

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 February 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	Development Site 36 To 40 Langham Street And 94 Great Portland Street, London, W1		
Proposal	Demolition behind retained front facade of No.36 and No.94, including the demolition of existing rear basement and ground extensions and roofs to Nos.36-40. Minor excavation to the rear of Nos. 36-40, and rebuilding to provide part four and part five storey (above ground) buildings at No.36 and No.94. Erection of mansard roof to Nos.38-40 in connection with the use of part of basement and ground for either retail (Class A1) or restaurant (Class A3) and the use of the remaining buildings as 17 residential units. Associated external alterations including rear terrace at first, second, fourth and roof level. New windows and plant.		
Agent	Montagu Evans LLP		
On behalf of	Central London Property Trust		
Registered Number	14/08576/FULL 14/08583/LBC	TP / PP No	TP/12928/13698/ 19715/16897
Date of Application	28.08.2014	Date amended/ completed	18.12.2014
Category of Application	Major		
Historic Building Grade	Grade II Listed Buildings and No. 36 Unlisted		
Conservation Area	1. Nos. 36-40 within East Marylebone Conservation Area 2. No. 94 within Harley Street Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	A licence application has not been submitted for the proposed restaurant use.		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- Provision of £570,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- Provision of £15,000 to fund parking review studies in the area;
- Provision of lifetime car club membership (minimum 25 years) for all 17 flats;

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1

- The costs of monitoring the S106 agreement.

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

(a) The Operational Director 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 Operational Director is authorised to determine and issue the decision under Delegated Powers; however, if not;

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

3. Grant conditional listed building consent.

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

5. 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 area of highway on Langham Street, required to enable the development to take place.

6. That the City Commissioner for Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.



City of Westminster

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DEVELOPMENT SITE
36-40 LANGHAM STREET AND 94 GREAT PORTLAND STREET, W1

2. SUMMARY

The application site comprises Nos. 36-40 Langham Street and No.94 Great Portland Street, all the buildings are Grade II listed apart from No.36. The buildings are predominantly in commercial use, with three residential flats over the upper floors of No.38 and No.40 (although one of these is unauthorised). Nos.36-40 are located within the East Marylebone Conservation Area and No.94 is located within the Harley Street Conservation Area. Permission is sought for the demolition behind retained front facades of No.94 and No.36, the roofs of No.38 and No.40 will be demolished to make way for a mansard roof extension, rear extensions are proposed at ground to second floor level to the rear of No.38 and No.40 and infill extensions are proposed to the rear of No.94 and No.36. Seventeen residential flats are proposed, with the main entrance for the residential flats located on Langham Street. Part of the basement and ground floor on Great Portland Street will be used for either retail (Class A1) or restaurant (Class A3). A full height extract duct will be routed internally and will vent at roof level. The scheme includes a contribution to the City Council's affordable housing fund in lieu of on-site provision.

The key issues for consideration are:

- The partial demolition of the listed buildings;
- The impact of the proposals on the character and appearance of the conservation areas;
- The impact of the extensions and changes of use on residential amenity;
- The lack of off street car parking.

The proposals are considered acceptable in land use, amenity, design and conservation and the impact on the listed buildings and therefore comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. CONSULTATIONS

ENGLISH HERITAGE
Authorisation received.

ENGLISH HERITAGE ARCHAEOLOGY
No objection, subject to conditions.

FITZROVIA NEIGHBOURHOOD ASSOCIATION
Welcome the refurbishment of the buildings, however, object to the loss of office floorspace, increased height of building is unacceptable, concerns over the proximity of extensions to No.42 Langham Street, restaurant use is unacceptable.

FITZROVIA WEST NEIGHBOURHOOD FORUM
Objection - No affordable housing on site, more terraces and balconies should be proposed, loss of amenity, loss of office floorspace, new retail should be provided not a restaurant, large plant rooms.

ENVIRONMENTAL HEALTH
No objection, subject to the installation of a full height extract duct for the restaurant use.

CLEANSING MANAGER
No objection.

HIGHWAYS PLANNING MANAGER
Objection - lack of off-street car parking.

BUILDING CONTROL

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

GO GREEN MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 194; Total No. of Replies: 6.

Six letters of objection (two from same address) raising concerns on all or some of the following grounds:

Land Use

- Loss of office floorspace
- Lack of affordable housing on site.

Amenity

- Impact of the proposed extensions on daylight and sunlight.
- Loss of privacy from the change of use and new windows and terraces.
- Increased noise and disturbance from the use of the new terraces.

Design

- Loss of historic features.
- Roof extensions are unacceptable in principle.
- Impact of the proposals on adjacent listed buildings.

Other

- No public engagement carried out by applicant.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site comprises four buildings situated on Great Portland Street and Langham Street. No. 94 Great Portland Street is located on the corner of both streets, and comprises basement, ground and three upper floors. The basement, ground and second floor is used by a company called 'Bus Stop' who operate a design studio and administrative offices, which falls within Class B1c. The first and third floors are in use as offices (Class B1). The building is Grade II listed and situated within the Harley Street Conservation Area.

No.36 Langham Street is unlisted, but is identified as being an unlisted building of merit in the conservation area audit. The lawful use of the building is for office purposes.

No.38 Langham Street is Grade II listed and comprises basement, ground and four upper floors. The building is occupied for office purposes up to second floor level and there are two residential flats at third and fourth floor level.

No. 40 Langham Street is also Grade II listed, comprising basement, ground and four upper floors. The building has a lawful use for office purposes, however, the fourth floor is currently

in use as a residential flat (planning permission has not been granted for this residential use). Nos.36-40 are located within the East Marylebone Conservation Area.

The nearest residential is located at No. 42 Langham Street. This building is used for office purposes on the lower floors with a residential unit at first floor level and above. There are residential flats opposite the site.

To the rear of the site, there is a two storey office building (accessed via Nos. 84-86 Great Portland Street). There are other commercial buildings located on Great Portland Street, and residential buildings located within Middleton Place.

4.2 Relevant History

No.94 Great Portland Street

No relevant planning history.

No. 36 Langham Street

Certificate of Lawful Use (Existing) applications granted January 1994 and December 1994 for the use of the building for office purposes.

No. 38 Langham Street

No relevant history.

No. 40 Langham Street

Certificate of Lawful Use (Existing) applications granted January 1994 and December 1994 for the use of the building for office purposes.

Nos. 90-92 Great Portland Street (adjacent to the site)

Planning permission was granted in 2013 for the use of the building as seven residential flats. This permission was granted as part of a land use swap with 18-20 Hanover Square, 64-72 New Bond Street, 14-18 Brook Street, 18 Dering Street and 1 Tenterden Street, which is a Crossrail over-site development.

5. THE PROPOSAL

Permission is sought for the demolition behind the front facades of No.94 and No.36. Internal demolition and removal of the existing roofs is also proposed to Nos.38 and 40. Excavation at basement level is proposed to the rear of Nos. 36 and 38. No.94 and 36 will be rebuilt comprising basement, ground and four upper floors. No. 36 will be extended further to the rear than the existing building at first to roof levels.

A mansard roof extension is proposed across Nos.36-40 and a two storey extension is proposed to the rear of Nos.38 and 40. There are a number of terraces and Juliet balconies proposed to the rear, and a roof terrace is also proposed to No.94.

Part basement and part ground floor of Nos.94 and 36 is proposed to be used as either retail (Class A1) or restaurant (Class A3) purposes. The full height extract duct is proposed to be routed internally and vent at roof level (No.94). Seventeen residential flats are proposed across the remainder of the application site which will be accessed via Langham Street.

The scheme has been amended since its original submission, to reduce height/pitch and extent of the roof and rear extensions.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of existing offices

Objections have been received on the grounds that the proposal will result in the loss of small office floorspace.

There are no policies within the UDP or City Plan that protect office floorspace, therefore their loss is considered acceptable.

There is an existing light industrial use situated within No.94 (Bus Stop). The existing company designs clothing samples on site which are then sent to fashion retailers. This use is considered to fall within Class B1c. However, as this use is not protected by a planning condition, and there are permitted development rights which allow changes of use from B1c to B1, the loss of the light industrial use is considered acceptable.

6.1.2 Retail use

The proposal includes the use of the part basement and part ground floor for retail purposes, comprising 293m². The site is located outside of the Core Central Activities Zone, therefore Policy S8 of the City Plan applies. This states that "Named Streets" (including Great Portland Street) are appropriate locations for a range of commercial uses. As the buildings are already in commercial use, the introduction of a different commercial use is considered acceptable.

The retail use will provide an active frontage and will provide a service for workers, residents and visiting members of the public and this is welcomed.

The Fitzrovia Neighbourhood Association has no objection to the use of the basement and ground floor for retail purposes.

6.1.3 Restaurant use

The proposal also includes the alternative use of the basement and ground floor for restaurant purposes comprising 293m². The site is located within the wider CAZ and UDP Policy TACE9 applies. This relates to entertainment uses which may be permissible. TACE9 (B) states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area. City Plan Policy S24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity etc.

The local amenity society and nearby occupiers have objected to the proposal on the grounds of increased noise and disturbance in this residential area. This part of Great Portland Street does not contain any restaurant uses: these are predominantly located towards the southern end of Great Portland Street towards Oxford Street. There are residential properties located opposite on Great Portland Street and Langham Street and as a result of this planning application, there could be 17 new flats above the restaurant use.

The restaurant proposals are speculative with no end-user identified and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and to limit the

impact. These conditions would ensure that the restaurant use would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (i.e. 15%) and this bar could be used only by diners before and after meals. The hours of opening would be restricted to the relatively early terminal hour of midnight with breakfast opening at 07.30hrs. The plans show three entrance doors to the restaurant. It is considered that this should be reduced to one on Great Portland Street, and the two doors (which are required for historic building reasons) on Langham Street should only be used in an emergency. The new door on Great Portland Street would be required to be self closing to minimise noise escape. The full height extract duct will be incorporated within the building with the extracts terminating at high level.

Objections have been received on the grounds that there will be an increase of vermin in the area as a result of the restaurant use. The proposed restaurant includes an internal waste store, which is considered adequate by the Cleansing Manager. On this basis the objection is not considered sustainable.

It is considered that on the basis of restrictive conditions the introduction of a new restaurant in this location is acceptable and complies with UDP Policy TACE9 and S24 of the City Plan. On this basis the objections received are not considered sustainable.

6.1.4 Residential use

The introduction of residential floorspace is considered acceptable and complies with UDP Policy H3 and Policy S14 of the City Plan.

6.1.4i Unit mix and standard of accommodation

The scheme would provide 17 residential units and would be in the form of 8x1 bed and 9x2 bed units; no three bedroom units are proposed. The scheme has been amended since its original submission (which included a three bedroom unit) and following amendments to the design of the roof extensions, this family sized unit has been deleted. The applicant has stated that this development should focus upon the intensification for housing, which is achieved through one and two bedroom accommodation. Nos. 38 and 40 are Grade II listed and it is important that the proposed development seeks to enhance and to restore where possible the historic footprint of the buildings. Therefore, it would be difficult to include a three bedroom unit without causing further harm to the listed buildings and while this is contrary to policy, it is considered in these circumstances to be acceptable.

