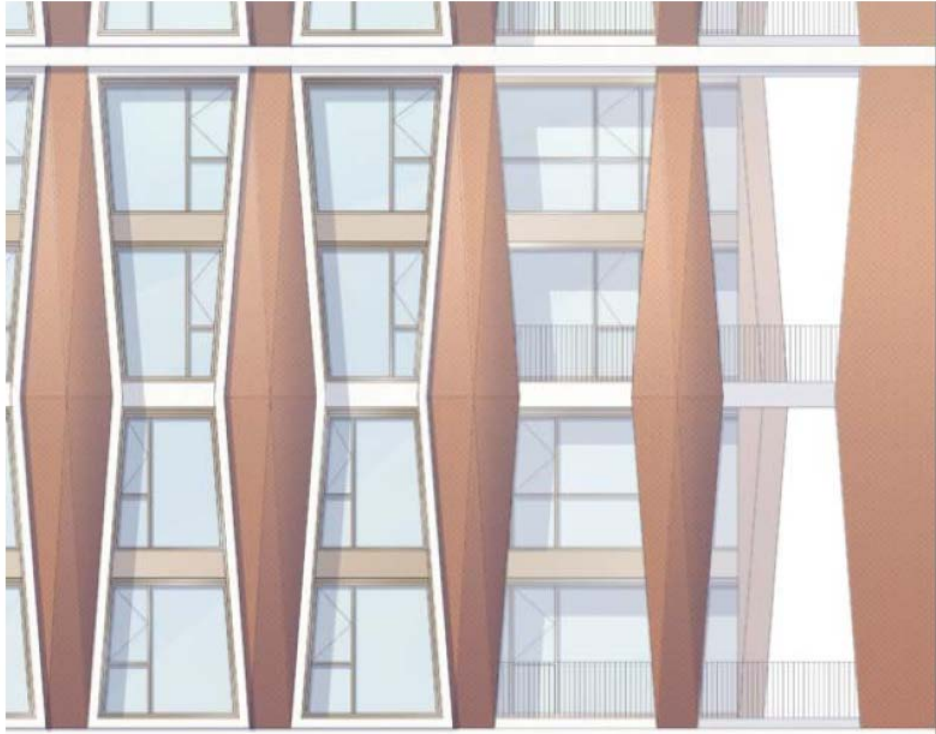
CONSENTED SCHEME



S73 SCHEME



CONSENTED SCHEME



S73 SCHEME





Planning Scheme - View along Victoria Street of Buildings 4, 5 and 6



S73 Scheme - View along Victoria Street of Buildings 4, 5 and 6



Consented Scheme - View along Broadway Buildings 1 & 2





S73 Application- View along Broadway Buildings 1 & 2



Planning Scheme



S73 Scheme



Planning Scheme



S73 Scheme



Planning Scheme



S73 Scheme

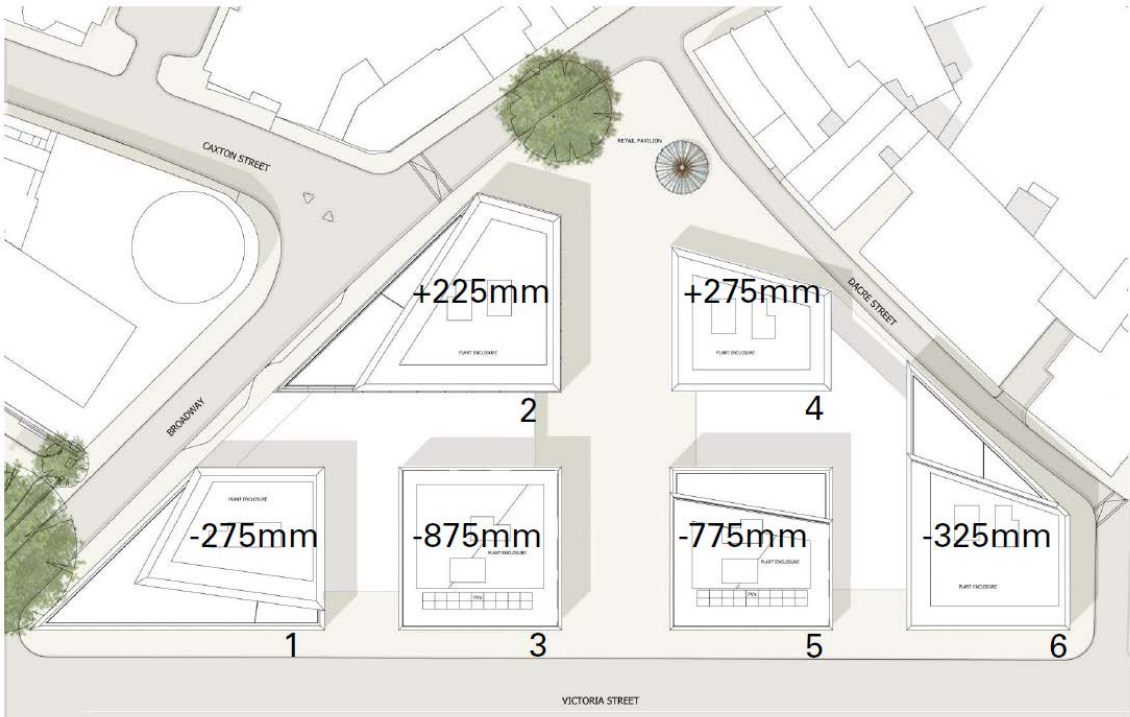


Planning Scheme

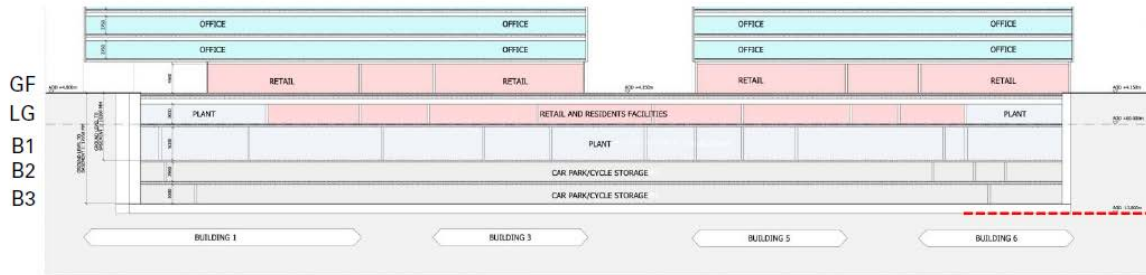




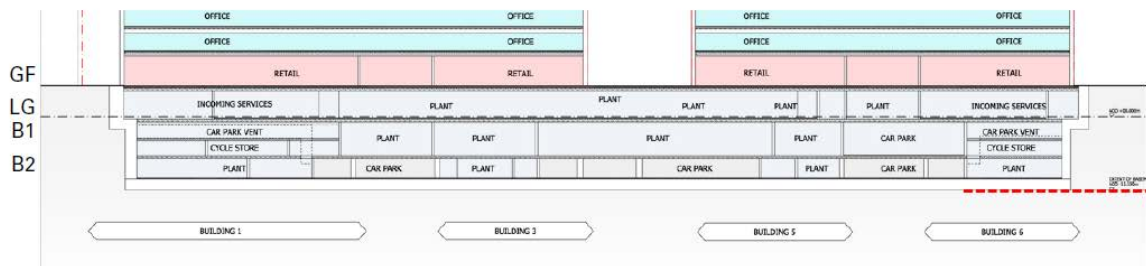
S73 Scheme



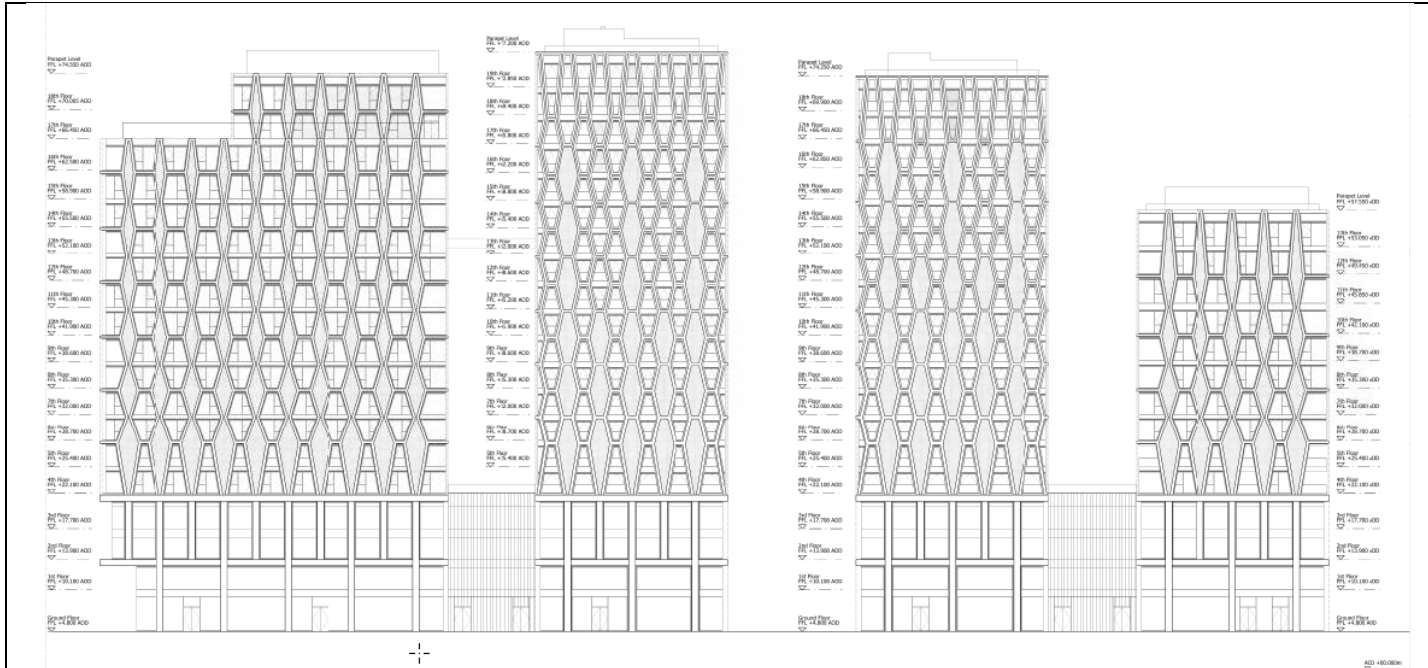
Change to building heights



Planning - Section



S73 Application - Section



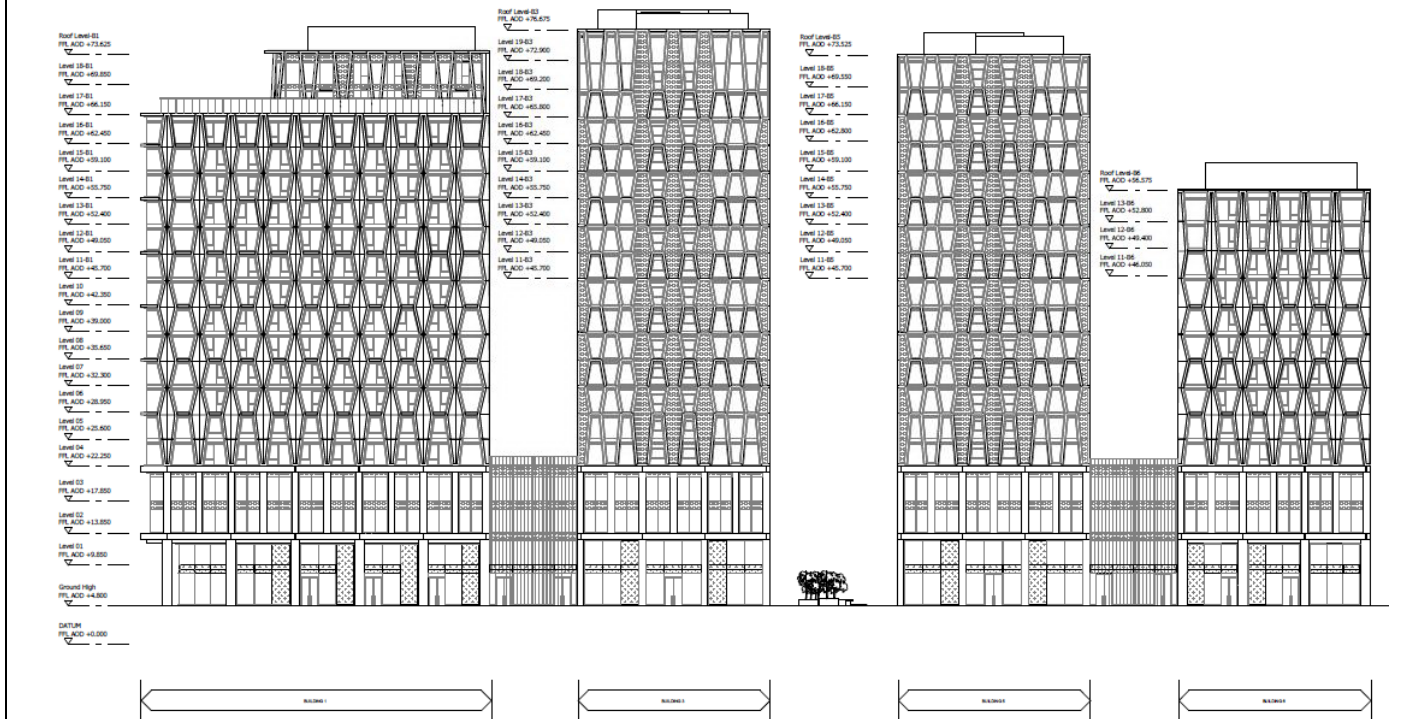
BUILDING 1

BUILDING 3

BUILDING 5

BUILDING 6

Approved Victoria Street/ south elevation



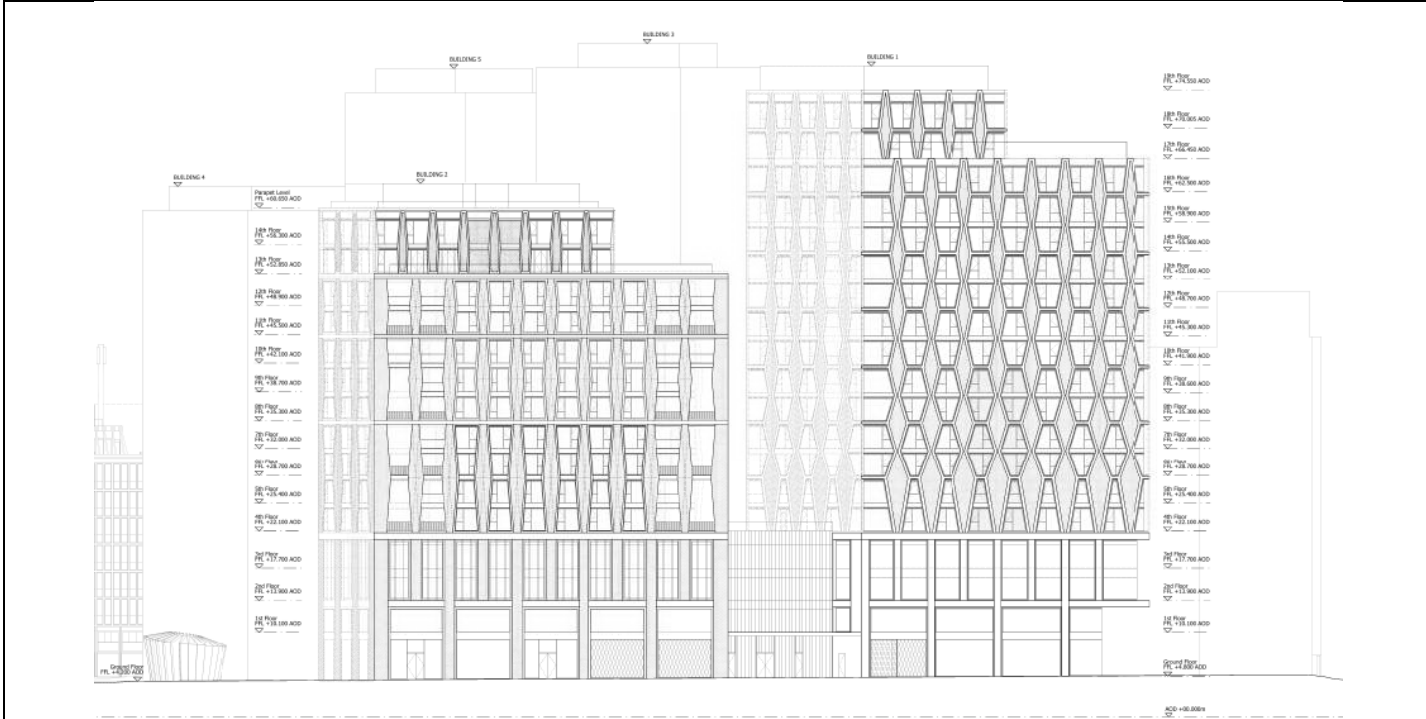
BUILDING 1

BUILDING 3

BUILDING 5

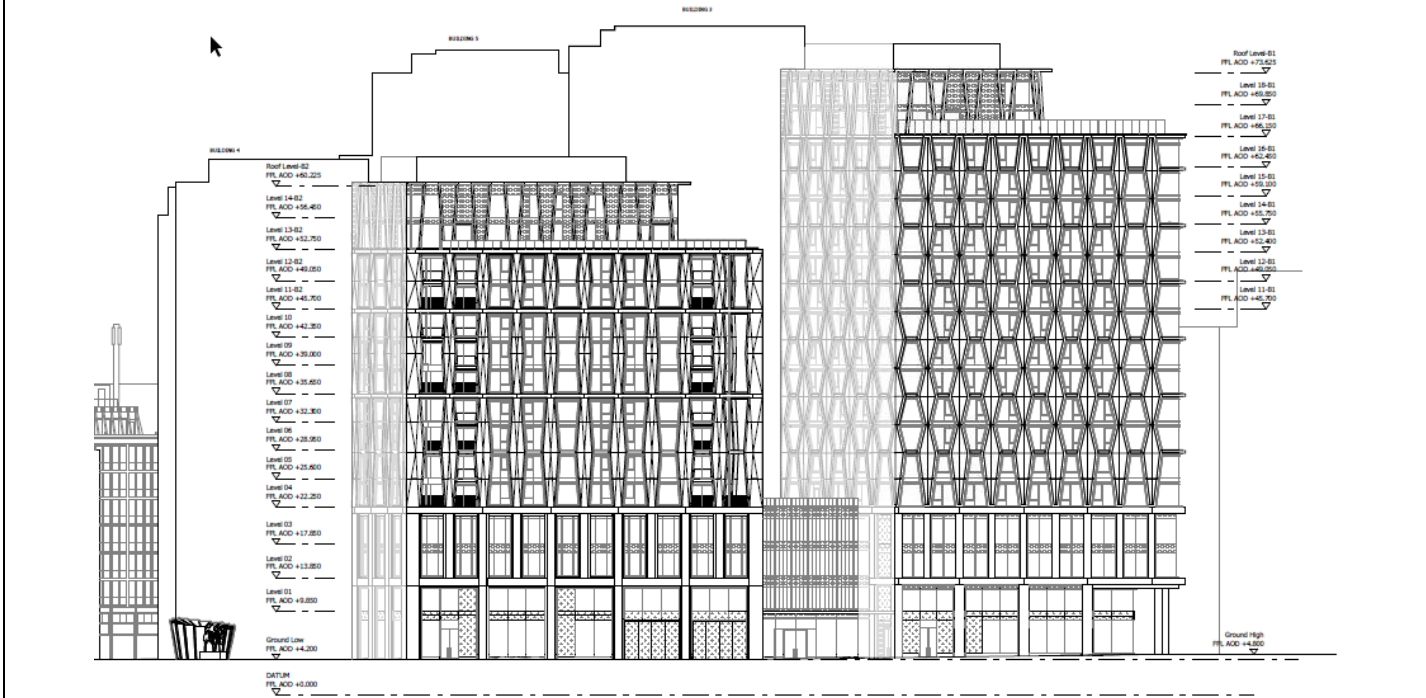
BUILDING 6

Proposed Victoria Street/ south elevation



PAVILION      BUILDING 2      BUILDING 1      VICTORIA STREET

Approved Broadway/ West elevation

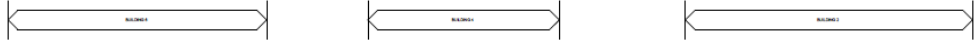


PAVILION      BUILDING 2      BUILDING 1

Proposed Broadway/ West elevation



Approved Dacre Street/ North elevation



Proposed Dacre Steet/ North elevation

**DRAFT DECISION LETTER**

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

**Proposal:** Variation of Condition 1 of planning permission dated 27th April 2016 (RN: 15/07497/FULL) for 'demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.' NAMELY, to allow for an increase in the number of residential units; omission of one basement level; reduction in car parking spaces; amendments to the parking, delivery and servicing strategy; reduction in retail area at ground and lower ground floor; reduction in size of ground floor pavilion building; building height and footprint changes, including both a reduction and increase in heights; and alterations to internal layouts and external elevations.

**Reference:** 16/11027/FULL

**Plan Nos:**

**Case Officer:** David Dorward

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

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

- 1 The development of the site 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of details of the following parts of the development:

- a. typical window details at 1:20;
- b. external doors at 1:20;
- c. shopfronts at 1:50 with x-sections at 1:10

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of an advertisement and shopfront strategy setting out design parameters to be followed for these parts of the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this strategy. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 7 You must carry out the works in accordance with the Construction Logistics Plan as approved by the City Council as Local Planning Authority on 19 January 2017 under reference 16/10420/ADFULL or in accordance with other details as submitted to and approved by the City Council.

Reason:

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

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

Reason:

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

- 9 You must provide the cycle parking within the development for the residential, retail and office uses prior to occupation of any part of the development. Thereafter the cycle spaces must be retained and the spaces used for no other purpose.

Reason:

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

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

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's



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

- 12 Other than doors which are used exclusively for fire exit purposes in an emergency situation, you must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

Reason:

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

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

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 Prior to occupation of the residential part of this development, 20% passive and 20% active electric vehicle charge points (EVCPs) should be installed to accord with London Plan standards. These charging points shall not be removed unless authorised by the City Council as local planning authority in consultation with Transport for London.

Reason:

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

- 17 You must carry out the works in accordance with the contaminated land site investigation and remediation strategy reports (Phases 1, 2, and 3) as approved by the City Council as Local Planning Authority on 20 December 2016 under references 16/11331/ADFULL and 16/11332/ADFULL or in accordance with other details as submitted to and approved by the City Council.

You must apply to us and receive our approval for phase 4 when the development has been completed.

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)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

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

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

Reason:

As set out in S32 of Westminster's City Plan (November 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.

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

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

Reason:

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

- 26 No vibration shall be transmitted from the District and Circle Line so as to cause a vibration dose value of greater than 0.4m/s(1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential property.

Reason:

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

- 27 (a) You must carry out the works in accordance with the written scheme of investigation for a programme of archaeological work prior to commencement of works except demolition to slab level as approved by the City Council as Local Planning Authority on 12 August 2016 under reference 16/06857/ADFULL or in accordance with other details as submitted to and approved by the City Council.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January

2007. (R32AC)

- 28 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- (i) combined heat and power unit (energy centre)
- (ii) PV array
- (iii) green roofs (as shown on the landscaping strategy)

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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

Reason:

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

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

Reason:

To ensure that play space is provided in accordance with H 10 of our Unitary Development Plan that we adopted in January 2007 and policy 3.6 of The London Plan.

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 32 If you provide a bar and bar seating within any of the Class A3 units, it must not take up more than 15% of the floor area of the Class A3 unit. You must use the bar to serve restaurant

customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 33 In the event that the Class A units are occupied for Class A3 purposes no individual unit shall exceed 499m<sup>2</sup> gross external area.

Reason:

The provision of a Class A3 unit of 500m<sup>2</sup> Gross External Area or more within the development would only be permitted in exceptional circumstances to protect the amenity of surrounding occupiers. No exceptional circumstances have been provided by the applicant. This is as set out in policy TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

In order to ensure that at least 50% of the approved ground floor Class A units are used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 35 Prior to the occupation of any of the Class A units for Class A3 purposes, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the units are occupied for Class A3 purposes

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 36 You must apply to us for approval of detailed drawings of the new pedestrian routes and other pavement areas to show the location and design of any areas to be used for tables and chairs and other furniture in connection with the approved Class A uses.

