

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 June 2015	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>16, 18-25 and 26 Park Crescent and 77-81 Portland Place, London, W1B 1AL</b>		
<b>Proposal</b>	Demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats); the development of nine mews properties comprising of part lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car parking, refuse storage and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level 1 and basement level 2 as a community use (Class D1). Associated landscaping within the rear courtyard area.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	PCW Property Holdings Ltd (Jersey)		
<b>Registered Number</b>	14/03306/FULL 14/03308/LBC	<b>TP / PP No</b>	TP/1147
<b>Date of Application</b>	03.04.2014	<b>Date amended/ completed</b>	30.03.2015
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Grade I Listed Building		
<b>Conservation Area</b>	Harley Street and Regent's Park		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

For Committee's consideration:

- Does the Committee agree that a contribution of £13,165,000 towards the City Council's affordable housing fund is acceptable in lieu of on-site affordable housing provision in the particular circumstances of this case?

2. Does the Committee consider that the substantial harm caused by demolition could be considered to be necessary to achieve substantial public benefits? The public benefit in this case is the rebuilding the Crescent with improvements to the street facade.

3. Subject to 1. and 2. above, grant conditional permission subject to a legal agreement to secure:

- Provision of £13,165,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
- £30,000 for the City Council's Environmental Inspectorate/Environmental Sciences Team to oversee the construction phase;
- The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
- Provision of the on-site play space;
- Public realm to the value of £200,000;
- Education payment to the value of £159,000;
- Public access to the ice house;
- The costs of monitoring the S106 agreement.

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

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

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

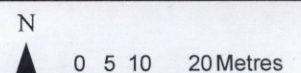
5. Grant conditional listed building consent.

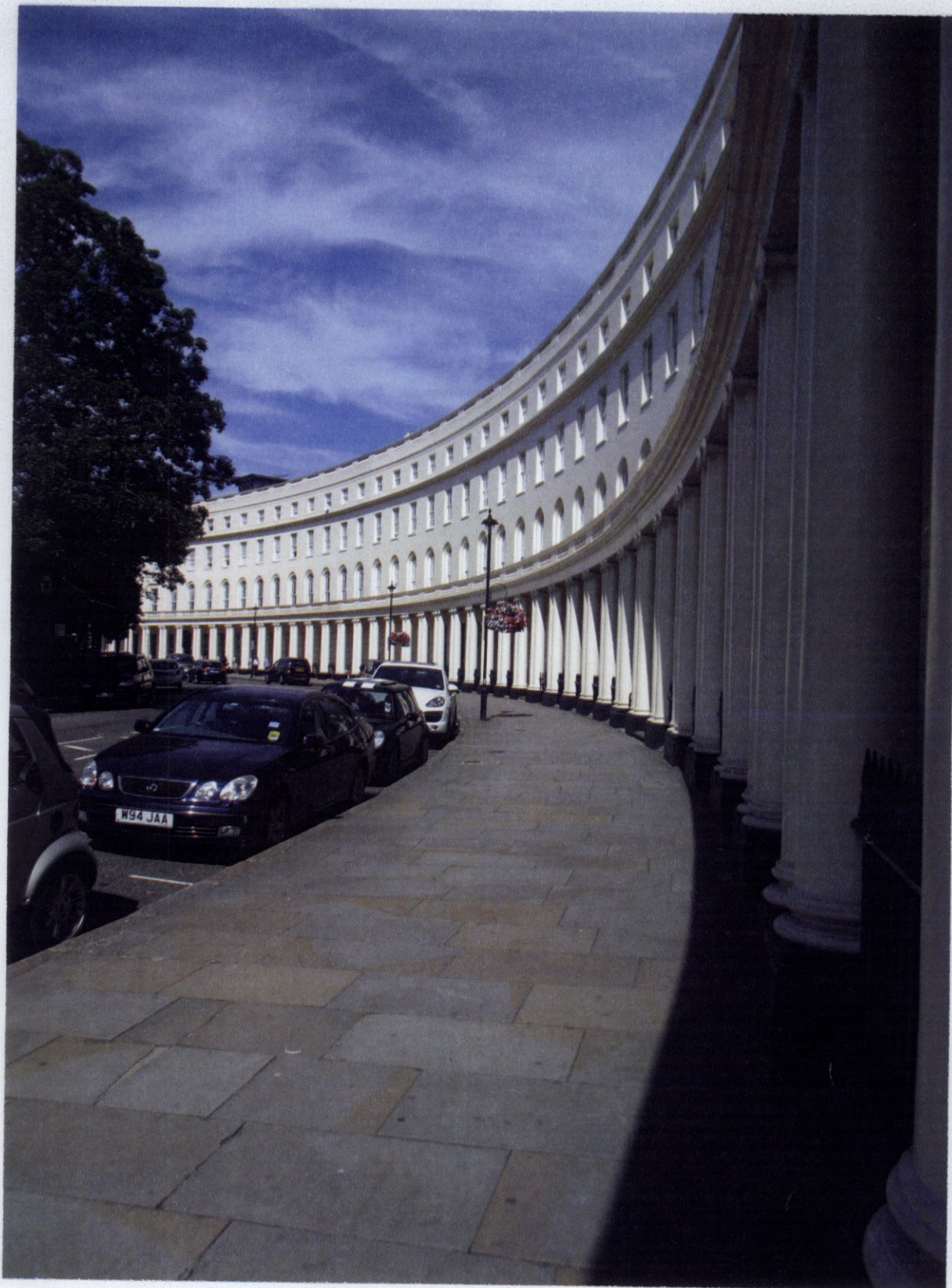
6. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.