The residential flats comply with the minimum space standards as set out in the London Plan. All the flats meet the requirements of Lifetime Homes standards, with 10% provided as wheelchair accessible units, or designed to allow for adaptation to wheelchair use.

6.1.4ii Affordable Housing

The provision of 17 new residential units and 1383m² of new residential floorspace would trigger a requirement to provide on-site affordable housing under Policies H4 and S16. Policy S16 would require a proportion of the new floorspace to be provided as affordable housing. Under the terms of the Council's Interim Affordable Housing Guidance there is a requirement to provide 160m²/two flats of affordable housing. Where it is accepted that it would not be appropriate or practical to provide the affordable housing requirement on the site, the provision of the housing on an alternative commercial site in the vicinity should be explored. Where neither on nor off-site provision is acknowledged as being impractical or inappropriate, the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with adopted formula. Given the increase in floorspace, a policy compliant contribution would be £570,000 (rounded up).

The applicant has stated that the affordable housing cannot be provided on site. This is due to the constrained nature of the site; it would not be possible to provide a separate entrance for

the affordable housing. It is agreed that it is not practical to provide affordable housing. The applicant also does not own any other properties in the area which could be used for affordable housing.

The applicant has agreed to pay the full policy compliant contribution of £570,000. This is considered acceptable. (This is subject to change following clarification from the applicant to confirm how much of the building is vacant).

6.2 Townscape and Design

Nos.36-40 Langham Street and 94 Great Portland Street are a collection of re-fronted 18th century buildings located within the East Marylebone Conservation Area and Harley Street Conservation Area respectively. No.94 Great Portland Street, Nos.38 and 40 Langham Street are Grade II listed, No.36 Langham Street is not listed but identified as being an unlisted building of merit in the conservation area audit.

Whilst Nos. 38 and 40 Langham Street still retain many internal features of architectural and historic interest, the interior of No.94 Great Portland Street has been completely altered to the point that nothing survives. The applicant's heritage statement has provided a detailed history of the building demonstrating this.

After extensive negotiations, the proposals are considered acceptable in listed building and design terms subject to a number of conditions.

6.2.1 External alterations

Roofs

Regarding the external alterations, Nos. 36-40 Langham Street and 94 Great Portland Street are all identified within their conservation area audits as being unsuitable for roof extensions. The applicant has demonstrated in this instance however, that the proposed roof extensions will not have a harmful impact on the conservation areas due to their detailed design and the minimal impact they will have on the listed buildings. Nos. 36-40 Langham Street features a flat roof, which was constructed as part of the re-fronting of the building as a hotel circa 1900. The existing roof is considered to be a negative feature of the building in design terms, and features a cluttered roofscape. The proposed roof has been designed to retain the visual relationship between the sky and the bottle balusters to the front of the building and is in compliance with the Council's SPG on roofs. A condition is recommended ensuring no rooftop plant is installed on the proposed roof. The applicant has demonstrated and officers agree that the roofs to No. 94 are not original, featuring machine cut timbers. As such, the loss of the existing roof is considered less contentious in listed building terms. Due to the scale of the much larger buildings either side of the structure, it is considered that a new roof in this location would be acceptable in design and listed building terms subject to its detailed design, which has been extensively negotiated and is now considered acceptable.

Rear Extensions

In terms of rear extensions, the requirement for a lift to serve the apartments was considered an essential component of the scheme. Numerous options for an internal lift were put forward during the pre-application process, but the harm caused to the fabric of the building and the plan form of the spaces was considered too high to be considered acceptable. As the rear elevation is of little architectural interest, and features a number of ad hoc extensions, including 20th century landing closet wings, the concept of a lift was deemed acceptable subject to its detailed design. This design has been negotiated to be in keeping with the architecture of the buildings with blind windows to match the rhythm of the rear façade. The proposed rear extensions at lower ground, ground and first floor have also been extensively negotiated. The design of these units is modern in appearance, which complement the recently completed extension at No. 42. These units, coupled with the lift, are considered to provide an attractive modern contrast to the historic and the new.

The demolition of the rear projecting WC to No. 40 is considered to be a heritage benefit that will restore the facade of this building. This will be conditioned to ensure the design of the new window is appropriate. The proposed Juliet balconies and openable fake sashes are considered unacceptable in listed building terms, due to the impact that they would have on the visual appearance of the façade. An amending condition is recommended to ensure retention of the existing windows.

The rear alterations to No.36, considering its non-listed status, are also considered acceptable, replacing a plain unassuming stock brick façade for a modern well designed facade that fits well with the new proposed structures.

6.2.2 Internal alterations

Regarding the proposed internal alterations, Nos. 40 and 38 are of historic and architectural interest whilst No.94 Great Portland Street, having lost most of its original features is not of any interest.

Nos. 36-40 currently have no interrelationship with one another. Whilst lateral conversions are not normally considered favourably in listed buildings, the fact that the buildings were modified and converted to a hotel (c1900) have resulted in a number of openings being made to the buildings. These openings have since been blocked up. The proposals are to reopen these openings to provide lateral movement. As the buildings read as one structure externally, it is considered acceptable to undertake these works, subject to the detailed design of the openings, which will also be conditioned.

94 Great Portland Street

The applicant has demonstrated that the building was completely remodelled in the 20th century to a point where nothing of interest survives. The proposed demolition behind the retained façade is therefore considered acceptable in listed building terms, considering the improvements gained internally to the principal rooms in the adjacent buildings.

Opening up works to the existing stair lift revealed the remains of a concrete stair which was of no special interest.

40 Langham Street

The basement of No. 40 Langham Street retains little historic or architectural interest with the exception of a later fireplace and original stone stair with a wrought iron handrail. The alterations at this floor, with the exception of the insertion of a bathroom to the hallway, maintains the original plan form of the building.

With the exception of the new rear extension, the alterations at ground floor are fairly minor. The introduction of a Juliet balcony to the rear at this level (and all other levels) is, however, unacceptable in design terms and is recommended to be dealt with by an amending condition. As previously mentioned, a new lateral opening will be formed in the entrance way to connect to No. 38, and this is considered acceptable considering it is an historic opening.

At first floor, negotiations have been undertaken to minimise the impact of introducing services at this level. This has been resolved by the installation of a small pod to the front room incorporating a shower and toilet. This has helped to largely preserve the layout of the two spaces.

The alterations at second floor are considered to be relatively minor, the stair case will be partially blocked up but retained in situ and the general plan form remains unaltered. The removal of the later stair at third floor is not considered contentious. The rooms above are of less historic or architectural interest, and the alterations are therefore considered acceptable.

38 Langham Street

The basement of No.38 Langham Street preserves a number of plain panelled doors, original stone stair, Victorian tongue and groove wall panelling, later fireplaces and stone storage shelves to the rear. A significant aspect of this building's historic interest can be found in the passageway that led to the rear and the truncated vaults on which it sits, both of which contribute to the building's interesting plan form. Proposals at this level generally maintain the plan form, with the minor introduction of a bathroom to the rear room. Generally, all items of historic or architectural interest is retained. It is at this level where the new lift shaft is located to the rear. This will introduce a new opening to the rear. Subject to the detailed design of the new door, this is considered acceptable in listed building and design terms.

At ground floor, the alterations are considered fairly minor in plan terms. The rear room will lose a later canted bay, and reintroduce a flush rear wall which presents an opportunity to introduce a more in-keeping rear building line. Lateral conversions to the adjacent properties are also proposed which are considered acceptable in context of the history of the buildings.

Major heritage benefits are gained at first floor, with two rooms of high significance. The inappropriate partitioning of the rear room, and closing up of the original opening between the two rooms are removed, reintroducing the original proportions of the most significant spaces in the whole buildings. The proposed reconfiguration of the windows at this level is considered acceptable considering these benefits.

The alterations at second floor are considered to be an improvement in listed building terms, which are considered to outweigh the alterations proposed at the lesser significant third and fourth floors above.

36 Langham Street

No. 36 is a non listed building, which was considered for listing with the adjacent buildings at the time of their listing but not deemed significant enough. There are a number of interiors of historic and architectural interest including original geometric staircase, cornices and skirtings and internal fanlight. It is recommended that a level 3 building recording survey be undertaken to this building and the other buildings to mitigate the harm caused by their loss and to chart the history.

Objections have been received with regards the loss of the roof and chimneys from No.94 and the erection of mansard roof extensions across the whole site in terms of DES6 and the rear extensions in terms of DES5. As outlined in the statement above, the applicant demonstrated and officers agree that the proposed roofs would not affect the appearance of the conservation area due to their detailed design and they do not affect any fabric of historic or architectural interest. The proposals have been negotiated to be in compliance with DES6. In terms of the rear extensions, a precedent has been set with the installation of a modern extension to No. 42. The introduction of modern extensions in this location, removing poor and cluttered existing extensions, is considered to improve the appearance of the conservation area. Accordingly, the objections on design and historic building grounds are not considered to be sustainable.

The proposal includes new shopfronts to No. 94. This is acceptable in principle, but detailed drawings of a more traditional design are required.

6.3 Amenity

As previously mentioned there are a number of residential properties in close proximity of the application site. The nearest is at No.42 Langham Street, where there are offices on the lower

floors and a residential unit at first floor and above. At first floor level there is a glazed conservatory extension which is close to the boundary wall of No.40. There are also residential properties to the east within Middleton Place, to the rear in Riding House Street and to the front on Langham Street. Planning permission has also been granted (07.08.2013) for the use of Nos.90-92 Great Portland Street as seven residential units. This property immediately adjoins No.94 Great Portland Street and the rear windows overlook the rear of Nos.36-40. This permission has not been implemented, however, the residential floorspace is the off-site delivery for a large office scheme in Mayfair and therefore it is known that it will be implemented to comply with planning policy.

Objections have been received on the grounds of losses to daylight and sunlight, overlooking and noise and disturbance from the proposed terraces.

6.3.1 Daylight and Sunlight

UDP Policy ENV13 seeks to ensure that new developments do not result in a loss of amenity to adjoining premises, including an unreasonable loss of natural light for existing local residents, using BRE methodology as guidance.

In measuring daylight to existing windows, BRE guidance states that if the Vertical Sky Component (VSC) is less than 27% and there would be more than a 20% reduction in the level of light received to the affected window, the loss would start to be noticeable. With regard to sunlight, only windows that face the application site within 90 degrees of due south need to be assessed as only these are orientated to receive sunlight. Again, if these would lose more than 20% of existing sunlight levels as a result of the proposed development, this would start to be a matter of concern. Sunlight levels are split up into winter and annual sun and based on annual probable sunlight hours (APSH).