You must not put the tables and chairs on the pedestrian routes and other pavement areas until we have approved what you have sent us. Thereafter the tables and chairs and other furniture obstructions must only be located in the positions shown on the approved drawings unless otherwise agreed in writing by the local planning authority.

Reason:

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

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

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 40 You must apply to us for approval of details of the following parts of the development -

- green roofs at main roof level of buildings 1, 2, 3, 4, 5 and 6 (as shown in the landscaping strategy).

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved details and thereafter retain and maintain the green roofs in accordance with the approved details.

Reason:



To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 41 (a) You must carry out the works in accordance with the arboricultural method statement as approved by the City Council as Local Planning Authority on 13 April 2017 under reference 17/01484/ADFULL or in accordance with other details as submitted to and approved by the City Council.
- (b) Prior to commencement of works below existing slab level, you must apply to us for approval of a method statement including specific root protection details that are to be put in place for the consented development, to include evidence of trial investigation(s) to demonstrate the presence/absence of roots of the London plane tree (4) within the site and details of the proposals to safeguard the roots and canopies of all nearby trees. If the results of the trial investigation show that the roots of the London plane tree (4) extend into the application site, you will need to submit a revised proposed basement layout to reduce the extent of excavation in order to safeguard the tree and its roots.
- (c) The method statements required by parts (a) and (b) must include an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The site monitoring system should involve arboricultural supervision during demolition, excavations, removal or construction of any hard surface or any other work that might affect tree roots, branches or trunk to ensure that tree protection systems are followed.
- (d) You must then carry out the arboricultural site supervision, demolition and building work according to these approved schemes. You must produce written site supervision reports as detailed in parts (a), (b) and (c) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. You must send copies of each written site supervision record to us within five days of the site visit. If any damage to tree, tree roots or any breaches of tree protection procedures occurs then details of the incident and any mitigation/amelioration must be included in the supervision record.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 42 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme. The details must include the number, size, species and position of trees and shrubs; and details of the depth and specifications of the new soils which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will be connected. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 43 You must carry out the works in accordance with the Stakeholder Liaison Group Strategy Report as approved by the City Council as Local Planning Authority on 10 January 2017 under reference 16/11502/ADFULL or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 44 No works except demolition to basement slab level shall take place, until evidence has been submitted to and approved in writing by the City Council in consultation with Greater London Authority that the development is designed to allow retrofit to a future district heating network.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and the London Plan policy 5.6.

- 45 This permission must be commenced no later than 27 April 2019

Reason:

This permission authorises amendments to the original planning permission granted on 27 April 2016 (RN 15/07497/FULL) which must be commenced no later than the above date.

### **Informative(s):**

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

- 2 You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment.
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Provision of affordable housing on-site;
  - ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
  - iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
  - iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
  - v. Unallocated car parking;
  - vi. Walkways agreement;
  - vii. A contribution of £8,909 towards Legible London signage;
  - viii. Dedication of highway and associated costs;
  - ix. Free lifetime (25 years) car club membership for residents of the development;
  - x. Employment and Training Strategy for the construction phase and the operational phase of the development.
  - xi. Costs of monitoring the S106 agreement.
  - xii. Provision of tree planting on Victoria Street.
  - xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).
  - xiv. A payment of £405,000 towards carbon-off setting (index linked).
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 11 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 12 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 13 Condition 24 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 14 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> , **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 15 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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

This page is intentionally left blank

# Agenda Item 7

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

7
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>15-19 Blenheim Terrace, London, NW8 0EH,</b>		
<b>Proposal</b>	Variation of Conditions 1 and 20 of planning permission dated 26 April 2016 (RN: 14/12517/FULL) for demolition of existing buildings and erection of 3x5 bedroom five storey townhouses comprising basement, ground and three upper floors, formation of covered car parking area to rear and alterations to form a side access road; namely, to bring forward the front building line to align with the adjacent building to the south west, amend the detailed design of front and rear facades including revision of form of rear lightwell, addition of rooflights to the main roof and revision of internal layouts.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Blenheim Property Holdings Limited		
<b>Registered Number</b>	16/08357/FULL	<b>Date amended/ completed</b>	31 August 2016
<b>Date Application Received</b>	31 August 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a legal agreement to secure the following:
  - a) A financial contribution of £186,713 (index linked) towards alternative Social and Community Uses/ Projects in the vicinity.
  - b) A financial contribution of £328,320 (index linked from the date specified in the original S106 agreement) to the Affordable Housing Fund to deliver affordable housing elsewhere in the City in lieu of on-site provision.
  - c) Highway works in Blenheim Terrace to form access to the off-street parking and amend the location and layout of residents' on-street parking bays (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense).
  - d) Provision of cost of monitoring of the agreement (£500 for new head of term).
2. If the S106 planning obligation has not been completed by 20 January 2015 then:

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

## 2. SUMMARY

The application seeks approval for variation of Conditions 1 and 20 of planning permission dated 26 April 2016 (RN: 14/12517/FULL) to allow amendments to the previously approved scheme for redevelopment of this site to provide 3x5 bedroom five storey townhouses within a new building comprising basement, ground and three upper floors. The amendments proposed to the previously approved scheme are to bring forward the front building line to align with the adjacent building to the south west (No's.27-31 Blenheim Terrace), amendment of the detailed design of front and rear facades including revision of the form of the rear lightwell, addition of rooflights to the main roof and revision of internal layouts of the three new dwellinghouses.