Objections have been received from residential flats in Riding House Street, which is situated to the south of the application site. As the rear windows in Riding House Street face north and the development is to the north, these windows do not need to be tested for sunlight. Furthermore, as the properties in Riding House Street are separated from the application site by the two storey office block, it is not considered that these properties will be adversely affected by the proposals.

An objection has been received from the occupiers of a residential flat opposite the site on the grounds that the proposal will lead to a loss of daylight and sunlight and that the submitted daylight and sunlight report incorrectly classifies their building as being in commercial use. The daylight and sunlight report has tested all the windows in the property, and as the losses to daylight range from 1%-2%, all the windows will remain very well lit for this Central London location. The losses to sunlight range from 1%-13%, and these losses are within the BRE guidelines, therefore the objection is not considered sustainable.

The daylight and sunlight report has assessed the potential residential floorspace granted as part of the consented scheme at Nos.90-92. There are four individual windows at each floor level overlooking the rear of the application site. The proposal includes extending No.36 further to the rear at first to roof levels. There will be losses to VSC ranging from 1% to 42%. The window which loses 42% is located at first floor level, and is very close to the boundary of the application site. There are three other rear windows serving this residential unit, and windows serving the living room/kitchen areas facing Great Portland Street. It is considered that the first floor flat within Nos.90-92 will remain very well lit despite the breach to the BRE guidelines for the bedroom, therefore the scheme is considered acceptable. A window at fourth floor level marginally breaches the BRE guidelines (23%), and this window also serves a bedroom and will remain very well lit for a Central London location.

The rear windows are within 90 degrees of due south therefore the rear windows do not need to be tested for sunlight.

6.3.2 Overlooking

Objections have been received on the grounds that there will be a loss of privacy as a result of the change of use to residential, the roof extensions and rear terraces.

The objections have identified that the existing buildings are predominantly used for office purposes, therefore only used during daytime hours and the residential use will increase the amount of overlooking, especially from the new roof extension and new windows. As there is already a certain amount of mutual overlooking and the new windows at roof level will be set back, it would be difficult to justify a reason for refusal on these grounds.

A roof terrace is proposed to No.94, and this will be set well back and will benefit from screening and is considered acceptable. A terrace is also proposed to the Langham Street elevation of No. 94 at fourth floor level. This terrace is not considered acceptable in terms of overlooking and an amending condition securing its omission is recommended.

An objection has been received from the occupants of No.42 Langham Street on the grounds that the new terrace to the rear of No.38 will have a detrimental impact on amenity. It is considered that this terrace is sufficient distance from No.42 not to have an adverse impact. The occupants of No. 42 also object to the new window within the mansard roof at fourth and fifth floor level on the grounds that there will be the potential to overlook an existing lantern light which serves their staircase/hall. The existing building (No.40) is already one storey taller than No.42, and the new windows are set back from the boundary wall and therefore taking into account the pitch of the roof, it is not considered that there will be a loss of privacy as a result of this new window.

Terraces and balconies are proposed to the rear on all floor levels. The majority of the terraces are considered acceptable in terms of overlooking. However, the terraces proposed to the rear of No.36 at second, third and fourth floor level would be in very close proximity to the potential residential windows in Nos.90-92. As this residential floorspace will be delivered, it is necessary to assess these windows as being in residential use. Therefore, the terraces at second and third floor level will need to be removed. The terrace at fourth floor level should be set back so that it does not extend beyond the rear building line and an amending condition is recommended.

6.3.3 Noise from terraces

Objections have been received on the ground of increased noise and disturbance from people using the terraces. The consent for Nos.90-92 includes terraces and balconies to the rear, therefore the principle of external space to the rear of these properties has been established. The objections state that there are existing terraces on the roofs of Nos. 38 and 40, which have caused noise disturbance in the past. Planning permission has not been granted for the use of the existing roofs as terraces. However, it is likely that they are authorised through their longstanding use. The largest terrace proposed is approximately 17m² at second floor level to the rear of No.38. It is not considered that this terrace is large enough to accommodate large numbers of people and therefore any activity on the terrace is likely to be small. The other terraces are considered acceptable in noise terms.

6.3.4 Increased sense of enclosure

There will be an increased sense of enclosure to one of the consented residential windows within Nos.90-92. The window affected is at first floor level and would serve a bedroom within the approved three bedroom flat. As the building has not as yet been converted to residential use, there will be an element of buyer beware for this flat. It is considered that as this is a bedroom window, with the main habitable rooms (living/kitchen) to the front overlooking Great Portland Street that the increased sense of enclosure to one window is acceptable.

6.3.5 Plant

An internal plant room is proposed at rear lower ground floor level. This will have ventilation grilles which vent at ground floor level. Plant is also proposed at roof level of No.94 and this will be set back and screened. This plant area will also include the discharge vent for the internal high level extract duct. Environmental Health has submitted a holding objection, as the earlier plans did not show a full height extract duct. This is now shown on the drawings and, subject to the City Council's standard noise conditions, this is considered acceptable.

Objections have been received on the grounds that the residential units should be naturally ventilated and therefore the plant room should be reduced in size. As the plant room is internal its impact on the amenity of surrounding occupiers is limited. Plus, all the flats will be able to open their windows to benefit from natural ventilation.

6.4 Transportation/Parking

6.4.1 Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 17 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

The Highways Planning Manager has objected to the proposal on the grounds that no off-street car parking is provided as part of the scheme. The City Council's most recent daytime survey (2011) indicates that Resident's and Shared Use bays were 85% occupied, and during the evening this reduces to 29%. However, the site has a high level of public transport accessibility and it is considered that the benefits of providing high quality residential units and preserving the listed buildings outweighs the concerns about the lack of off-street car parking. The applicant is willing to enter into a S106 agreement to secure car club membership for all the residential units (minimum 25 years) and to pay a sum of £1,000 for each additional flat (£15,000) to go towards parking review studies.

Cycle parking for all the residential flats and the retail/restaurant uses will be provided at basement level. This will be secured by condition.

6.4.2 Servicing

Off-street servicing is not proposed as part of the scheme, due to the constraints of the site. There are single yellow lines on Great Portland Street and resident parking bays along Langham Street. As there is no proposed operator for the restaurant it is difficult to calculate the number of deliveries required. In these circumstances a Servicing Management Plan is required before the commercial unit is occupied (for restaurant purposes). The plan should identify processes, storage locations, scheduling of deliveries and staffing arrangements, etc. On the basis of this condition, the Highways Planning Manager is satisfied with the servicing arrangements.

6.4.3 Railings/Stopping Up

There are existing railings outside No.36 Langham Street and it is proposed to extend the railings along Langham Street towards Great Portland Street. The Highways Planning Manager has no objection to the railings on the basis that the railings will be in the 'shadow' of the existing railings and the remaining footway width is greater than the minimum 2m required by the Westminster Way.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

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

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

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

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

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

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this

is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

6.7 London Plan

London Plan (LP) Policy 3.8 seeks to ensure a provision of affordable family housing is addressed as a strategic policy.

LP Policy 3.12 relates to the provision of affordable housing. Part B of the policy states that the site's individual circumstances will be taken into account, including viability. It has been demonstrated that it is not viable to provide affordable housing on site.

Paragraph 3.74 states that affordable housing provision is normally required on site. In exceptional circumstances it may be provided off site or through cash in lieu. A payment in lieu has been offered.

6.8 National Policy/Guidance considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

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

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

6.9 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.

The proposal includes:

- The payment to the affordable housing fund of £570,000.
- A payment of £15,000 (£1,000 per new residential unit) towards parking review studies. This accords with the SPG in Planning Obligations.
- Car club membership (minimum 25 years) for all the flats.
- The Stopping-Up of part of Langham Street. This will ensure that the Stopping- Up Order is linked to the proposed development.

These requirements are considered to comply with the CIL Regulations and are considered acceptable.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposals achieve a carbon reduction of 41%, which meets London Plan policy which requires 40% carbon reduction on major developments.

The proportion of the buildings' energy use that is considered as being renewable equates to 23%, (including air source heat pumps), exceeding the target of 20% as set out in Policy S40.

A green roof is proposed at rear second floor level. A condition to ensure its provision, and its ongoing maintenance, is recommended. This is welcomed.

6.11 Access

Access to the new retail/restaurant unit will be via level access from Great Portland Street. Internally, as an operator has not been selected, it is not known how level access will be gained to the lower floors. A condition requiring these details is recommended.

Access to the residential flats is via an existing stepped entrance. Once inside the residential entrance, level access can be gained via the lift.

6.12 Other Issues

Objections have been received on the grounds that the new extension to the rear of Nos.38 and 40 should be built away from the party wall and there should be no further construction to the party wall. The full width extension is considered acceptable and the works to the party wall are not planning matters and will be negotiated through the Party Wall Act.

6.13 Conclusion

The proposal to provide 17 new residential flats within these buildings is considered acceptable in land use terms. The partial demolition and rebuilding of the listed buildings is also considered acceptable. The proposals are therefore considered to comply with the policies set out in the UDP and City Plan.

BACKGROUND PAPERS

1. Application forms and covering letter dated 28 August 2014
2. Letter from English Heritage Archaeology dated 6 October 2014
3. Letter from English Heritage dated 9 October 2014
4. Letters from FitzWest Neighbourhood Forum dated 8 November 2014 and 16 January 2015
5. Letter from the Fitzrovia Neighbourhood Association dated 13 November 2014
6. Memorandum from Environmental Health dated 7 October 2014
7. Memorandum from Cleansing Manager dated 10 October 2014
8. Memorandum from Highways Planning Manager dated 10 November 2014

9. Letters from owner/occupier of 42 Langham Street dated 7 October 2014 and 6 January 2015
10. Letter from owner/occupier of Flat 2, 19 Riding House Street dated 1 October 2014
11. Letter from owner/occupier of Flat 1, 19 Riding House Street dated 1 October 2014
12. Letter from owner/occupier of 19 Riding House Street dated 3 October 2014
13. Letter from owner/occupier of Flat H, 100 Great Portland Street dated 26 November 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL – pquayle@westminster.gov.uk

DRAFT DECISION LETTER

Address: Development Site 36 To 40 Langham Street And 94 Great Portland Street,
London, W1

Proposal: Demolition behind retained front facade of No.36 and No.94, including the demolition of existing rear basement and ground extensions and roofs to Nos.36-40. Minor excavation to the rear of Nos. 36-40, and rebuilding to provide part four and part five storey (above ground) buildings at No.36 and No.94. Erection of mansard roof to Nos.38-40 in connection with the use of part of basement and ground for either retail (Class A1) or restaurant (Class A3) and the use of the remaining buildings as 17 residential units. Associated external alterations including rear terrace at first, second, fourth and roof level. New windows and plant.

Plan Nos: 1669(02) 002 P7, 003 P7, 004 P7, 005 P7, 006 P7, 101 P7, 102 P6, 103 P8, 109 P1, 007 P7, 008 P7, 009 P6, 206 P4, 207 P2, 201 P6, 202 P6, 204 P8, 205 P5, 203 P6, 1696 (30) 006 P2, 003 P2, 1696(01) 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 007 P2, 101 P2, 102 P2, 103 P2, 201 P2, 202 P2, 203 P2, 204 P2, 205 P2

ENERGY STATEMENT, DAYLIGHT AND SUNLIGHT, ACOUSTIC REPORT, TRANSPORT STATEMENT, CONSTRUCTION MANAGEMENT PLAN, HERITAGE STATEMENT, ARCHAEOLOGICAL ASSESSMENT, STRUCTURAL STATEMENT (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

- 3 If you provide an A3 use, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:
To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)
- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 07.30 to midnight Monday to Saturday and 08.00 - 23.00 on Sundays.

Reason:
To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)
- 5 You must apply to us for approval of a management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:
To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)
- 6 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors to the Great Portland Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance work.

Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)
- 7 The two entrance doors on Langham Street leading into the retail/restaurant space must not be used for access and egress in the retail or restaurant use. They can only be used for emergency purposes.

Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)
- 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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 13 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

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

- 14 Prior to occupation you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the Class A1 and Class A3 uses, the plan should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

15 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to English Heritage, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 16 **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 proposed arrangements. (C29AC)

Reason:

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

- 17 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 special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 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)

- 18 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.

within the energy report by Flatt Consulting

You must not remove any of these features. (C44AA)

Reason:

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

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

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

Reason:

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

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

- removal of the terrace/balconies at rear second and third floor level (No.36 only)
- setting back of the rear fourth floor terrace to No.36 to ensure it does not project beyond the rear elevation of No.36

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 21 You must submit detailed drawings showing the layout of the restaurant use before the restaurant is occupied. The drawings must include entrances, kitchen, covers, bar areas and access arrangements to the lower ground floor area.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 22 You must provide the waste store shown on drawing 1696 (02) 002 rev P6 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 23 The glass that you put in the second floor rear window (bay window facing Nos.90-92 Great Portland Street) in the south-west elevation must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 24 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 listed building and to make sure the development contributes to the character and appearance of the Harley Street and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 25 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 and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

- 26 You must apply to us for approval of detailed drawings at a scale of 1:5 and 1:10 of the following parts of the development:
- i) new doors,
 - ii) new windows
 - iii) new stairs
 - iv) new railings
 - v) new shopfronts

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

- 27 You must apply to us for approval of detailed drawings (scale 1:10 and 1:20) showing the following alteration(s) to the scheme:

- i) removal of Juliet balconies from the rear of No.40 (the balconies at first floor level of No.38 can remain)
- ii) the proposed roof terrace to the rear of No.36 must be designed to be recessed into a 70 degree roof slope.
- iii) No dormer window shall have a cill that rises above the level of the parapet.

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 and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

Informative(s):

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

- way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.
 - 3 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.**
 - 4 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
 - Provision of £570,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - Provision of £15,000 to fund parking review studies in the area;
 - Provision of lifetime car club membership (minimum 25 years) for all 17 flats;
 - The costs of monitoring the S106 agreement.

DRAFT DECISION LETTER

Address: Development Site 36 To 40 Langham Street And 94, Great Portland Street, London, W1

Proposal: Demolition behind retained front facade of No.36 and No.94, including the demolition of existing rear basement and ground extensions and roofs to Nos.36-40. Minor excavation to the rear of Nos. 36-40, Rebuilding to provide part 4 and part 5 storey (above ground) buildings at No.36 and No.94. Erection of mansard roof to Nos.38-40 in connection with the use of part of basement and ground for either retail (Class A1) or restaurant (Class A3) and the use of the remaining buildings as 17 residential units. Associated external alterations including rear terrace at first, second, fourth and roof level. New windows and plant.

Plan Nos: 1669(02) 002 P7, 003 P7, 004 P7, 005 P7, 006 P7, 101 P7, 102 P6, 103 P8, 109 P1, 007 P7, 008 P7, 009 P6, 206 P4, 207 P2, 201 P6, 202 P6, 204 P8, 205 P5, 203 P6, 1696 (30) 006 P2, 003 P2, 1696(01) 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 007 P2, 101 P2, 102 P2, 103 P2, 201 P2, 202 P2, 203 P2, 204 P2, 205 P2

ENERGY STATEMENT, DAYLIGHT AND SUNLIGHT, ACOUSTIC REPORT, TRANSPORT STATEMENT, CONSTRUCTION MANAGEMENT PLAN, HERITAGE STATEMENT, ARCHAEOLOGICAL ASSESSMENT, STRUCTURAL STATEMENT (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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 listed building and to make sure the development contributes to the character and appearance of the Harley Street and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 Prior to the commencement of work on site the developer shall submit a Level 3 survey as described by English Heritage's document 'Understanding Historic Buildings, A Guide to Good Recording Practice, 2006' for the prior agreement in writing of the Council as Planning Authority. This report shall relate to all works that form part of this proposal and a copy of the agreed Level 3 Survey Report shall be supplied to the Local Planning Authority prior to the commencement of work on site.

Reason:

To ensure that a permanent record is made of the buildings which are of historic interest prior to

their alteration/demolition as part of the development hereby approved and in accordance with S25 of Westminster's City Plan: Strategic Policies adopted November 2013

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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 and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings at a scale of 1:5 and 1:10 of the following parts of the development:

- i) new doors,
- ii) new windows
- iii) new stairs
- iv) new railings
- v) new shopfronts
- vi) new openings within the listed buildings

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of detailed drawings (scale 1:10 and 1:20) showing the following alteration(s) to the scheme:

- i) removal of Juliet balconies from the rear of No.40 (the balconies at first floor level of No.38 can remain)
- ii) the proposed roof terrace to the rear of No.36 must be designed to be recessed into a 70 degree roof slope.
- iii) No dormer window shall have a cill that rises above the level of the parapet.

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 and East Marylebone Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.



The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

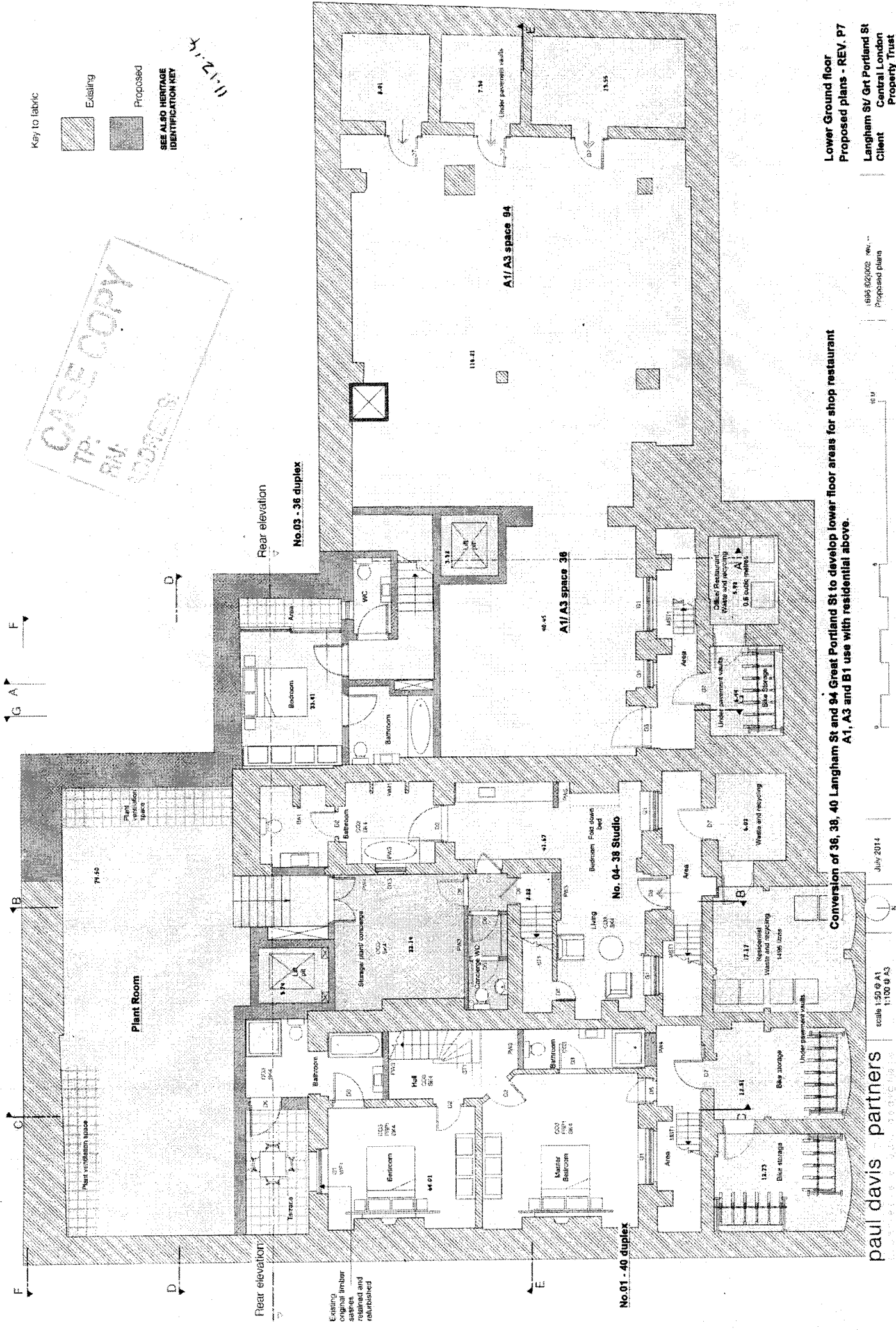
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

CASE COPY
TR: [unclear]
RW: [unclear]
STORIES: [unclear]

11.2.11

Key to fabric
 Existing
 Proposed

SEE ALSO HERITAGE IDENTIFICATION KEY



Lower ground floor
 Proposed plans - REV. P7
 Langham St Grt Portland St
 Client
 Central London
 Property Trust

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant
 A1, A3 and B1 use with residential above.