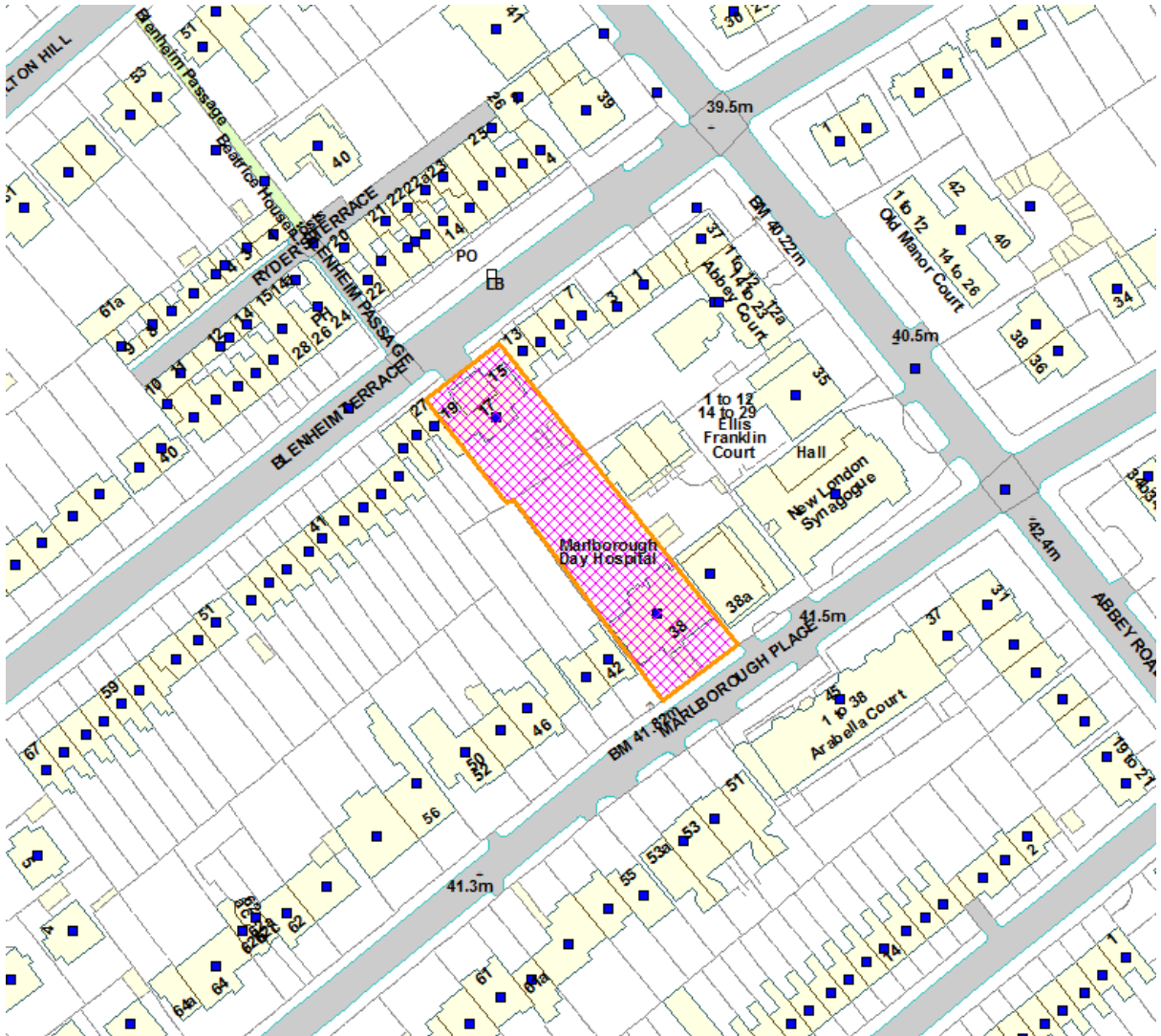
The key issues in this case are:

- The acceptability of the proposed Affordable Housing offer.
- The impact of the amendments on the appearance of the new building and the character and appearance of the St. John's Wood Conservation Area.
- The impact of the amendments on the amenity of neighbouring residents.
- The impact of the setting forward of the front elevation and front garden on the operation of the public highway in Blenheim Terrace.

The proposed amendments to the previously approved scheme are considered to be acceptable in land use, design, amenity and transportation terms and would accord with the relevant policies in the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016. The application is therefore recommended for conditional approval, subject to the completion of the legal agreement referred to in Section 1 of this report to secure planning obligations to mitigate the loss of the existing social and community use on the site and to provide affordable housing elsewhere within the City.



### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



Front elevation (top) and relationship to public highway (bottom).

## 5. CONSULTATIONS

### WARD COUNCILLORS (ABBNEY ROAD)

No response to date.

### ST. JOHN'S WOOD SOCIETY

Not clear about reference in description to removal of railings. Object to oversized and conjoined dormer windows, which are dominated by the patio doors within them. Do not object to the realignment of the building but concern about the way in which it joins No.27-31 Blenheim Terrace.

### ARBORICULTURAL MANAGER

Consider there to be too much hard landscape, but note that there is no more than previously approved. Lowered ground levels in Section AA don't seem to match the ground floor plan (extends further into the RPA of the Sycamore tree in section). The footprint of the development has increased into the rear garden as previously there was ground level access into the rear garden and now there is basement access. Basement beyond the rear elevation does not have 1.0m soil depth and a drainage layer over it and and SUDS not provided; however, notes that the basement area affected is 'miniscule'. Section may indicate an increased incursion into the RPA of the Sycamore. Cannot support the loss of garden space and garden amenity in the conservation area due to the terraced lightwell.

### CLEANSING MANAGER

No objection subject to condition to secure provision of bin stores.

### HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

No response to date.

### HIGHWAYS PLANNING MANAGER

Removal of Condition 12 is premature as the lawful use of No.38 is still as a Class D1 use, last used as a medical facility. Use of the medical parking spaces would also result in an over provision of parking for the residential development. Bringing forward the front building line and front gardens would prevent future parking on the existing front forecourt.

### ADJOINING OWNERS/ OCCUPIERS

No. of Consultations: 160; No. of Responses: 1 neutral comment stating that construction works should not disrupt the area unduly and hours of construction works should be limited.

### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises an unlisted vacant Class D1 building located within the St. John's Wood Conservation Area. Permission was granted previously in 26 April 2016 (RN:

14/12517/FULL) for the replacement of the existing Class D1 medical building with 3 townhouses comprising basement, ground and three upper floors with a covered car parking area to the rear. The loss of the existing medical use of the building (a social and community use) was accepted subject to provision of a financial contribution of £186,713 (index linked) towards the provision of alternative social and community uses in the vicinity of the application site. This financial contribution is secured by a S106 agreement dated 26 April 2016, which requires the contribution to be provided prior to commencement of development.

## 6.2 Recent Relevant History

26 April 2016 – Permission granted for demolition of existing buildings and erection of 3 x 5 bedroom five storey townhouses comprising basement, ground and three upper floors. Formation of covered car parking area to rear and alterations to form a side access road (RN: 14/12517/FULL).

This application was reported to the Planning Applications Committee on 20 October 2015 at which the Committee resolved to grant conditional permission subject to the completion of a legal agreement to secure a financial contribution to of £186,713 (index linked) towards alternative Social and Community Uses/ Projects in the vicinity and highway works in Blenheim Terrace to form access to the off-street parking and amend the location and layout of residents' on-street parking bays. The legal agreement was completed and conditional permission was granted on 26 April 2016.

## 7. THE PROPOSAL

The current application seeks permission for variation of Conditions 1 and 20 of planning permission dated 26 April 2016, which granted permission for redevelopment of this site to provide three dwellinghouses. The amendments proposed are namely to bring forward the front building line to align with the adjacent building to the south west, amendment of the detailed design of the front and rear facades including revision of form of rear lightwell, addition of rooflights in the main roof and revision of the internal layouts.

The scheme initially proposed the removal of Condition 12, which reserves two of the parking spaces to the rear of the site for use by the Class D1 occupier of No.38 Marlborough Place. However, this element of the application has been omitted and therefore the concerns raised by the Highways Planning Manager in respect of this aspect of the application have been addressed.

**Table 1 – Proposed floorspace changes on the site as a result of the proposed development.**

	Existing GIA (m2)	Previously Approved GIA (m2)	Proposed GIA (m2)	+/- (Existing v Proposed GIA)
Medical Facility Use (Class D1)	589	0	0	-589
Residential Use (Class C3)	0	942	1,140	+1,140

Total	589	942	1,140	+551
-------	-----	-----	-------	------

The assessment in this report focuses on the amendments to the scheme previously approved on 26 April 2016 and any relevant material changes in circumstances that have occurred since that date. The full report for the previously approved scheme is provided in the background papers for information.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

In land use terms the proposed replacement of the existing medical facility with three dwellinghouses remains acceptable for the reasons set out in the committee report dated 20 October 2015 in relation to the originally approved scheme (see copy of report and minutes in background papers). Given the requirements of S34 in the City Plan, the loss of the social and community use is to be mitigated by the provision of a financial contribution of £186,713 (index linked from the date of the original S106 agreement).

The residential units proposed would be acceptable in terms of their overall size, which is proportionate to the size and form of buildings in the same terrace. The amended internal layouts proposed as part of the current scheme are uncontentious and the scheme would continue to provide three dwellinghouses that will deliver a good standard of family size residential accommodation.

The setting forward of the front building line by approximately two metres, as is proposed by the current application, would result in an uplift in residential floorspace of increase of 198m<sup>2</sup> (GIA), with the floorspace increasing from 942m<sup>2</sup> to 1140m<sup>2</sup>. The increase in floorspace raises the overall floorspace provided by the development above the 1,000m<sup>2</sup> (GIA) threshold above which development must provide affordable housing. In this case the principle of delivering three large family size dwellinghouses on the site has already been accepted by approval of the previous scheme in April 2016 and it is a significant material consideration that the approved scheme remains extant and could be carried out at anytime up to April 2019 without any affordable housing being provided. As such, given the presence of the extant permission and the previously approved arrangement of the site as three dwellinghouses, it is accepted that in this case it is not reasonable or practical to insist on the provision of the affordable housing that is now required to be provided on site.

The applicants do not have any other sites in their ownership in the vicinity of the site and therefore the requirement for affordable housing to be provided off-site in the vicinity, where it cannot be provided on site, cannot reasonably be met. Accordingly, following the cascade in Policy H4 in the UDP (as supplemented by the Interim Guidance Note on Affordable Housing Policy - 2013) and Policy S16 in the City Plan, the provision of a financial contribution in lieu of on-site provision is acceptable. The policy compliant affordable housing financial contribution would be £328,320 and the applicants have agreed to provide this fully policy compliant amount, which is to be captured via a S106 agreement and is payable prior to commencement of development. Subject to the S106 agreement to secure the financial contribution, the proposed scheme would accord with Policy H5 in the UDP and Policy S16 in the City Plan.

## 8.2 Townscape and Design

When considering the previously approved scheme at the Planning Applications Committee meeting on 20 October 2015 the Committee was concerned that the set back front boundary of the previously approved scheme would lead to the continued use of the forecourt area at the front of the site facing Blenheim Terrace for unauthorised parking, which requires vehicles to cross the pedestrian footpath without a crossover.

To address this concern the previously approved scheme was permitted subject to a condition (Condition 20) requiring amendment to the layout of the front of the site to omit the front forecourt area. In addition an Informative was added to the decision letter advising that *'...the Committee considered that any future revised planning application that may be made for redevelopment of this site should deal with this area more holistically and you should consider bringing the front boundary line forward to incorporate this area...'*

In design terms the moving forward of the front building line in this case is considered to be an enhancement relative to the originally approved scheme. Whilst the building would be bulkier than originally approved, this would be contained between the existing terraces to either side and the provision of a consistent building line would enhance the appearance of this part of Blenheim Terrace. The amendments proposed to the building line and to bring forward the front boundary and gardens would therefore be compliant with Policies DES1, DES4 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

The amendments to the detailed design of the front and rear facades have been modified during the course of the application to address initial concerns raised by officers and the St. John's Wood Society. In particular, the combined large dormers have been omitted and the applicants have reverted to the previously approved dormer dimensions, the fenestration to the rear has been reduced in size to maintain a hierarchy of window openings and the front door openings have been centralised on the window opening above at first floor level. Following amendment, these detailed design amendments to the facades are not considered to be minor and are not contentious in design terms.

The roof level cornice has been enlarged in the current scheme to ensure the front elevation of the new building maintains the hierarchy found to the front facade of neighbouring terraces. Whilst this amendment is acceptable in principle and will assist in softening the transition to the more traditionally detailed terrace to the west (Nos. 27 to 31 Blenheim Terrace), it is recommended that detailed elevations and sections of the roof level cornice, including a detail of the junction of proposed cornice with existing cornice to the neighbouring terrace, are secured by condition. The provision of these further details to ensure the detailing of the cornice is appropriate addresses the concerns raised by the St. John's Wood Society.

At roof level the size of the proposed rooflights and their projection above the ridge line of the roof of the building has been reduced and following these amendments the rooflights are considered to be discreetly located and acceptable in design terms.

The form and configuration of the rear lightwells are proposed to be amended to form a full width lower ground floor level 'rear extension' to each of the three houses; whereas the

approved scheme included a lower ground floor 'wing' extending along one side of each of the three rear lightwells. The 'rear extension' now proposed would not have soil depth over it and instead comprises a hard paved terrace; however, this is the same as the previously approved 'wing', which also had no soil depth over it and was instead hard paved. The overall depth of the rear lightwell, basement level 'rear extension' and the steps up to garden level would not project significantly further into the rear garden than in the previously approved scheme. As such, the objections raised on this ground by the Arboricultural Manager cannot be supported as a ground on which to reasonably withhold permission.

The proximity of the basement level 'rear extension' and rear lightwell to the south western boundary wall with No.27 Blenheim Terrace was initially raised as a concern due to the lack of a 'set in' of the basement excavation from this boundary. However, the applicant has subsequently demonstrated that this part of the site is already developed and is not 'garden land' and therefore the Basement Development policy in the City Plan (CM28.1) does not require a 'set in' from the boundary in such circumstances as the land in question has already been developed. The proposed basement is otherwise compliant with Policy CM28.1 in the City Plan.

In summary, the amendments proposed would not harm the appearance of the previously approved building or harm the character and appearance of the conservation area. The amended scheme therefore accords with Policies DES1, DES4 and DES9 in the UDP and S25, S28 and CM28.1 in the City Plan.

### **8.3 Residential Amenity**

In amenity terms the bringing forward of the front building line would not cause a material loss of daylight or sunlight or cause a significant increase in enclosure as the additional bulk would be located between the blank flank walls of the two neighbouring terraces. The windows in the front elevation would be slightly closer to front windows in the terrace opposite; however, the buildings would continue to be separated by the width of Blenheim Terrace and at this distance the current scheme would not give rise to a significant increase in overlooking.

The amendments to fenestration to the front and rear elevations would not significantly alter the degree to which the development would overlook neighbouring windows and gardens as the area of fenestration would remain largely as approved. The alterations to the rear at basement level, including reconfiguration of the rear lightwells, would be below the level of the boundary walls and would not have any adverse impact on the amenity of neighbouring residents.

In summary, the alterations to the previously approved scheme are acceptable and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

### **8.4 Transportation/Parking**

By moving forward the building line to the front of the site, the forecourt area which was to be left undeveloped in the previously approved scheme would be subsumed into the front garden area/ lightwell of the development, with boundary walls provided to its perimeter. This approach to the front of the application site successfully addresses previous

concerns that the front forecourt would be used to facilitate unauthorised off-street parking (see first paragraph of Section 8.2 of this report for context). As a result, the previously imposed condition (Condition 20), which required details of appropriate arrangements to prevent forecourt car parking, has been amended to comprise a compliance condition requiring the boundary walls around the front garden areas now proposed on the forecourt area to be provided prior to occupation and thereafter retained.