1696 02/202 rev. 11
 Proposed plans

16.11

JULY 2014

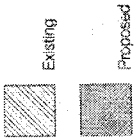
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 1:100 @ A3

paul davis partners

179 Mary Street, London, W1P 8JH
 179 Mary Street, London, W1P 8JH
 179 Mary Street, London, W1P 8JH

11.2.14

Key to fabric

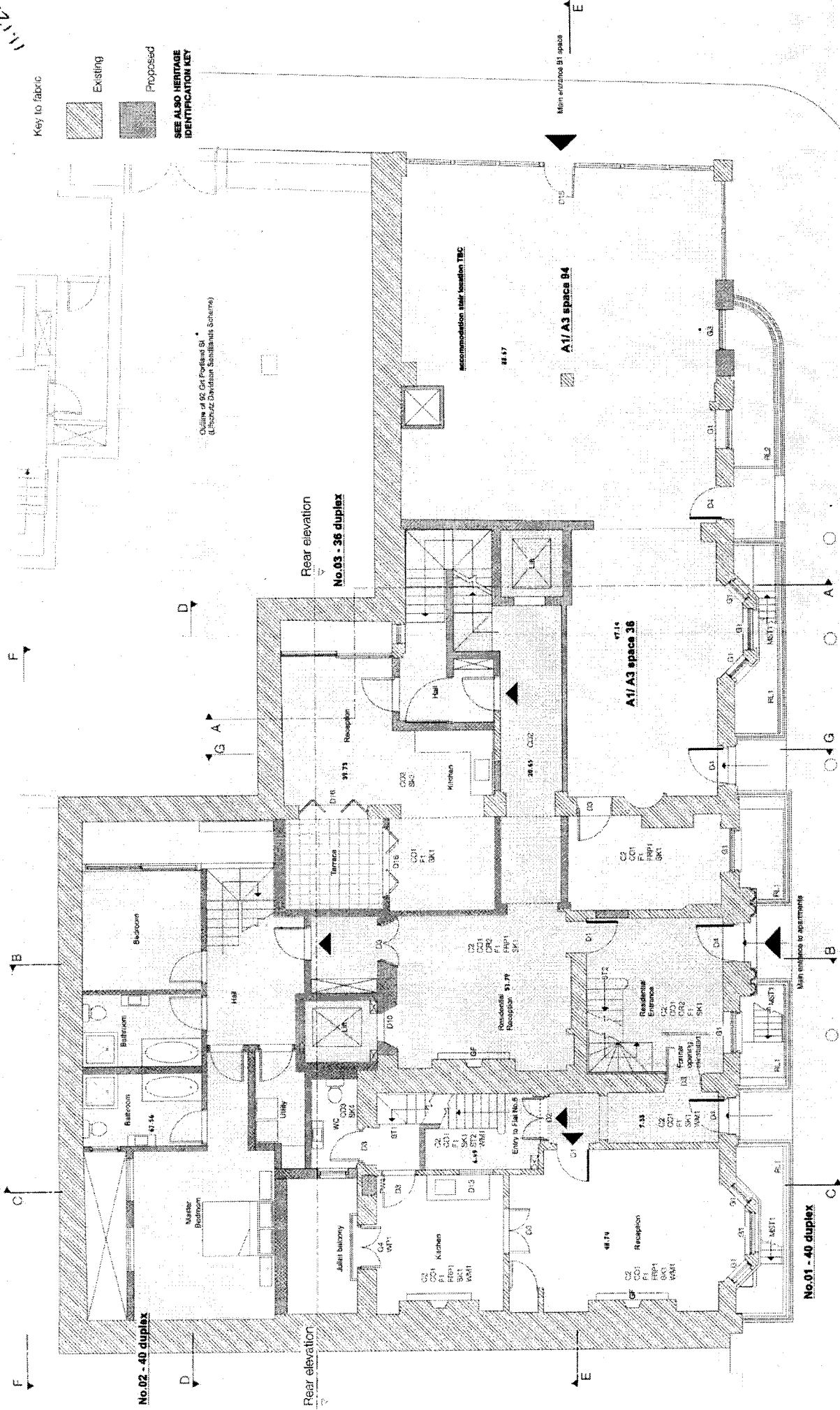


SEE ALSO HERITAGE IDENTIFICATION KEY

Outline of 85, 86, Portland St. (Richard Davidson Sanitation Scheme)

Main entrance B1 space

E



FAST COPY

Ground floor
Proposed plans - REV. P7
Langham St/ Gt Portland St
Central London
Property Trust

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant
A1, A3 and B1 use with residential above.

1806 (23)03 - REV. 1
Proposed plans

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1:100 @ A3

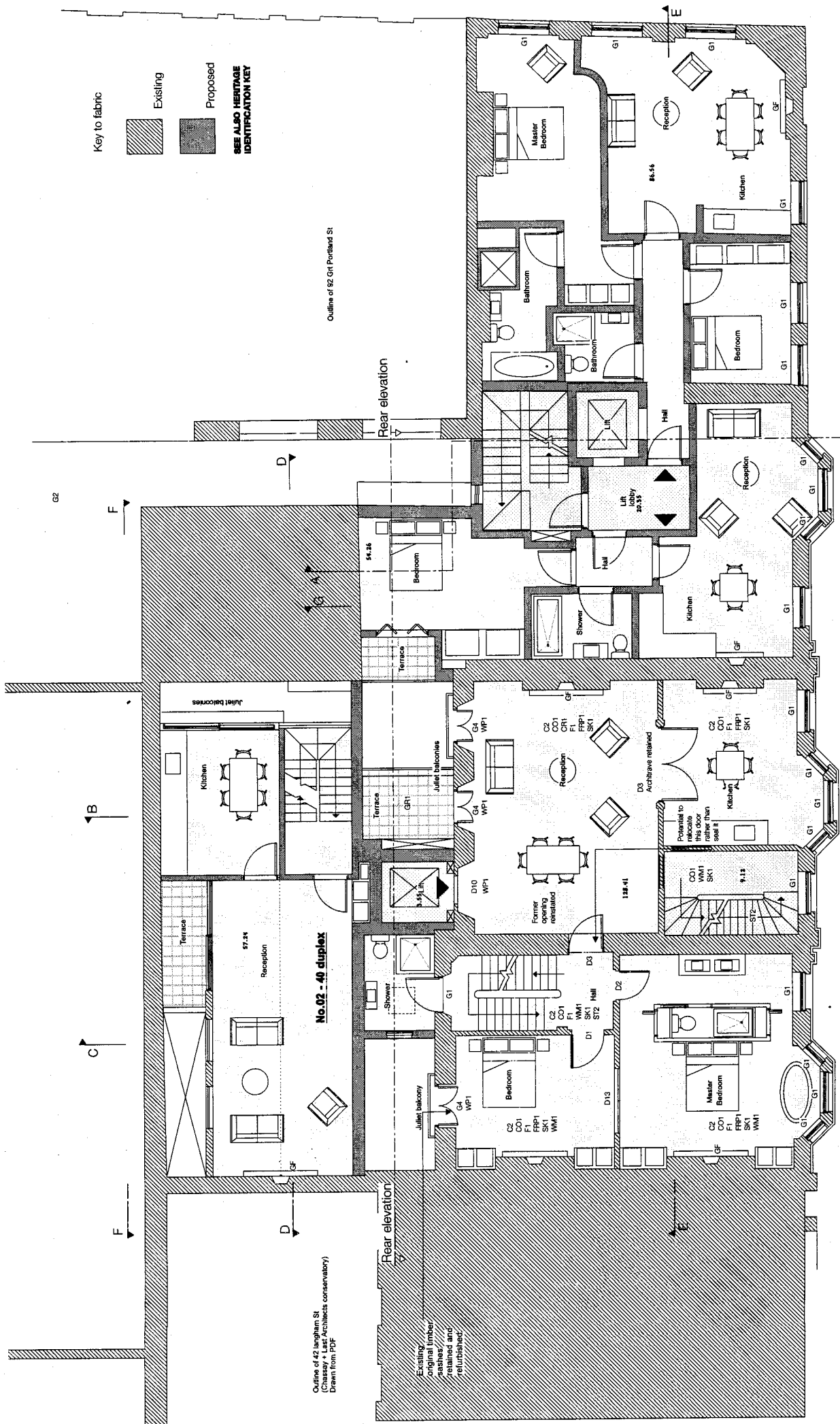
July 2014



scale 1:100 @ A1
1:100 @ A3

paul davis partners

100 Great Portland Street, London, W1B 5PL
020 7638 0000
www.pauldavispartners.com



Key to fabric



Existing

Proposed

SEE ALSO HERITAGE IDENTIFICATION KEY

Outline of 92 Gt Portland St

Outline of 42 Langham St (Chissey + Last Architects conservatory) Drawn from PDF

Existing original timber sash windows retained and refurbished

First floor
Proposed plans - REV. P7
Langham St/ Gt Portland St
Client
Central London
Property Trust

16/06/02/004 rev. 1
Proposed plans

No.07 - 94 flat

No.08 - 36 flat

No.05 - 40/38 flat



Conversion of 36, 38, 40 Great Portland St and 94 Langham St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

scale 1:50 @ A1
1:100 @ A3

July 2014

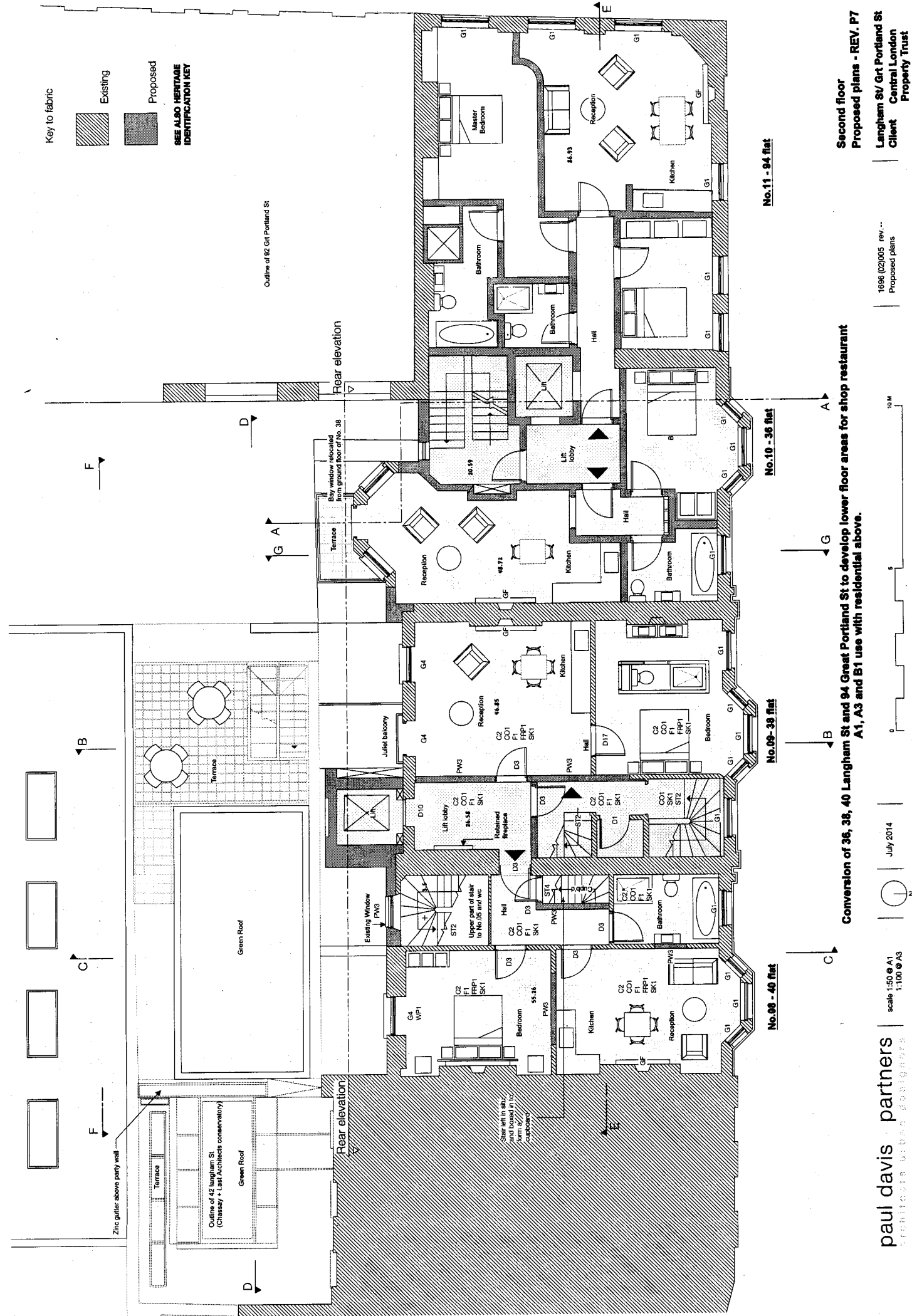


paul davis partners
179 Mary Lane, Northfleet, Kent DA11 7JF
Tel: 01473 772217
www.pauldavispartners.com

Key to fabric
 Existing
 Proposed

SEE ALSO HERITAGE IDENTIFICATION KEY

Outline of 92 Gt Portland St



Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

Second floor
 Proposed plans - REV. P7
 Langham St/Gt Portland St
 Client Central London Property Trust

1696 (02/005 rev. --
 Proposed plans

July 2014

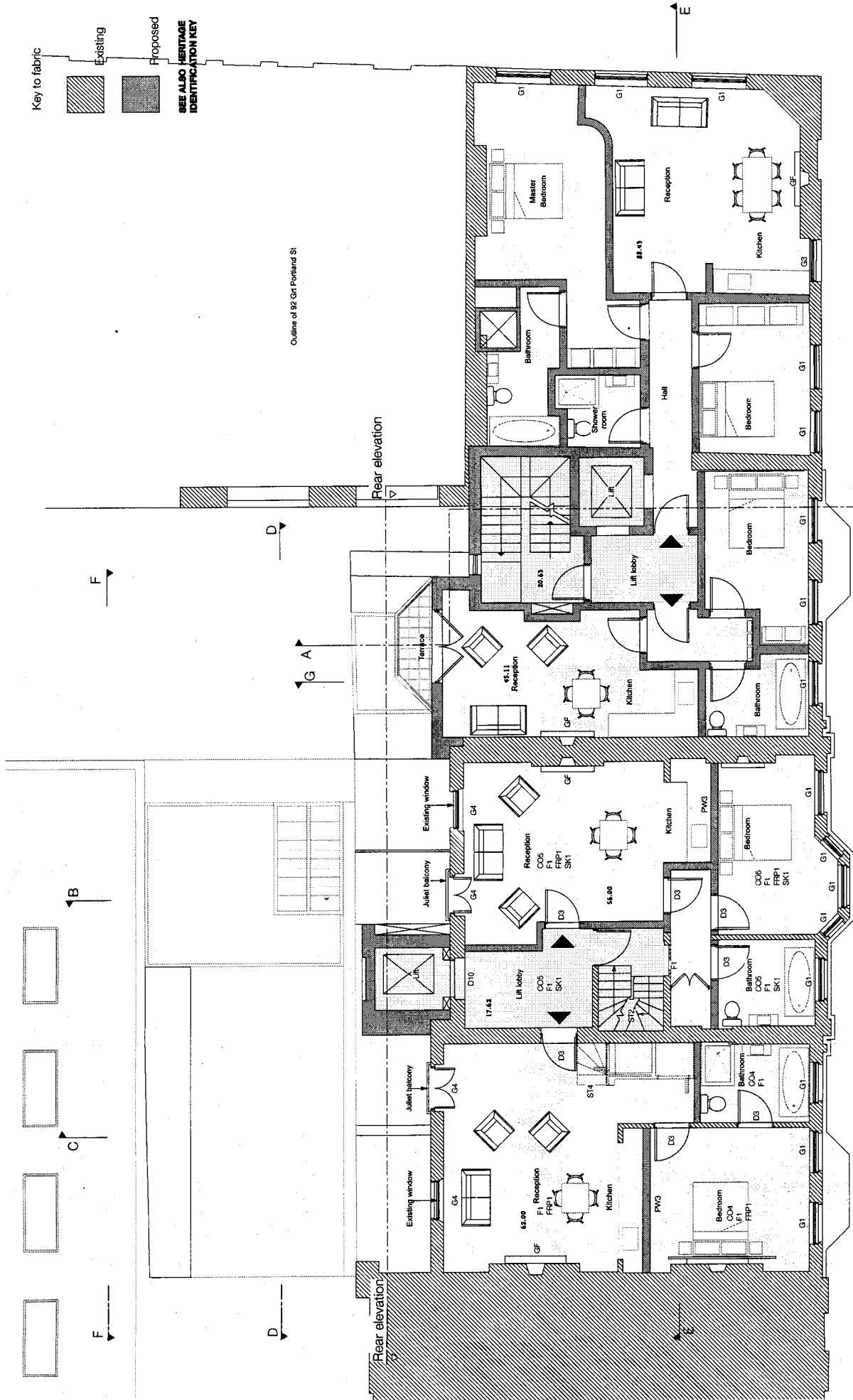


scale 1:50 @ A1
 1:100 @ A3

paul davis partners
 ARCHITECTS
 175 Abchurch Lane, London EC4N 3JF, UK
 Tel: +44 (0)20 7766 1170 Fax: +44 (0)20 7766 2001

Key to fabric
 Existing
 Proposed
SEE ALSO HERITAGE IDENTIFICATION KEY

Outline of 92 Gt Portland St



No.15 - 94 flat

No.14 - 36 flat

No.13 - 38 flat

No.12 - 40 flat

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

Third floor
 Proposed plans - REV. P7
 Langham St/ Gt Portland St
 Client
 Central London
 Property Trust

1696 (02/06 rev. --
 Proposed plans



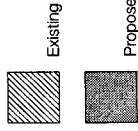
July 2014



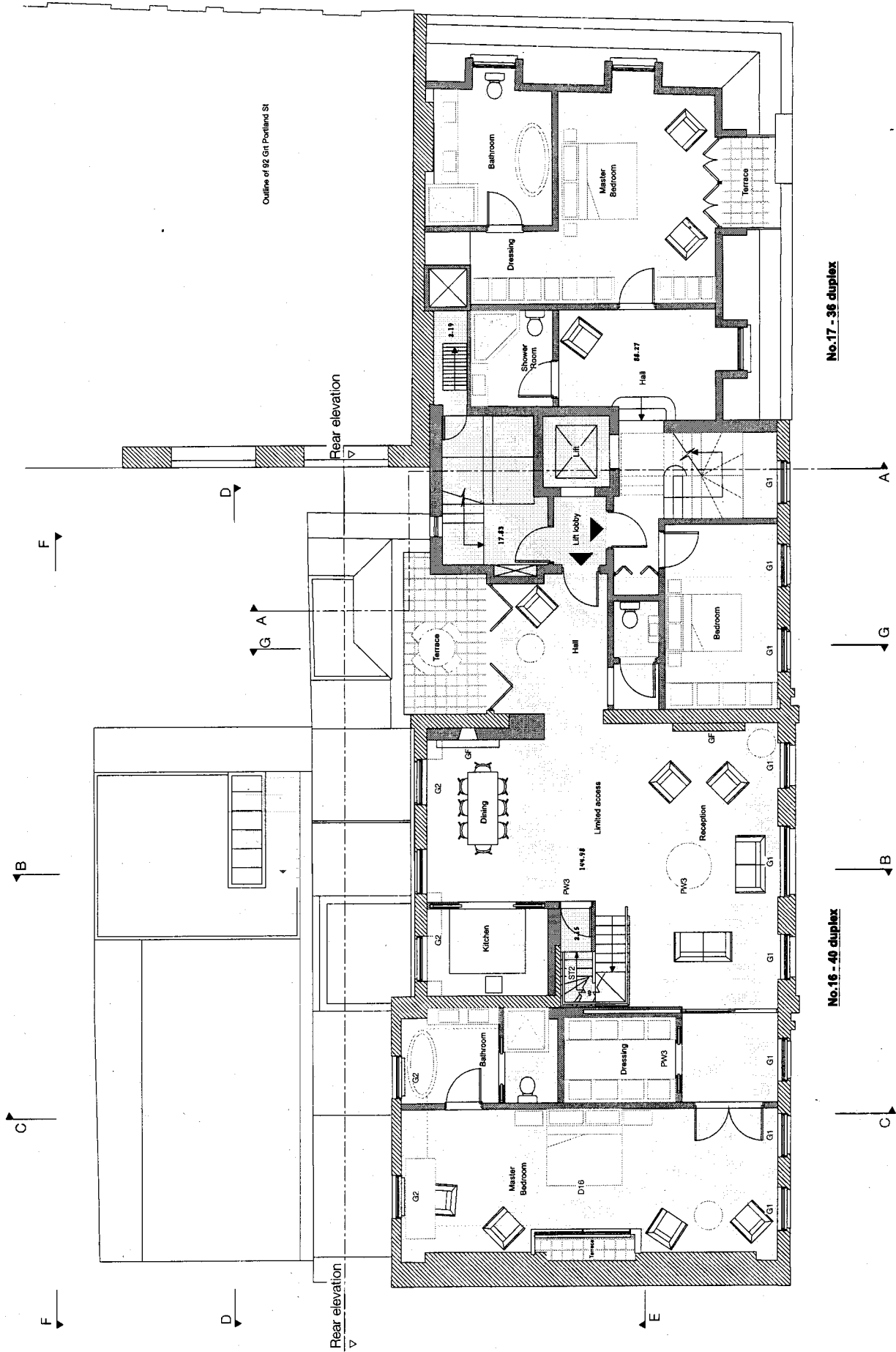
scale 1:50 @ A1
 1:100 @ A3

paul davis partners
 architects
 175 Gt Portland St, London NW1 7TH
 T +44(0)20 7726 1176 F +44(0)20 7726 1171
 pauldavispartners.com

Key to fabric



SEE ALSO HERITAGE IDENTIFICATION KEY



No.17 - 36 duplex

No.16 - 40 duplex

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

Fourth floor
Proposed plans - REV. P7
Langham St/ Grt Portland St
Client
Central London
Property Trust