The Highways Planning Manager is content with this approach to resolving the Committee's previous concerns regarding the potential for the front forecourt to be used for unauthorised parking and is also satisfied that the forecourt is not public highway land and therefore does not need to be stopped up. He is also content that despite the loss of the forecourt, sufficient footpath width would remain past the site, even allowing for obstructions such as street trees, given that Blenheim Terrace is a cul-de-sac with relatively low footfall.

The alterations to the front building line would not alter the need for access to be created to enable access to the off-street parking to the rear of the site (this is likely to necessitate amendments to on-street parking bays and provision of a crossover in Blenheim Terrace). As such, as per the previously approved scheme, it is recommended that these highway works are secured at the applicant's expense via a S106 agreement.

The proposed amendments are therefore acceptable in transportation terms and would accord with Policies TRANS2 and TRANS3 in the UDP and S41 in the City Plan.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The proposed dwellinghouses would have level access from the public highway, with lifts within each dwelling providing level access to each floor level.

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

The Arboricultural Manager has commented that he considers there to be too much hard landscaping. However, following amendment to reduce the projection of the stepped rear lightwell into the rear garden, the extent of the rear lightwell is almost identical in size to the previously approved application (projection of 6 metres in to the rear garden) and therefore permission could not reasonably be withheld on this ground. Furthermore, a significant area of undeveloped garden land would be provided (as per the approved scheme) and it should be noted that large single storey former Class D1 buildings are being removed from the rear of the site as part of this scheme. As such, the proportion of soft landscaped area would not be dissimilar to the existing situation on this site; albeit, the landscaped areas would be relocated. Further details of hard and soft landscaping are to be secured by condition as per the previously approved scheme.

The Arboricultural Manager also advises that he believes that the lower ground level lightwell seems to extend further in to the garden area in section than it does on plan. This was the case when the application was initially submitted; however, following revision of



the application (as referenced in the preceding paragraph) the projection into the rear garden is now limited to 6 metres and this is no greater than previously approved. Therefore the current application would not materially increase the impact of the development on the root protection area of the Sycamore tree, or any of the other trees, to the rear of the site.

As noted in Section 8.2 of this report, the lower ground floor level 'rear extension', where a single storey projects from the main footprint of the building, does not have any soil depth or a drainage layer over. However, as the Arboricultural Manager notes, the area in question is small and is designed as a coherent part of the main body of the new building. It is therefore not a part of the building that requires 'hiding' below the landscaping of the rear garden and therefore the lack of soil depth over this part of the lower ground floor is not objectionable in landscaping terms. A significant proportion of garden areas that are to be provided for the three dwellinghouses will be capable of hosting mature planting.

For the reasons set out in this section, the concerns raised by the Arboricultural Manager have been addressed and subject to the recommended tree protection and landscaping conditions, the amended scheme accords with Policies ENV16 and ENV17 in the UDP and Policy CM28.1 in the City Plan.

## **8.8 London Plan**

The application does not raise any strategic issues.

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

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

## **8.10 Planning Obligations**

The draft 'Heads of Terms' for the legal agreement are proposed to cover the following issues (see Sections 8.1 and 8.4 of this report for explanations of why these obligations are required to make the development acceptable):

- a) A financial contribution of £186,713 (index linked) towards alternative Social and Community Uses/ Projects in the vicinity.
- b) A financial contribution of £328,320 (index linked from the date specified in the original S106 agreement) to the Affordable Housing Fund to deliver affordable housing elsewhere in the City in lieu of on-site provision.
- c) Highway works in Blenheim Terrace to form access to the off-street parking and amend the location and layout of residents' on-street parking bays (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense).
- d) Provision of cost of monitoring of the agreement (£500 for new head of term).

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). In terms of the Westminster CIL, only the uplift in residential floorspace proposed created by the current application (198m<sup>2</sup>) will be CIL liable as the previously approved scheme was permitted in April 2016, prior to the adoption of the Westminster

CIL on 1 May 2016. Therefore based on the applicant's floorspace figures, the estimated CIL liability would be £108,900 for Westminster's CIL (£550 per square metre in the Residential Prime Area), and £70,000 for the Mayor's CIL (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment. Where relevant environmental issues have been considered in other sections of this report.

### **8.12 Other Issues**

The concerns expressed by one neighbouring resident regarding the impact of construction works are to be addressed by conditions to restrict the hours of construction works, particularly noisy works of excavation and basement construction, and to require the development to be carried out in accordance with a construction management plan. The construction management plan will require the applicant to set out measures to limit the impact of construction works on the amenity of neighbouring residents and the operation of the local highway network. These conditions mirror those imposed when granting permission for the previously approved scheme in April 2016.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the St John's Wood Society dated 10 October 2016.
3. Memo from the Cleansing Manager dated 23 September 2016.
4. Memo from the Highways Planning Manager dated 28 September 2016.
5. Memo from the Arboricultural Manager dated 17 October 2016.
6. Email from the occupier of Flat 1, 13 Blenheim Terrace dated 24 September 2016.
7. Previous Decision letter dated 26 April 2016.
8. Committee report and minutes dated 20 October 2015.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.co.uk](mailto:ogibson@westminster.co.uk).

10. KEY DRAWINGS

**Approved Front Elevation (top)**

**Proposed Front Elevation (bottom)**

**Material Key:**

- 1 Zinc standing seam mansard roof
- 2 Brickwork to match local London stock
- 3 Silver wood-alum turn bay window with dark grey double glazed door
- 4 Dark grey PPC double glazed window with stone reveal and stone surround
- 5 Reconstituted stone cornice
- 6 Brick wall to match local London stock with dark grey metal railings and gate
- 7 Reconstituted stone capping
- 8 Rusticated reconstituted stone base

**Planning:**

- A The cornice detailing increased in size and scale to relate to the neighbouring buildings.
- B The front doors mouldings/surroundings realigned with the elevation above. (Critical layout amendments)
- C The shadow gap terminates below the cornice.
- D The rooflights decreased dimensions, more subtle form.

**Project Information:**

Client: CHMVL NHS Foundation Trust  
 Project: 15-19 Blenheim Terrace  
 Location: St Leonards Wood  
 Proposed: North Elevation

16006 PL172 A



CONTRACTOR SHALL TO BE RESPONSIBLE FOR THE DRAWING

WORK IS PROPOSED. NOT TO BE USED FOR CONSTRUCTION.

The drawing is intended for the purpose of illustrating the proposed design and is not to be used for construction. It is the responsibility of the contractor to ensure that the drawing is used for the intended purpose and that any necessary amendments are made to the drawing before construction begins.

Information for permission of Development from the Council of 18th Dec 2015. (COUNCIL CASE NO. 15/0101) and Adoption of 18th Dec 2015. (COUNCIL CASE NO. 15/0101) and Adoption of 18th Dec 2015. (COUNCIL CASE NO. 15/0101)

The drawing is intended for the purpose of illustrating the proposed design and is not to be used for construction. It is the responsibility of the contractor to ensure that the drawing is used for the intended purpose and that any necessary amendments are made to the drawing before construction begins.

Author	Architect
Client	Architect
Date	Architect
Scale	Architect
Sheet	Architect
Project	Architect
Location	Architect
Reference	Architect
Revision	Architect
Comments	Architect

**BroadwayMalyan™**  
Architectural Urban Design

15-19 Bartholin Terrace  
St John Wood  
Proposed  
South Brinsford

Plan No. 1509/14  
Date 06/11/2015  
Scale 1:1000  
Sheet 14 of 14  
Project 1509/14  
Location 15-19 Bartholin Terrace, London, W10 6PP  
Reference 1509/14  
Revision 14

- Material Key:**
- 1 Zinc standing seam mansard roof.
  - 2 Brickwork to match local London stock.
  - 3 Dark grey PPC double glazed window with reconstructed stone reveal and surround.
  - 4 Reconstructed stone cornice.
  - 5 Silver anodised aluminium bay window with white timber double glazed door.
  - 6 Recessed balcony with dark grey PPC double glazed window with reconstructed stone reveal and surround, and dark grey metal railings.
  - 7 Dark grey PPC double glazed window with reconstructed stone reveal and surround, and dark grey metal railings.
  - 8 Two storey double glazed window with dark grey timber frame, and reconstructed stone reveal and surround.

16006 - Lark Hill - 15-19 Bartholin Terrace, London, W10 6PP

PLANNING

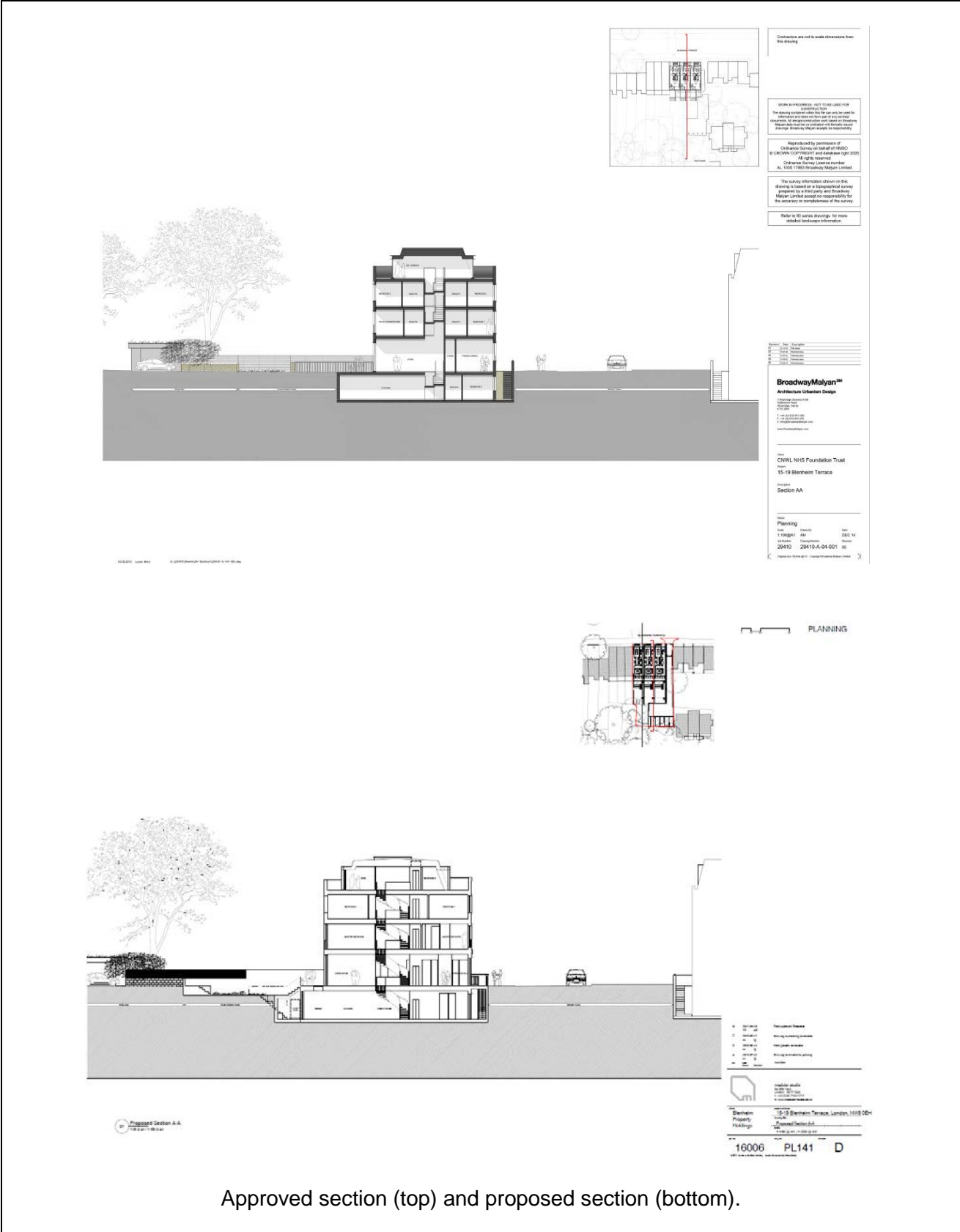


- Proposed Full Rear Elevation, PL2  
15-19 Bartholin Terrace
- As submitted on 08/11/2015  
Amendments following Planning Officer comments:
- G.1 The windows at First Floor level to be in smaller dimensions. The sills to void also comparable to the one in the approved scheme.
- Material Key:**
- 1 Zinc standing seam mansard roof.
  - 2 Brickwork to match local London stock.
  - 3 Dark grey PPC double glazed window with reconstructed cast iron reveal and surround.
  - 4 Reconstructed stone cornice.
  - 5 Zinc bay with dark grey PPC double glazed sliding door.
  - 6 Full height dark grey PPC double glazed sliding window.
  - 7 Dark grey PPC double glazed window with reconstructed stone reveal and surround, and dark cast iron railings.

Author	Architect
Client	Architect
Date	Architect
Scale	Architect
Sheet	Architect
Project	Architect
Location	Architect
Reference	Architect
Revision	Architect
Comments	Architect