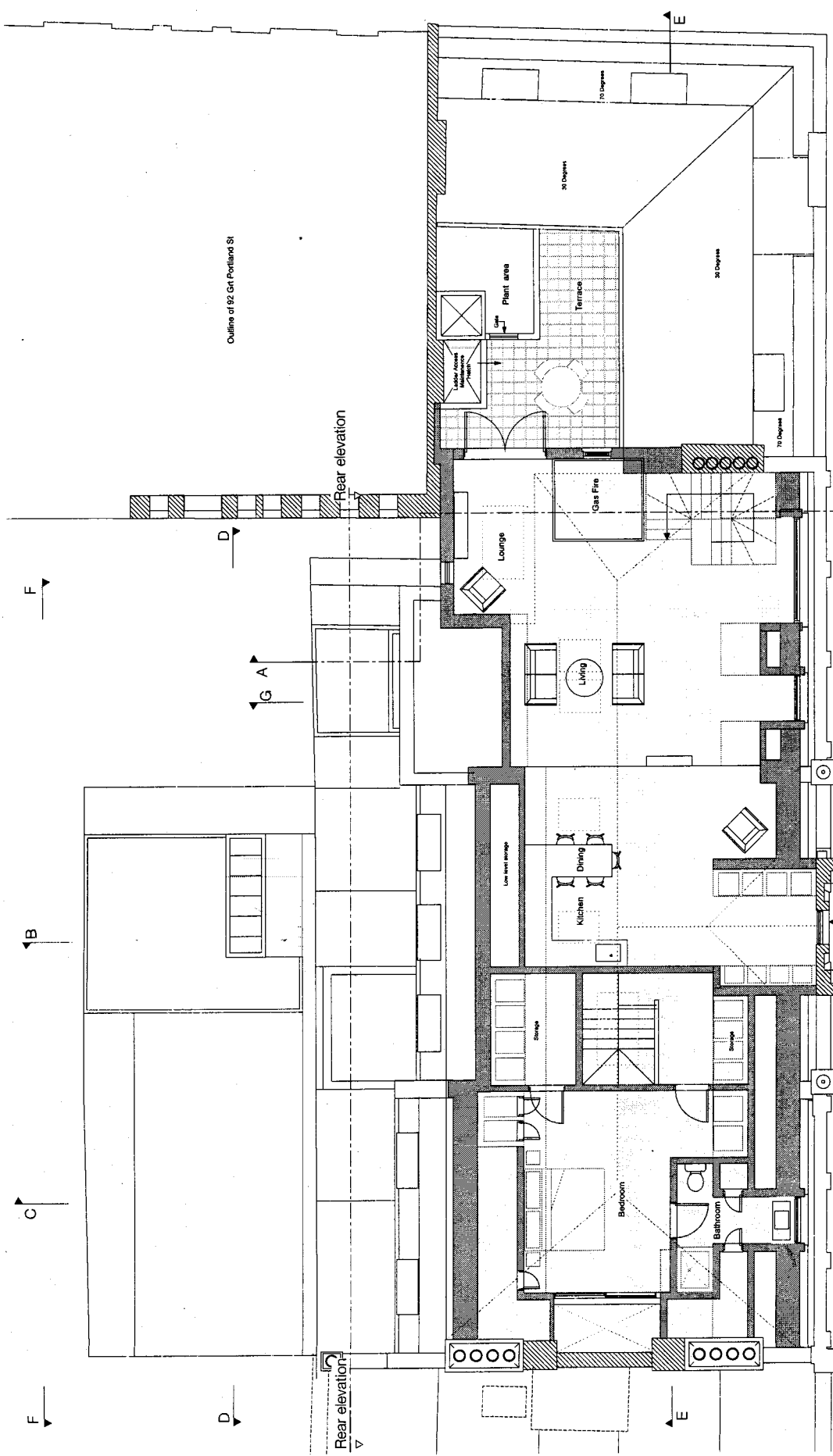
scale 1:50 @ A1
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July 2014



1696 (02/007 rev. --
Proposed plans

paul davis partners
architects
175 ebury street london W1Y 8EP paul@pauldavispartners.com
the old school house t. +44(0)20 7126 1176 f. +44(0)20 760 5971



Key to fabric
 Existing
 Proposed

SEE ALSO HERITAGE IDENTIFICATION KEY

Outline of 92 Grt Portland St

Rear elevation

Rear elevation

No.17-36 duplex

No.16-40 duplex

Proposed new window within existing blind panel

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

Fifth floor
 Proposed plans - REV. P7
 Langham St/ Grt Portland St
 Client
 Central London
 Property Trust

scale 1:50 @ A1
 1:100 @ A3

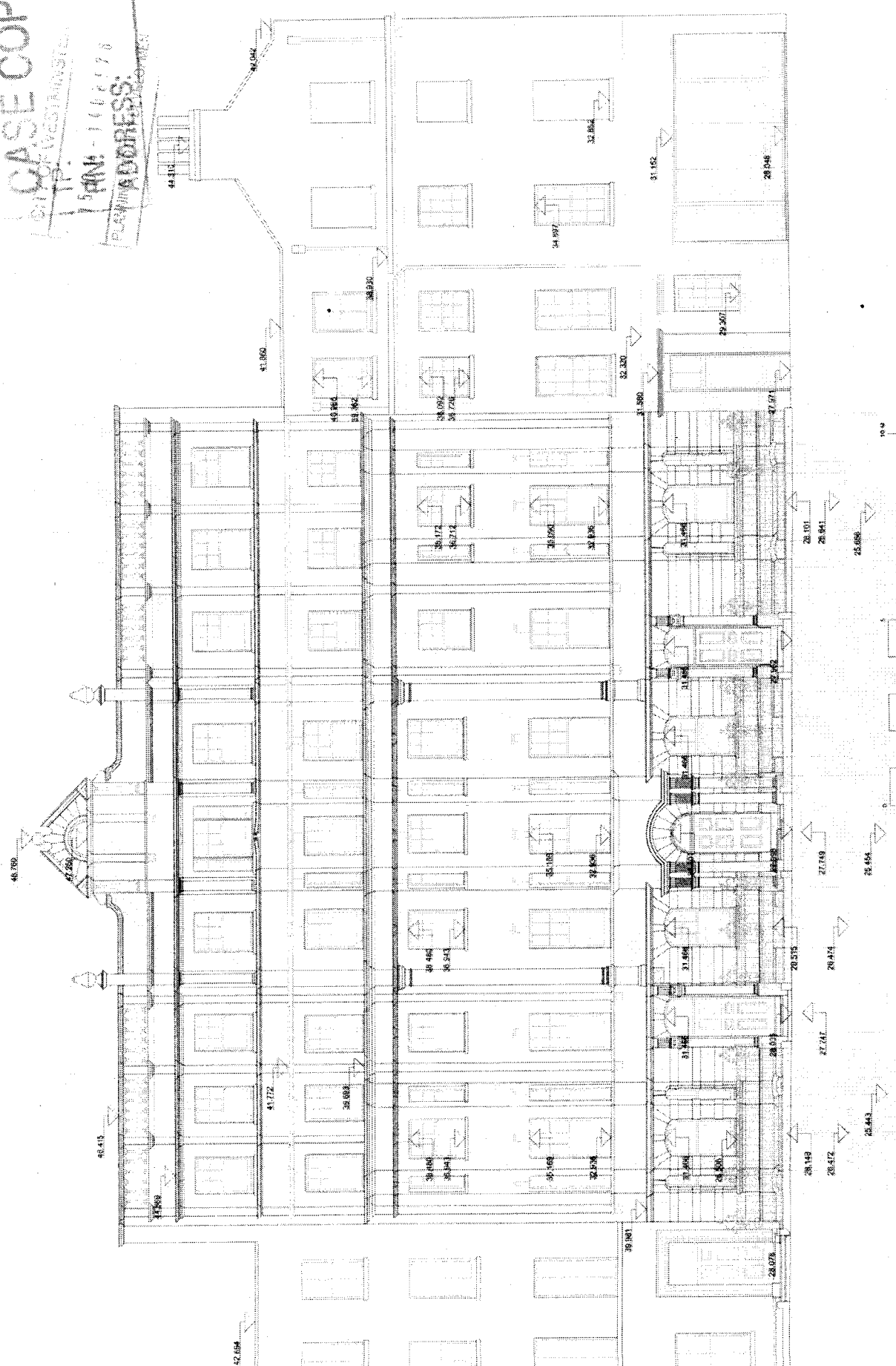
July 2014

1696 (05/08) rev. --
 Proposed plans



paul davis partners
 ARCHITECTS PLANNERS INTERIORS
 175, Leary Street, London SW14 6TP
 T: +44(0)20 7726 1118 F: +44(0)20 720 5071
 pauldavispartners.com

CASE COPY
 1941 - 100178
 ADDRESS:
 1941 - 100178



Langham St / St Portland St
 Client

1696 (PL)10 rev...
 Floor plans

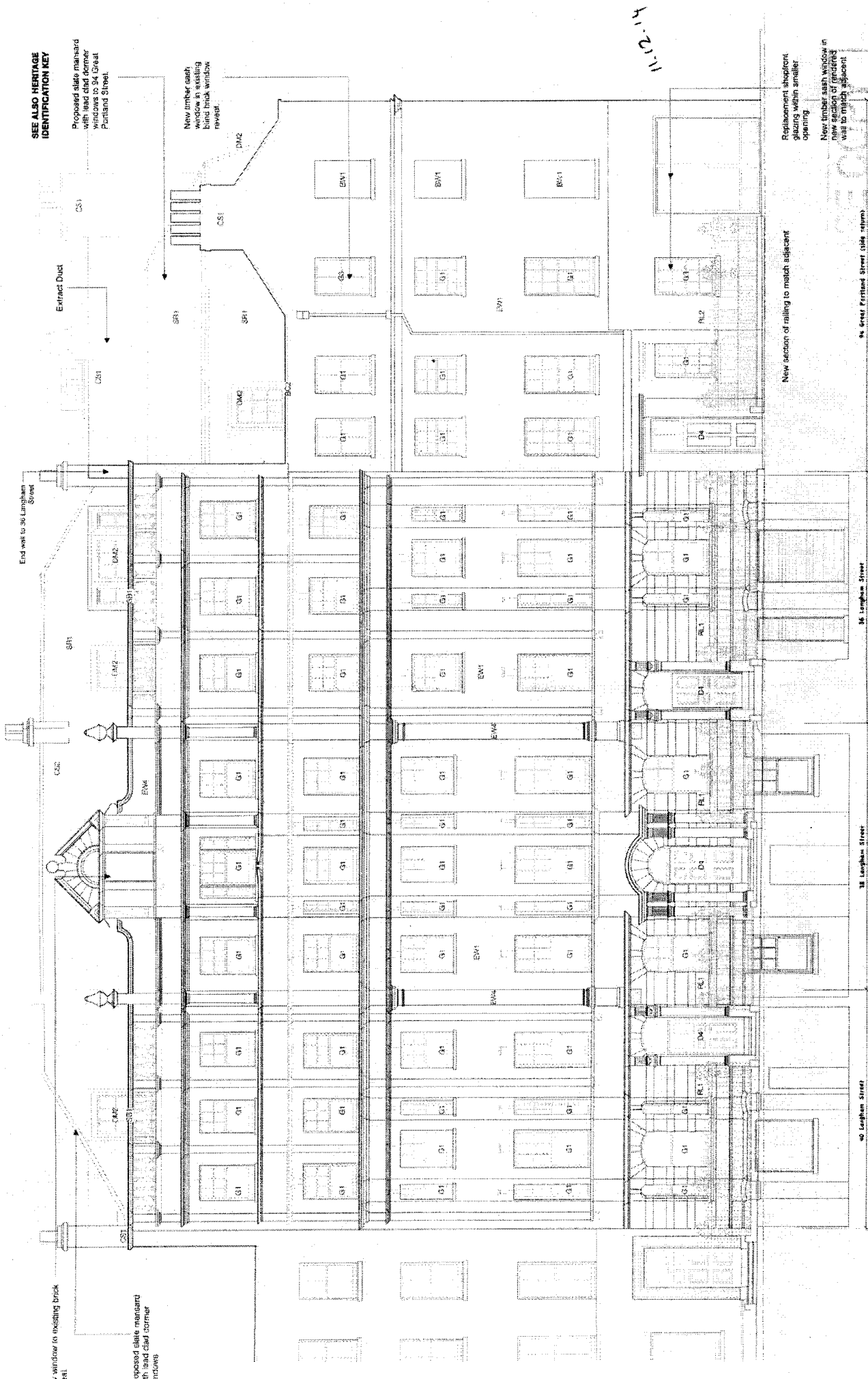
No. 38

Existing Elev 36-40

No. 38
 November 2013

scale 1:50 @ A1
 1:100 @ A3

paul davis partners
 No. 40
 100 West 17th Street, New York, NY 10011
 Tel: +1 212 279 1200
 Fax: +1 212 279 1201
 www.pauldavispartners.com



SEE ALSO HERITAGE IDENTIFICATION KEY

Proposed slate mansard with lead clad dormer windows to 34 Great Portland Street.

New timber sash window in existing blind brick window reveal.

New window to existing brick reveal.

Proposed slate mansard with lead clad corner windows.

Replacement shopfront glazing within smaller opening.

New timber sash window in new section of rendered wall to match adjacent.

New section of railing to match adjacent.

1:12.14

Langham Street
 Proposed plans - REV. P7
 Langham St/ G1 Portland St
 Client
 Central London
 Property Trust

1996/02/01 rev. 1
 Proposed elevations

Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

July 2014

Scale 1:30 @ A1
 1:100 @ A3

paul davis partners

Paul Davis Partners
 100 Abchurch Lane
 London EC4N 3DF
 Tel: 020 7424 1400
 Fax: 020 7424 1401
 Email: info@pauldavispartners.com

SEE ALSO HERITAGE IDENTIFICATION KEY



Conversion of 36, 38, 40 Langham St and 94 Great Portland St to develop lower floor areas for shop restaurant A1, A3 and B1 use with residential above.

scale 1:50 @ A1
1:100 @ A3

July 2014

10M

1605 (02) 02 rev. 00
Proposed elevations

214
ADDRESS

11.12.14
TAKE COPY

Proposed plans - REV. P6
Great Portland Street

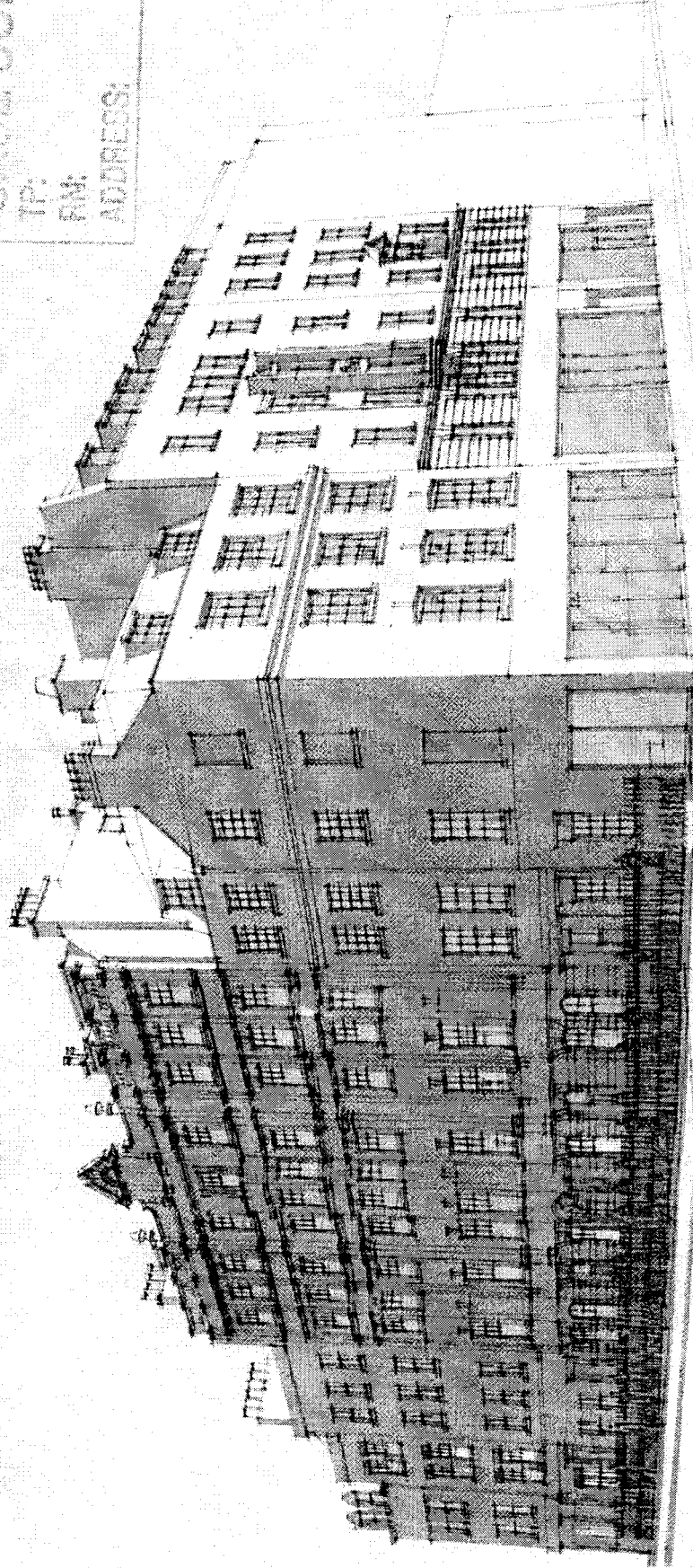
Langham St/Gt Portland St
Central London
Property Trust
Client

paul davis partners

150, Portland Street, Bristol, BS1 6QJ
T: +44 (0)1274 383838
F: +44 (0)1274 383839
E: paul.davis@pauldavispartners.com

11.12.14

ORANGE COPY
TEL:
FAX:
ADDRESS:



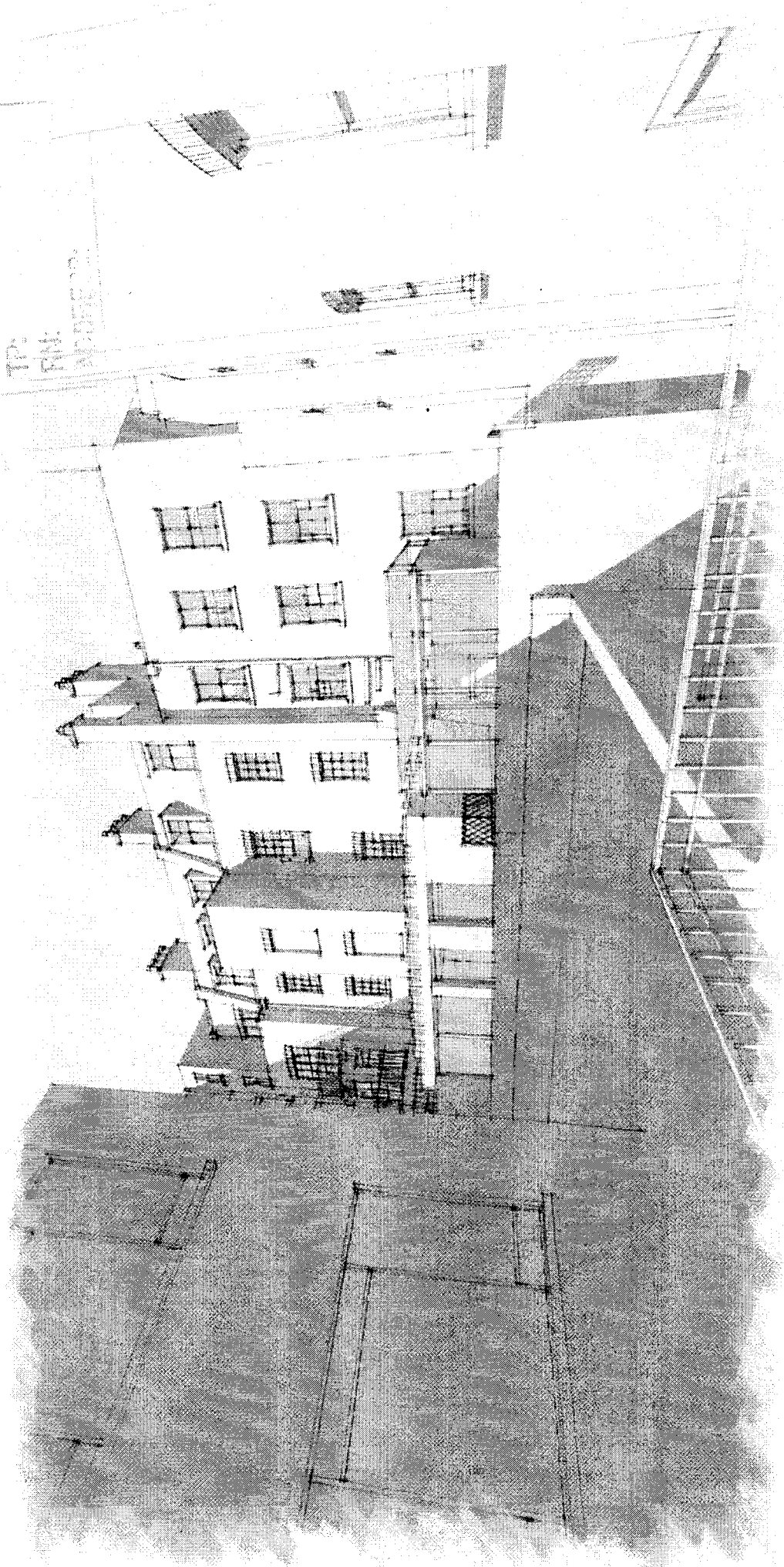
Proposed 3D view from corner of Great Portland Street & Langham Street

10th December 2014

11.2.14

CASE COPY

THE
PROPOSED



Proposed 3D view of the rear of Langham Street - rear terrace on adjoining building in Middleton Place

10th December 2014