**16006 PL171 D**

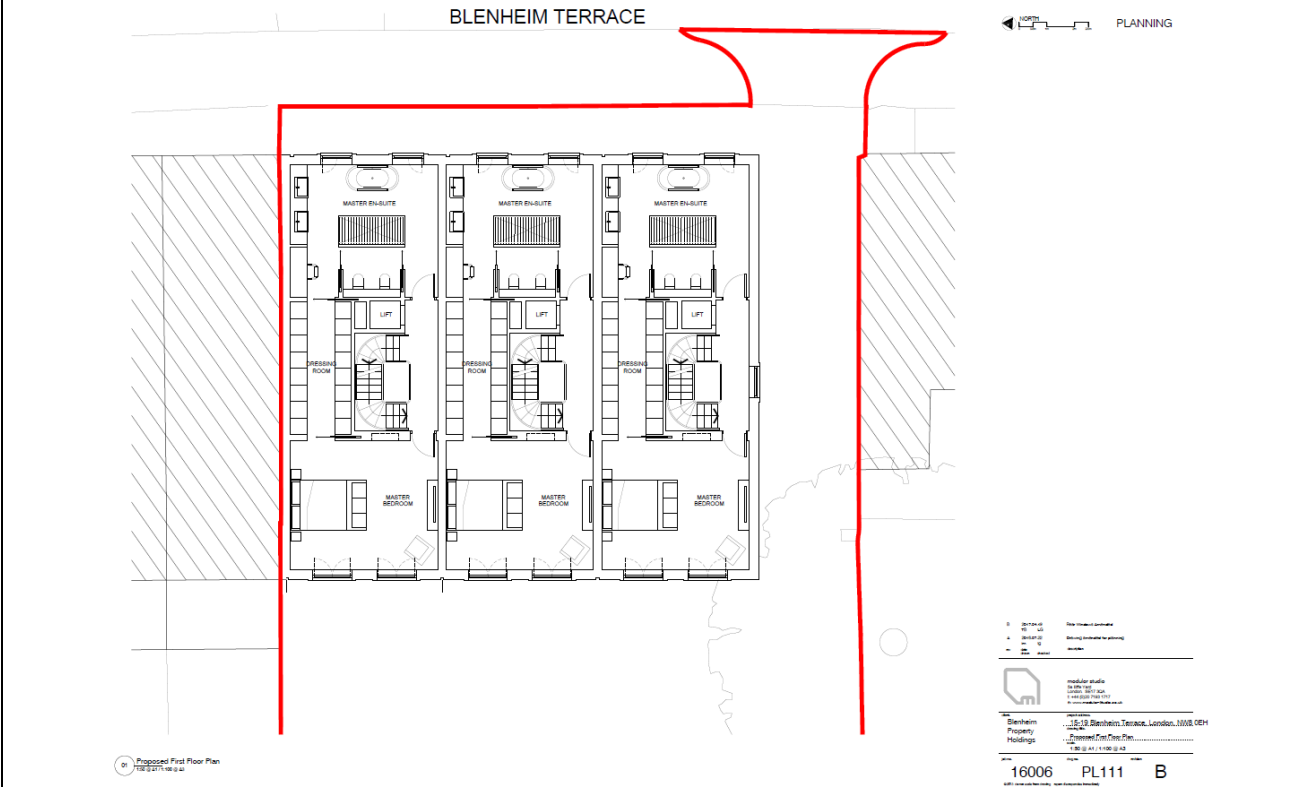
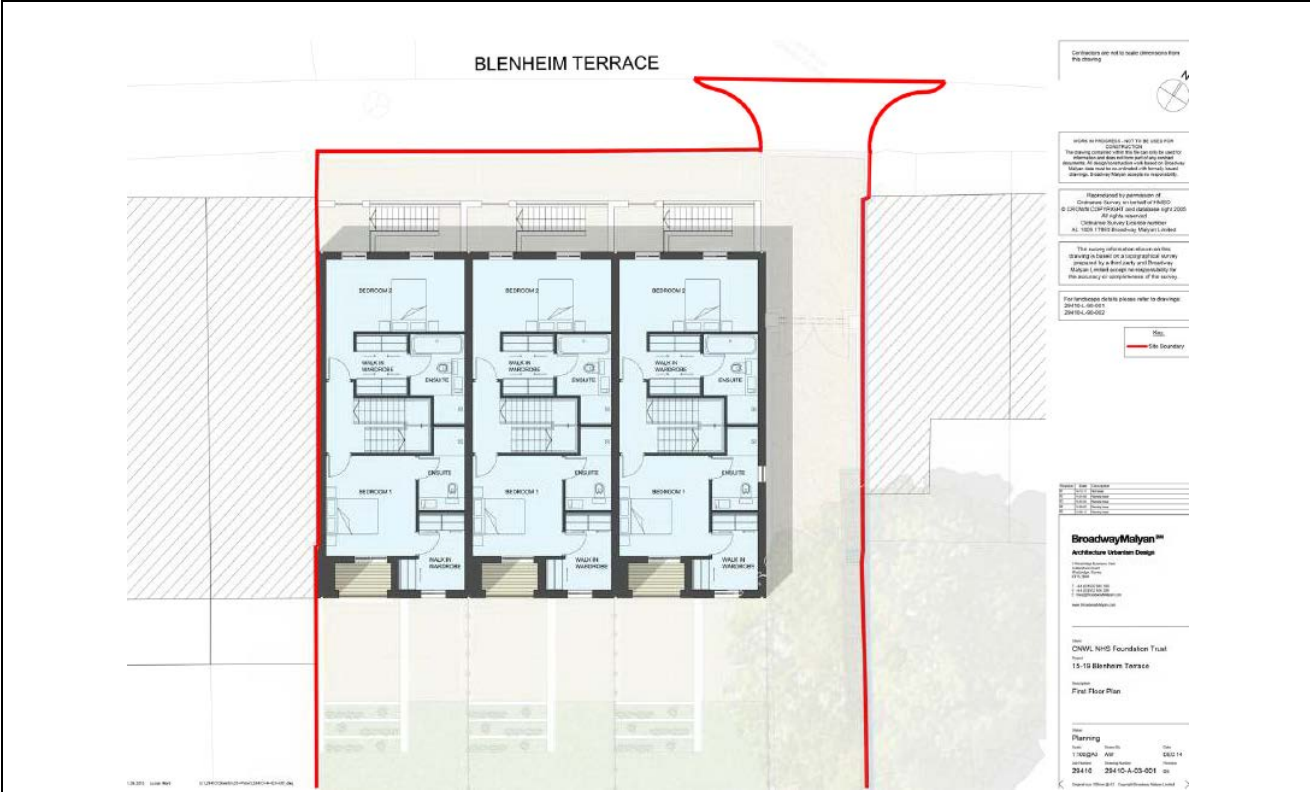
Approved rear elevation (top) and proposed rear elevation (bottom).



Approved section (top) and proposed section (bottom).

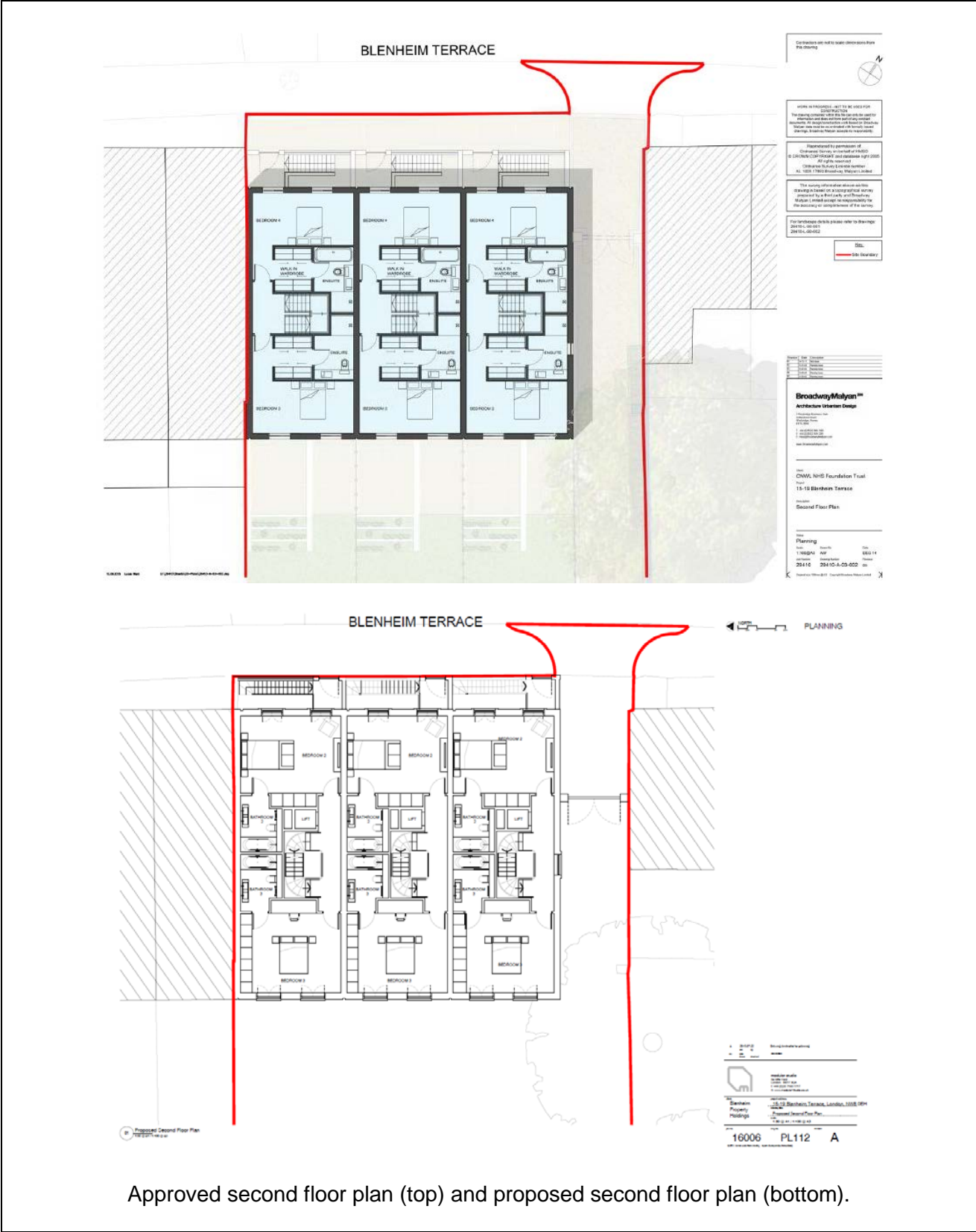




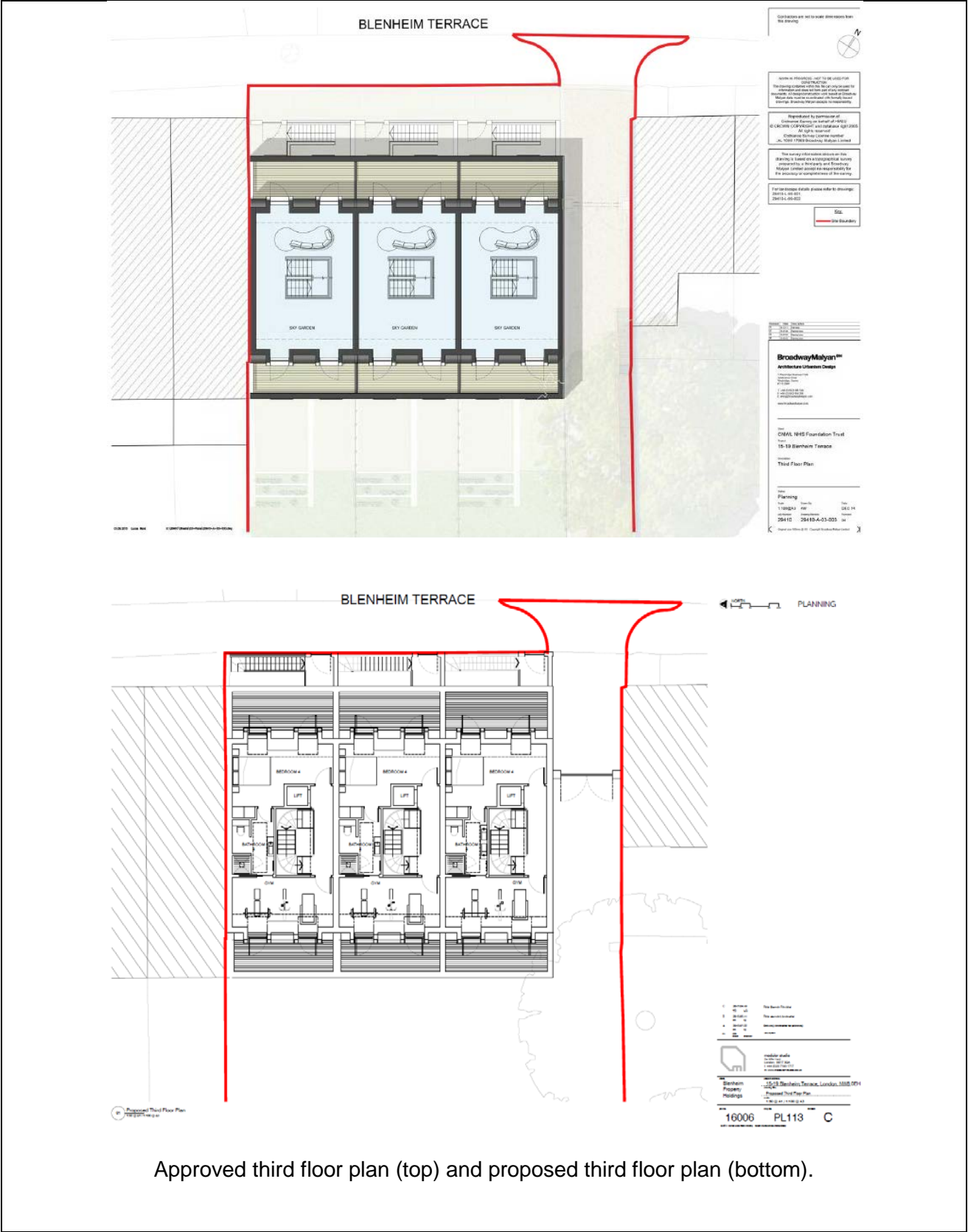


Approved first floor plan (top) and proposed first floor (bottom).

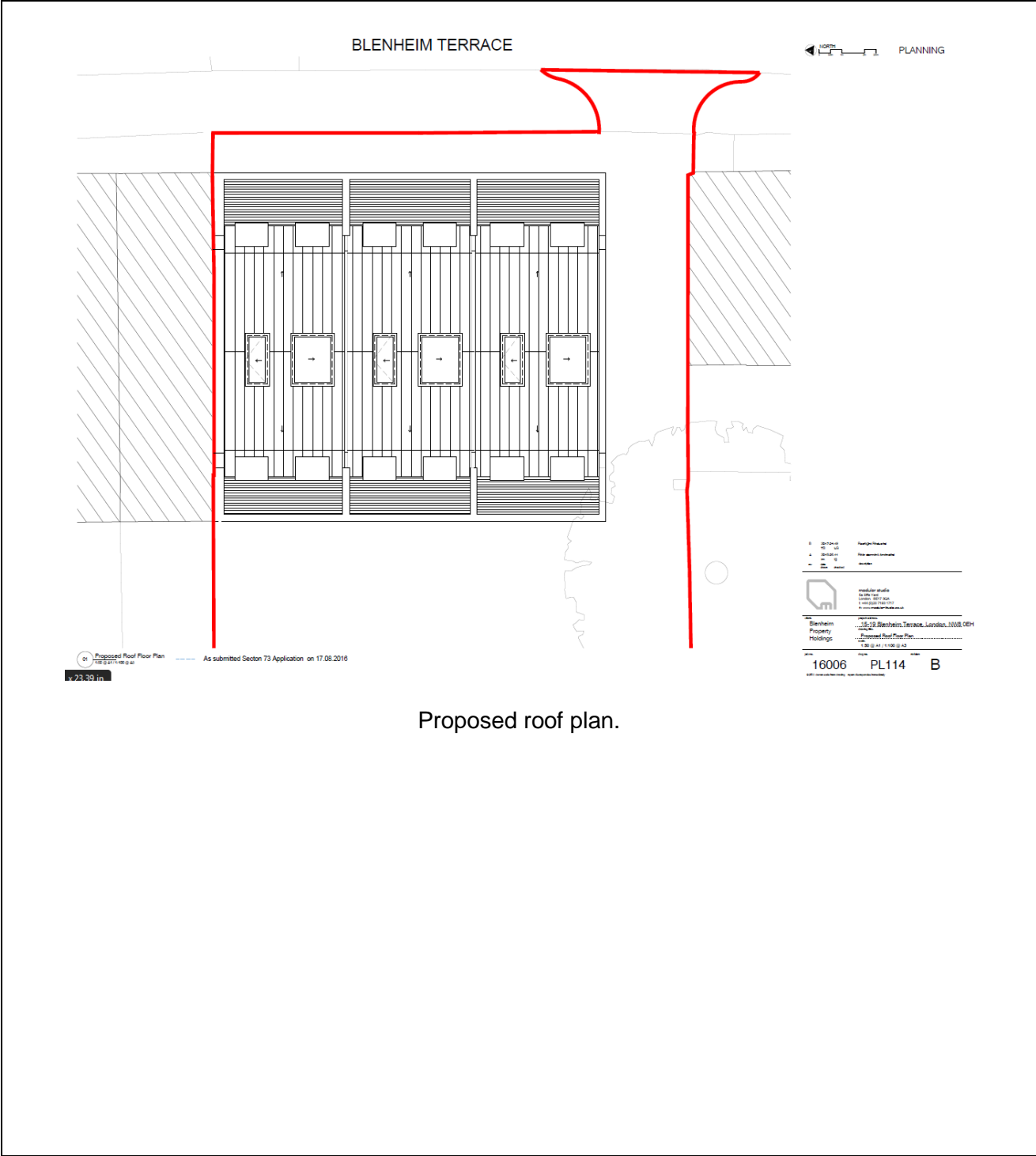




Approved second floor plan (top) and proposed second floor plan (bottom).



Approved third floor plan (top) and proposed third floor plan (bottom).



Proposed roof plan.

**DRAFT DECISION LETTER**

**Address:** 15-19 Blenheim Terrace, London, NW8 0EH,

**Proposal:** Variation of Conditions 1 and 20 of planning permission dated 26 April 2016 (RN: 14/12517/FULL) for demolition of existing buildings and erection of 3x5 bedroom five storey townhouses comprising basement, ground and three upper floors, formation of covered car parking area to rear and alterations to form a side access road; namely, to bring forward the front building line to align with the adjacent building to the south west, amend the detailed design of front and rear facades including revision of form of rear lightwell, addition of rooflights to the main roof and revision of internal layouts.

**Reference:** 16/08357/FULL

**Plan Nos:** **DRAWINGS AND DOCUMENTS ORIGINALLY APPROVED (RN: 14/12517/FULL):**

29410-A-03-100 Rev.02, 29410-A-03-101 Rev.02, 29410-A-03-102 Rev.02, 29410-A-03-200 Rev.02, 29410-A-05-100 Rev.01, 29410-A-05-101 Rev.01, 29410-A-02-001 Rev.02, 29410-A-02-002 Rev.03, 29410-A-03-B01 Rev.05, 29410-A-03-000 Rev.05, 29410-A-03-001 Rev.05, 29410-A-03-002 Rev.05, 29410-A-03-003 Rev.04, 29410-A-04-001 Rev.05, 29410-A-05-001 Rev.05, 29410-A-05-002 Rev.05, 29410-A-05-003 Rev.04, 29410-A-05-004 Rev.05, 29410-A-05005 Rev.01, 29410-L-05-90-001 Rev.04, 29410-L-05-90-002 Rev.04, Planning Statement dated December 2014, Heritage Statement dated December 2014, Design and Access Statement dated 1 October 2015, Tree Survey Report (CBA10266v1 Rev.A), Code for Sustainable Homes Pre-Assessment Estimator (Code Level 4), Floorspace Schedule dated 2 July 2015 (Rev.02), Structural Methodology dated December 2014, Site Rationalisation Strategy by Nexus Planning dated December 2014 and letter from the Central and North West London NHS Foundation Trust dated 18 December 2014.

**AS AMENDED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED:** PL001, P109 Rev.B, PL110 Rev.C, PL111 Rev.B, PL112 Rev.A, PL113 Rev.C, PL114 Rev.B, PL141 Rev.D, PL142 Rev.A, PL170 Rev.C, PL171 Rev.D, PL172 Rev.A, PL173, PL600 Rev.B, PL601 Rev.B, Application Statement by Modulus Studio dated 17 August 2016 (Rev.B - as amended by drawings hereby listed) and Heritage Advice Note dated April 2016. Email from Rebecca Gunn (Gerald Eve) dated 24 April 2017.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- i. a construction programme including a 24 hour emergency contact number;
  - ii. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - iii. locations for loading/unloading and storage of plant and materials used in constructing the development;
  - iv. erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - v. wheel washing facilities and measures to control the emission of dust and dirt during construction; and,
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

approved. (C29BB)

Reason:

To maintain the character of the St. John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 5 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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted November 2016 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample 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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted November 2016 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development:
- a) All new windows and doors at a scale of 1:20 or larger.
  - b) All new window and door surrounds and cornices at a scale of 1:20 or larger.
  - c) Typical elevations and sections of the banded rendering to the front facade at basement and ground floor level at a scale of 1:20 or larger (elevation and section).
  - d) Front boundary wall, gates and railings and staircases within front lightwells at a scale of 1:20 or larger., (e) All new boundary walls, gates and fences to the rear of the site at a scale of 1:50 or larger.
  - e) Plan and elevation of the waste and recycling stores at a scale of 1:50 or larger.
  - f) Detailed elevations and sections of roof level cornice, including a detail of the junction of proposed cornice with existing cornice to the terrace to the south west.

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 prior to occupation of the dwellinghouses. (C26DB)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted November 2016 and DES 1, DES 4, DES 9 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 detailed drawings showing the following alteration to the scheme: Provision of privacy screens between the balconies at third floor level. 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 amenity of neighbouring residents and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan adopted November 2016 and ENV 13, DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the dwellinghouses, erect any extensions to the dwellinghouses or erect any outbuildings or structures within the rear gardens without our permission. This is despite the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

## Reason:

To protect the amenity of neighbouring residents and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan adopted November 2016 and ENV 13, DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- 11 You must provide car parking spaces CP1, CP2 and CP3 shown on the drawing 29410-L-90-001 Rev.04 and these car parking spaces shall only be used for the parking of vehicles of people living in the residential dwellinghouses hereby approved. One of these car parking spaces shall be made permanently available to the occupiers of each of the three dwellinghouses. (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)

- 12 You must provide car parking spaces CP4 and CP5 shown on the drawing 29410-L-90-001 Rev.04 and these car parking spaces shall only be used for the parking of vehicles of persons working at or visiting the Class D1 use at No.38 Marlborough Place. (C22BA)

Reason:

To provide parking spaces for the medical facility at No.38 Marlborough Place in lieu of the dedicated parking spaces to be removed from the public highway in Marlborough Place. This is in accordance with STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 29410-L-90-001 Rev.04. You must clearly mark them and make them available at all times to everyone occupying the dwellinghouses. (C14FB)

Reason:

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

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

- The sedum green roof to the parking courtyard structure.

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 16 Notwithstanding the outline landscaping scheme shown on drawings 29410-L-90-001 Rev.04 and 29410-L-90-002 Rev.04, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that comprise part of the landscaping scheme that we approve 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 this part of the St. John's Wood 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 (November 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)

- 17 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on the 'Tree Survey Plan' appended to the Tree Survey Report dated November 2014. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005 and the tree protection measure proposed should include a programme of supervision by an arboriculturalist who is registered with the Arboricultural Association or has the level of qualifications or experience (or both) needed to be registered. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 18 Notwithstanding the annotated facing materials for the car port structure shown on drawing 29410-A-05005 Rev.01, you clad the fascia of this structure in zinc cladding to match the zinc cladding used on the proposed townhouses.

Reason:

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

- 19 **Pre Commencement Condition.** Notwithstanding the submitted Structural Methodology dated December 2014, you must apply to us for approval of a detailed Structural Methodology Statement that accords with the requirements set out in Appendix 1 of our 'Basement Development in Westminster' Supplementary Planning Document (2014). You must not start any work until we have approved what you have sent us. The development must then be carried out in accordance with the Structural Methodology Statement we approve.

Reason:

To safeguard neighbouring buildings from works of excavation and basement construction, so as to ensure that the character and appearance of this part of the St. John's Wood Conservation Area is maintained. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013, DES 1 and DES 9 of our Unitary Development Plan that we adopted in January 2007 and our Supplementary Planning Document 'Basement Development in Westminster' (2014).

- 20 You must erect the front boundary walls and railings around the front garden areas in accordance with the drawings hereby approved prior to occupation of the dwellinghouses. Thereafter you must permanently retain the front boundary walls and railings in accordance with the approved drawings.

Reason:

To prevent parking on the existing forecourt area, so as to maintain the safety of pedestrians and ensure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 S28 and S41 of Westminster's City Plan adopted November 2016 and DES 1, DES 4, DES 9 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 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 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)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 5 The tree protection method statement must include details of the site setup, vehicle access, materials storage, concrete mixing and welfare facilities.

- 6 If you find that you need to remove and rebuild any of the walls shown for retention, and in particular the retaining wall closest to T7, which follows the footpath between 16-19 Blenheim Terrace and 38 Marlborough Place, you will need to amend and resubmit the tree protection method statement.
- 7 For the avoidance of doubt the Construction Management Plan required under condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 9 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)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We

will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 12 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 measures to mitigate the loss of the previous social and community use from this site and the lack of on-site affordable housing provision. (I55AA)

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

Item No.
<b>8</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward involved</b> Churchill	
<b>Subject of Report</b>	<b>39 Westmoreland Terrace, London, SW1V 4AQ</b>		
<b>Proposal</b>	Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor levels; infill extension to front lightwell and lowering of basement vault.		
<b>Agent</b>	Yard Architects		
<b>On behalf of</b>	Mrs Canham		
<b>Registered Number</b>	16/12043/FULL	<b>Date amended/ completed</b>	20 December 2016
<b>Date Application Received</b>	20 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

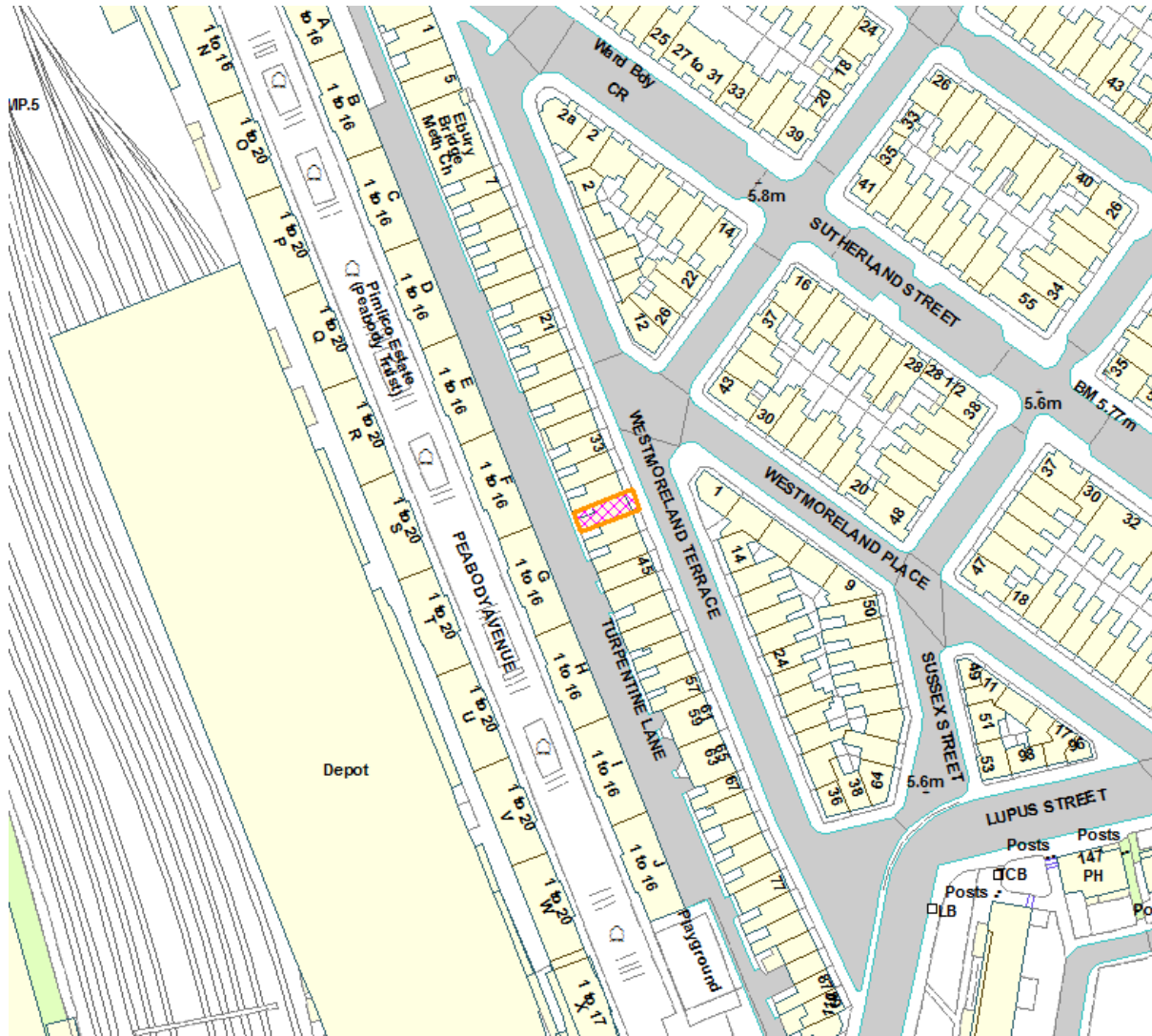
39 Westmoreland Terrace is an unlisted building located within the Pimlico Conservation Area. It is a single family dwellinghouse comprising four stories above lower-ground floor. Permission is sought for works to extend the dwelling which include a two storey infill at lower ground and ground floor levels with a roof terrace above at first floor level, extensions at first and second floor level to the rear closet wing and an infill extension to the front lightwell.

The key issues are:

- \*Impact upon the appearance of the building;
- \*Impact upon the character and appearance of the Pimlico Conservation Area;
- \*Impact on neighbouring amenity.

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, it is recommended that conditional planning permission is granted.

# LOCATION PLAN



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

3. PHOTOGRAPHS



Westmoreland Terrace



**Turpentine Lane**



#### 4. CONSULTATIONS

##### WESTMINSTER SOCIETY

No objection.

##### BUILDING CONTROL

The new construction may require support to the highway. An informative should be included to remind the application to obtain Technical approval from the Council's highways engineers before beginning excavation.

##### TREE SECTION

No objection.

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

No. Consulted: 23

Total No. of replies: 3

No. of objections: 3

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections have been received from and on behalf of the residents of 41 and 41A Westmoreland Terrace on the following grounds:

##### DESIGN

-The proposals do not follow the pattern of existing rear extensions in terms of depth, width, height and detailed design.

##### AMENITY

- Extensions would result in a loss of light, increased sense of enclosure and loss of privacy.
- Roof terrace would result in increased noise.

##### OTHER

- Loss of light will affect green wall and plants within basement garden.
- Impact of construction noise.

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

39 Westmoreland Terrace is an unlisted building of merit within the Pimlico Conservation Area. It is a single family dwellinghouse comprising four stories above lower ground floor, property located on the west side of Westmoreland Terrace, backing onto Turpentine Lane.

##### 5.2 Recent Relevant History

None relevant.

## 6. THE PROPOSAL

Planning permission is sought for a two storey infill extension at rear lower ground and ground floor levels in between the closet wing of the application site and the closet wing of No.37 Westmoreland Terrace. A roof terrace is sought at first floor level above the new infill extension. An extension to the closet wing is sought at first floor level in place of an existing roof terrace and a side extension to the existing shallow section of closet wing is sought at second floor level. A small infill extension is proposed within the front lightwell at lower ground floor level and minor excavation is sought one of the front basement vaults.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The extension would enlarge the existing dwelling house. In land use terms the creation of a larger single family dwelling house is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

### 7.2 Townscape and Design

An objection has been received from the residential occupier of 41 Westmoreland Terrace stating that the proposals do not follow the pattern of existing rear extensions in the surrounding area in terms of depth, width, height and detailed design.

Although the proposed two storey infill extension at the rear would normally be contrary to policy, there are a number of similar extensions to the rear along the terrace. The rear wall of the infill extension would be set back from the rear wall of the closet wing by 100mm at lower ground and ground floor levels which is considered acceptable in design terms.

The vertical extension to the closet wing is acceptable in design terms. The choice of concrete lintels and casement windows at rear lower ground floor level is unfortunate; however they would represent a design improvement over the existing condition. The design would reflect treatments at the rear of a number of properties along this terrace and are therefore considered acceptable in this instance.

With regard to the side extension to the existing shallow section of closet wing at first and second floor levels, this is considered acceptable. The principle of this form of development has been established with similar extensions exhibited along the terrace.

With regard to the small infill extension within the front lightwell, although the side light is not of an appropriate detailed design for a property of this period and style, given that the proposed door represents an improvement over the existing condition and that the side light would not be readily visible from the public realm it is considered, on balance, that it would have a neutral impact on the conservation area.

Subject to conditions, the proposals comply with policies in the NPPF and policies S25 and S28 of the City Plan, DES 1, DES 5, DES 6 and DES 9 of the UDP and the Pimlico Conservation Area Audit.

### 7.3 Residential Amenity

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

Objections have been received from the adjoining residential occupiers at 41 and 41A Westmoreland Terrace on the grounds that the proposals would result in a loss of light, increased noise disturbance, sense of enclosure and loss of privacy.

The applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and more than a 20% reduction in its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight.

Two windows within 41 Westmoreland Terrace that serve habitable rooms would experience more than a 20% reduction in VSC. Both of these windows are located at ground floor level. The first serves an open plan kitchen / living area and would experience a reduction of 22%. This is considered to be a marginal transgression and the room is dual aspect, served by an unaffected window at the front of the property. The second window serves a library and would experience a reduction of 55%. This is a small window within the flank of the closet wing. The room is served by an unaffected window to the rear of the closet wing. The existing light level received by this window is low and as such any reduction would be perceived as high in percentage terms. In real terms the transgressions are considered insufficient to justify withholding planning permission on the grounds of loss of daylight.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours or less than 5% of annual probable sunlight hours between September and March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH. All relevant windows which face within 90 degrees of due south have been tested and found to be fully compliant with BRE guidance.

The proposed vertical closet wing extension at first floor level is likely to be noticeable from the rear kitchen window at ground floor level and first floor bedroom window at 41 Westmoreland Terrace. Both the kitchen and bedroom are dual aspect. The resulting relationship with the raised closet wing is not uncommon form of development across the city and along the application terrace itself. It is considered that the proposals would not lead to an unacceptable increase in enclosure and refusal for this reason could not be sustained.

The existing terrace at first floor level measures 11.6sqm. The proposed terrace at first floor level would measure approx. 6sqm and would be separated from the objectors property by the proposed first floor extension. It is considered that the terrace would not increase noise to the objector's upper floor bedrooms or result in a loss of privacy to neighbouring occupiers. In addition, due to the orientation and distance of the windows within the extensions, the proposal will not result in an unacceptable loss of privacy to neighbouring occupiers.

On balance the proposals are acceptable in amenity terms and are considered to comply with Policies S29 of the City Plan and ENV13 of the UDP.

#### **7.4 Transportation/Parking**

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

#### **7.5 Economic Considerations**

This development does not generate a Mayor CIL or WCC CIL payment.

#### **7.6 Access**

The proposals will not alter the access arrangements of the single family dwelling.

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

None relevant.

#### **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 Environmental Impact Assessment**

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

#### **7.12 Other Issues**

##### **Construction Impact**

Whilst sympathetic to the concerns raised, disruption from building works is not justifiable grounds for refusing planning permission. A condition has been added restricting any

building work which can be heard at the boundary of the site to 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. In addition any works of excavation or demolition should only be undertaken between Monday to Friday at the same times. An informative has been added to ask for the construction manager to keep residents informed about unavoidable disturbance.

### **Rights to Light**

Rights to light are not a material planning consideration.

### **Impact on adjacent planting**

The green wall at 41 Westmoreland Terrace is on the rear south west boundary of the property. The orientation and the path of the sun suggest that the proposed extension is unlikely to materially affect direct sunlight reaching the green wall or plants within the rear yard area.

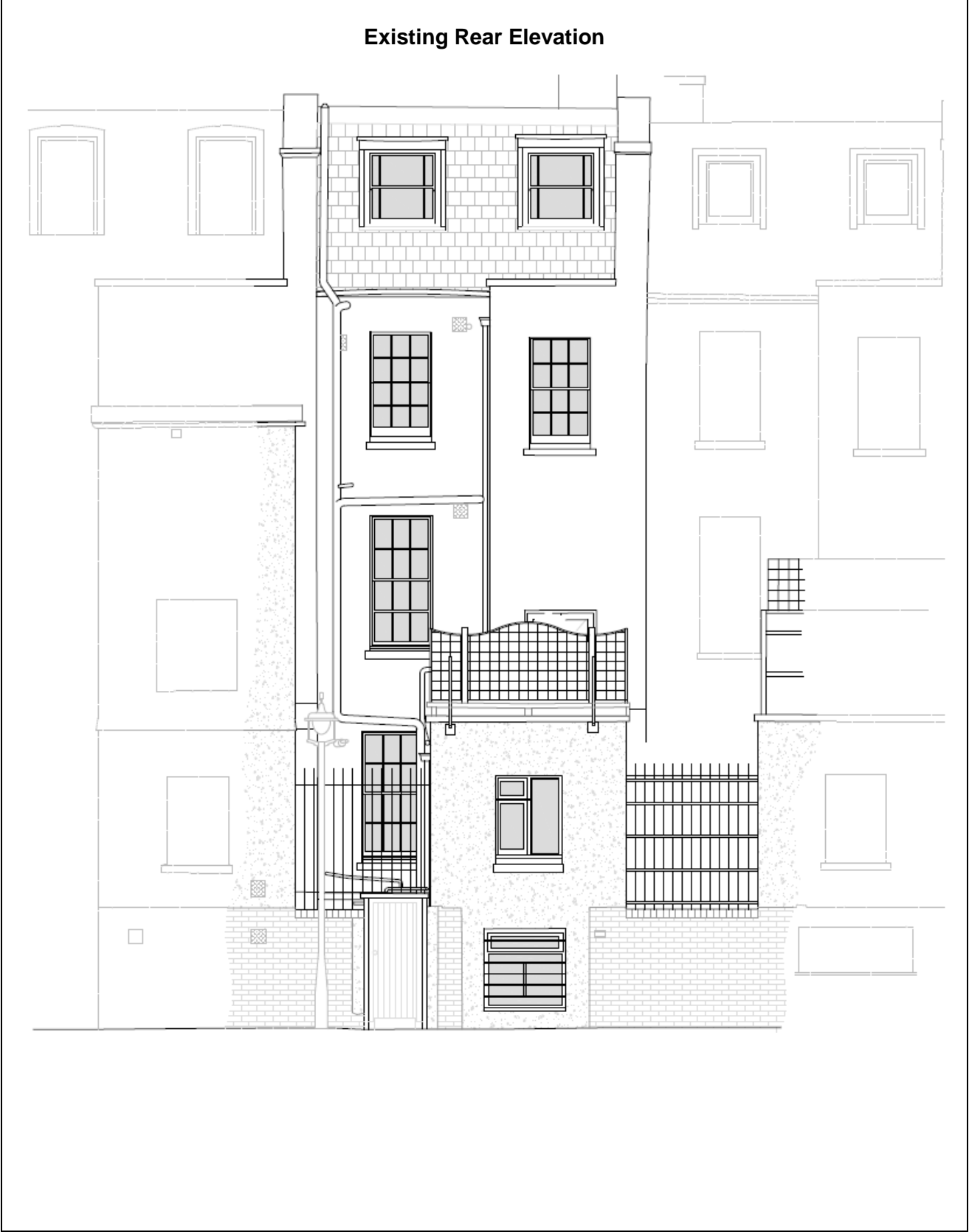
## **8. BACKGROUND PAPERS**

1. Application form.
2. Response from Westminster Society dated 10 January 2017.
3. Response from Building Control dated 14 March 2017.
4. Response from Tree Section dated 20 April 2017.
5. Letter from occupier of 41A Westmoreland Terrace, dated 3 January 2017.
6. Letters from occupiers of 41 Westmoreland Terrace dated 17 January, 23 January and 2 February 2017.
7. Letter from Right of Light Consulting dated 11 April 2017.
8. Letter from Daylight and Sunlight Ltd dated 20 April 2017.

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

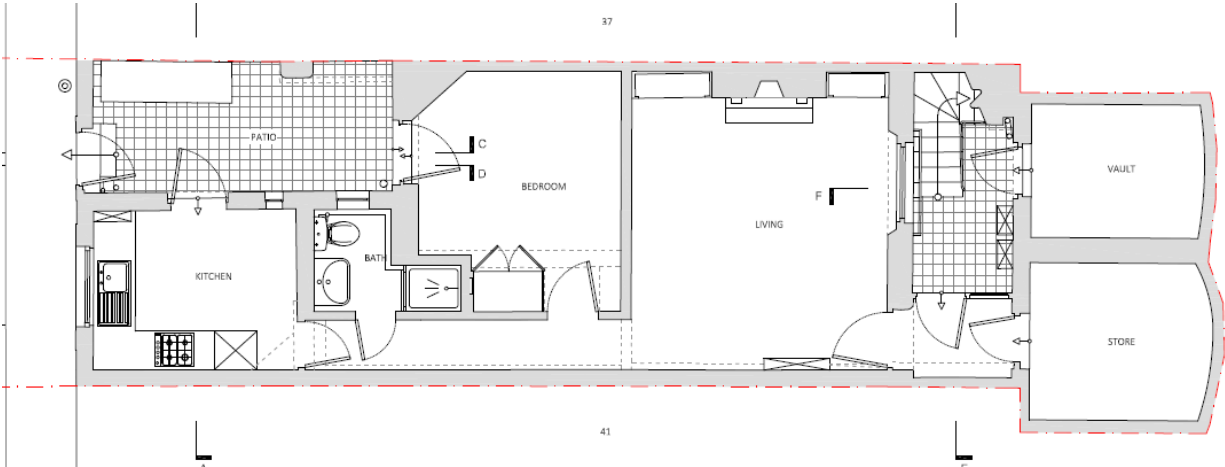
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

Existing Rear Elevation

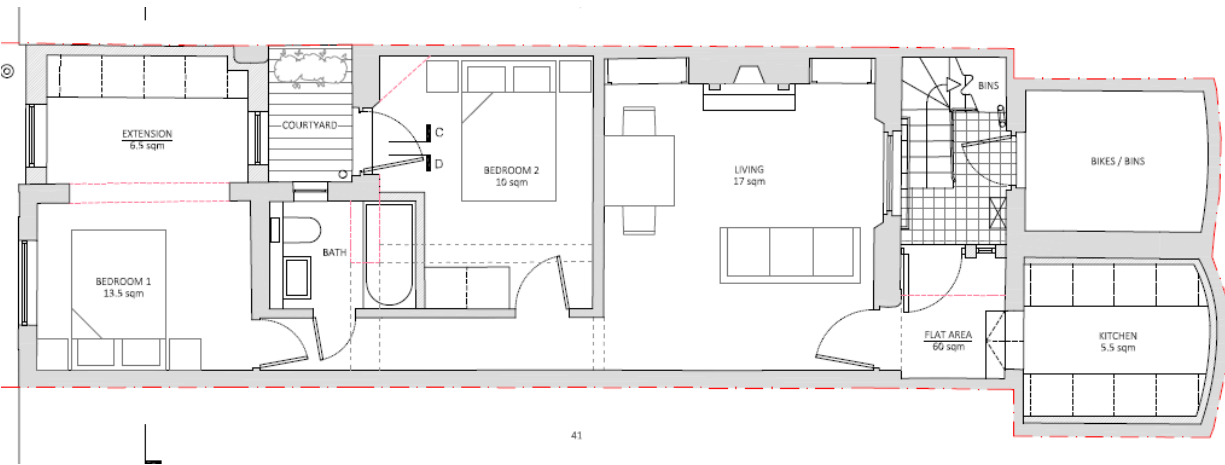




**Existing Basement Plan**

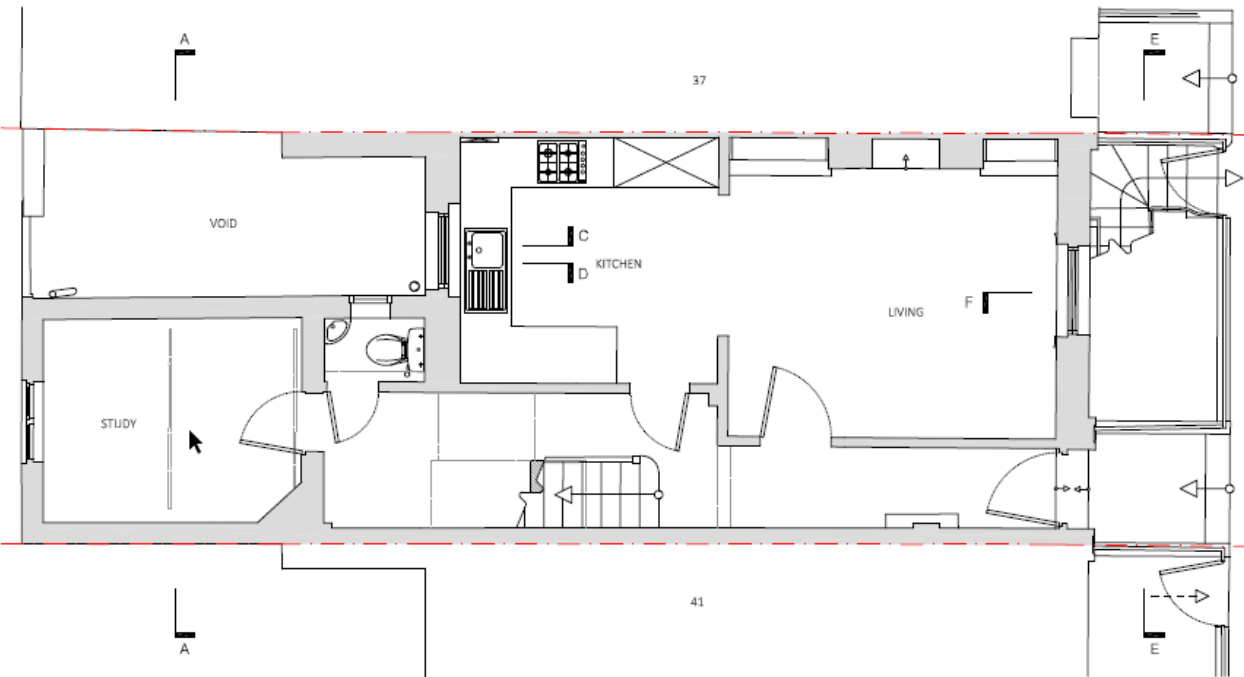


**Proposed Basement Plan**

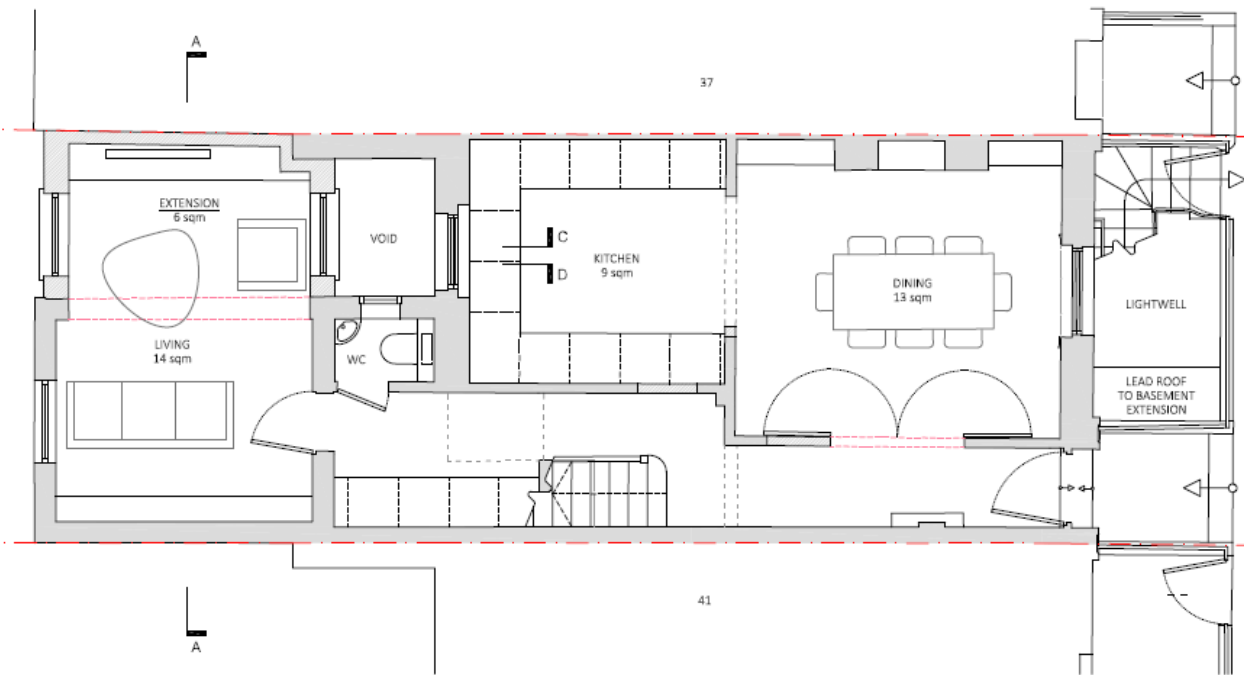




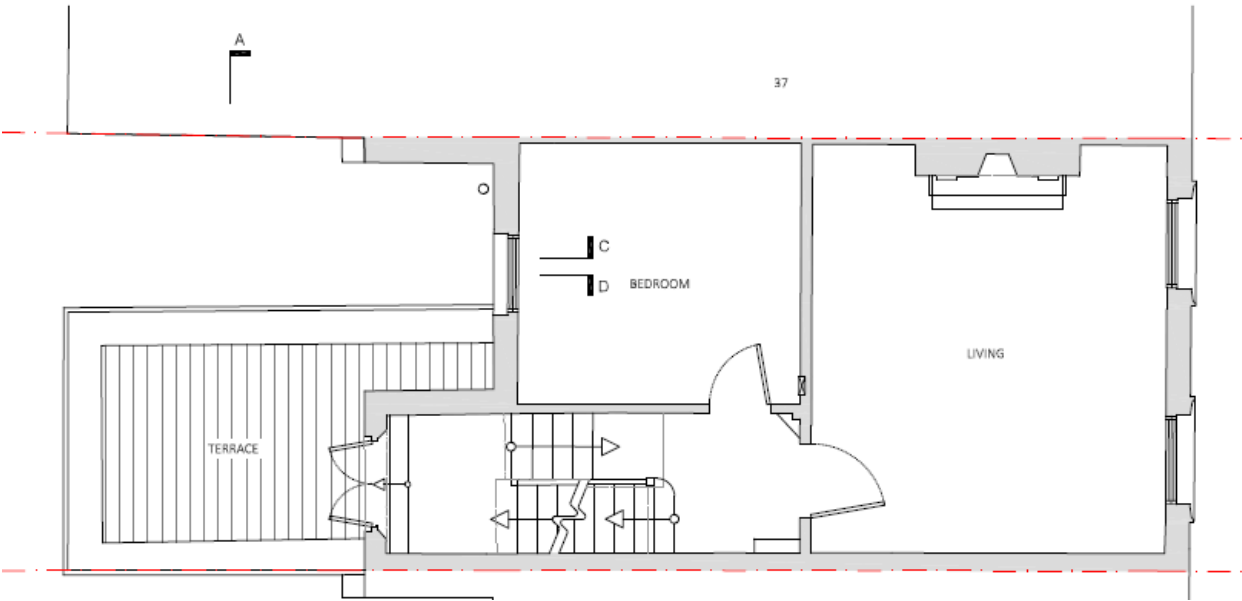
### Existing Ground Floor Plan



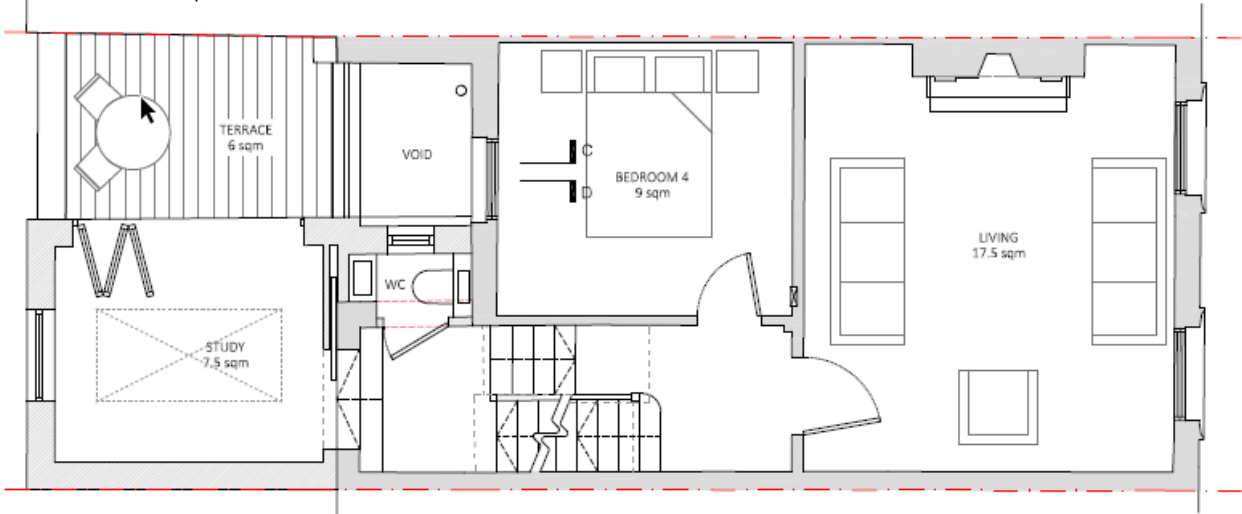
### Proposed Ground Floor Plan



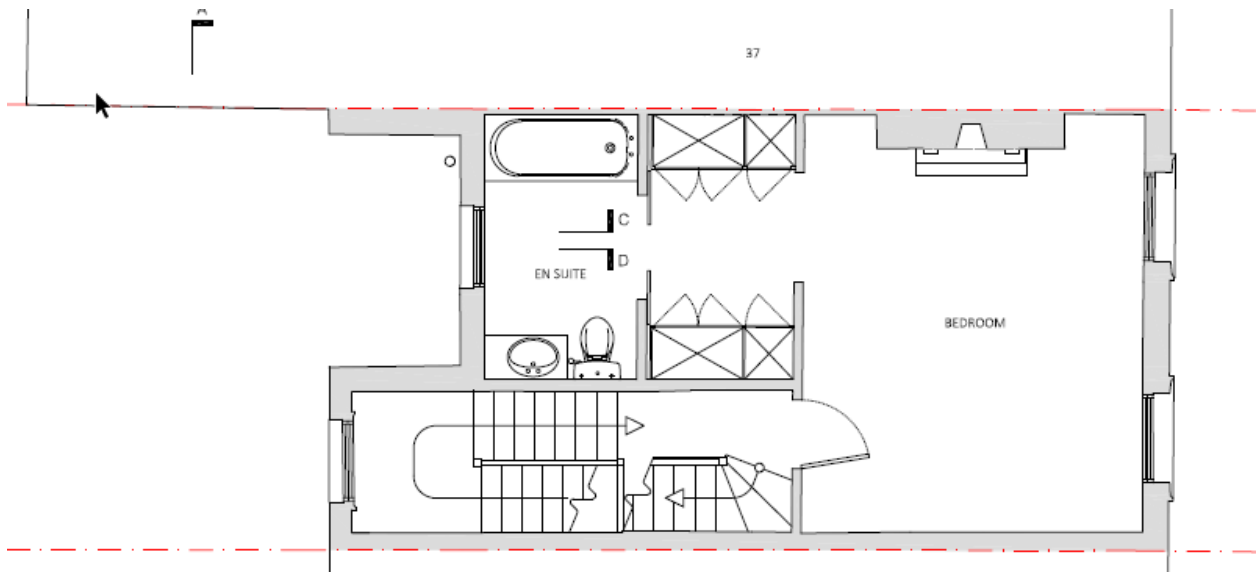
**Existing First Floor Plan**



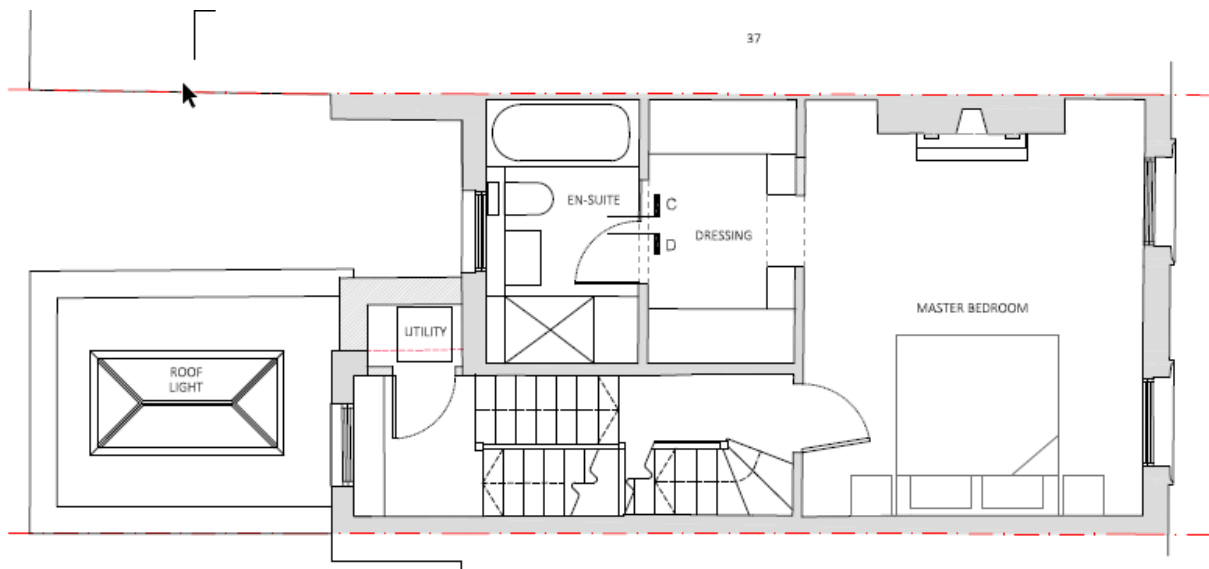
**Proposed First Floor Plan**



### Existing Second Floor Plan



### Proposed Second Floor Plan



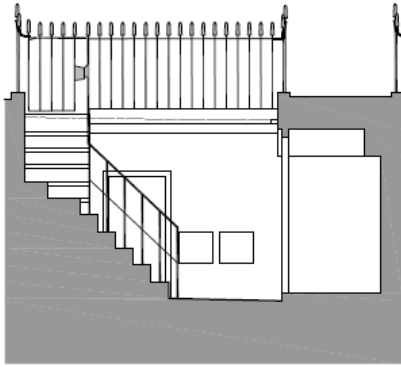
Existing Section A-A



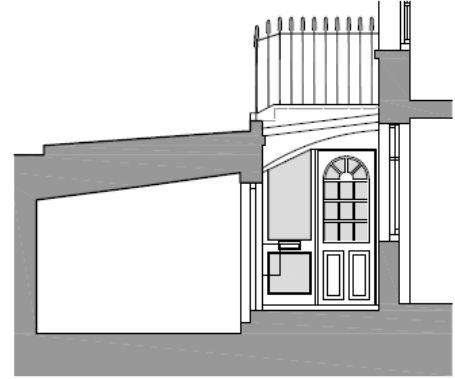
Proposed Section A-A



**Existing Sections front lightwell**

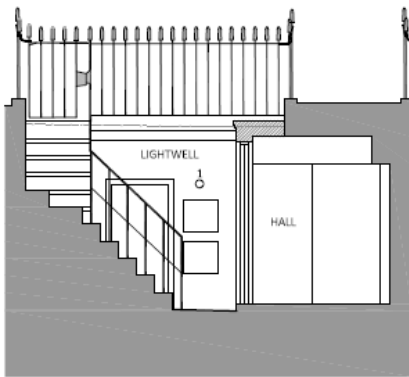


SECTION EE

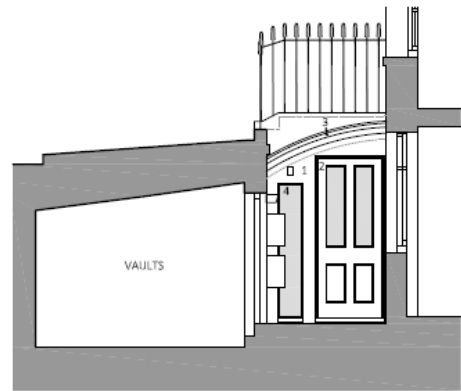


SECTION FF

**Proposed Sections front lightwell**



SECTION EE



SECTION FF

**DRAFT DECISION LETTER**

- Address:** 39 Westmoreland Terrace, London, SW1V 4AQ
- Proposal:** Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor levels; infill extension to front lightwell and lowering of basement vault.
- Reference:** 16/12043/FULL
- Plan Nos:** PP-01; PP-02 Rev. A; PP-03 Rev. A; PP-04; PP-05; PP-06; PP-07; PP-08; PP-09 Rev. B; PP-10 Rev. A; PP-11; PP-12 Rev. A; PP-13;

For information:

Structural Engineer's Statement for Planning Approval dated 8 March 2017; Design & Access Statement dated December 2016; Flood Risk Assessment dated December 2016; Daylight and Sunlight Report dated 3 March 2017; Letter from Daylight & Sunlight (UK) Ltd dated 20 April 2017; Updated DD Table received 20 April 2017; Updated VSC Table received 20 April 2017.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**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 (November 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 All new external windows and doors must be made out of timber painted white and maintained in that colour.

Reason:

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



- 7 You must apply to us for approval of detailed drawings of the following parts of the development - all new external windows and doors, including plans and elevations at 1:20 or 1:10 and sections at 1:10 or 1:5. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 not use the roof of the first floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**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 (November 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 Please be advised that the Council would encourage the use of integral or true glazing bars for any new double hung sliding sash windows (where the units are double-glazed and have glazing bars), however, simulated or applied glazing bars would be acceptable with white spacers given that the sash rails and glazing bars are of a matching profile to those on the existing windows. Where any of the proposed window units include external drip bars or weatherbars and associated trickle vents, these should be concealed.
- 3 You will need 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 the application for works to the highway.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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.