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**DEVELOPMENT SITE AT 16, 18-25 AND 26 PARK CRESCENT  
AND 77-81 PORTLAND PLACE, W1**

## 2. SUMMARY

This proposal was reported to Committee on 2 December 2014 for a steer on a number of issues including whether on-site affordable housing should be sought and whether a roof extension to the Park Crescent building would be unacceptable in principle. The Committee resolved to grant planning permission subject to an enhanced affordable housing payment of £18.65m, a 35 year lease for the community use, unallocated parking for the proposed residents and confirmation that there would be no impact on the ice house.

Since the Committee's resolution to grant planning permission, the scheme has been amended to incorporate the ice house which has now been partially excavated beneath the parking area to the south east of the application site. As a result the scheme has been amended to incorporate and retain the ice house in situ. The applicant has also introduced additional changes to the scheme including relocation of the refuse point, amendments to the rear elevation of the crescent building, the omission of the mezzanine levels to the first floor apartments within the crescent building and a subsequent decrease in the number of apartments in the crescent from 71 to 64. The number of mews houses remains at nine.

The key issues for consideration in this case is:

- The acceptability of the affordable housing offer.
- Whether the substantial harm caused by demolition could be considered to be necessary to achieve substantial public benefits. The public benefit in this case is the rebuilding the Crescent with improvements to the street facade.

Committee have already indicated that they consider the proposed demolition and redevelopment to be acceptable, partly because of the benefit of the provision of affordable housing. However, this provision is a policy requirement and it is not considered that it can be said to be necessary to cause substantial harm to this Grade I listed building to achieve this policy requirement. Committee's views are therefore sought on this issue.

The City Council's valuation consultants consider that the revised scheme could now viably support either £13,165,000 or approximately five of the mews houses. The applicant has approached a number of Registered Social Landlords (RSLs) but has not been able to find one that would be prepared to manage the five mews houses. Given this, it is recognised that it is unlikely that affordable housing could be provided on site and the applicant has subsequently increased their offer to a payment in lieu of £13,165,000 and Committee's views are sought on whether this is acceptable.

## 3. CONSULTATIONS

ADDITIONAL AND LATE REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS WRITTEN (BUT REPORTED VERBALLY AT THE COMMITTEE OF 2 DECEMBER 2014)

COUNCILLOR BOTT

Raise concerns regarding the inaccuracies in the proposed replacement facade; the height of the proposed building; the preservation of the ice house and the lack of liaison with residents of 22 Park Crescent.

THE PRINCES TRUST

Confirm that the Princes Trust is not benefitting from the proposal

**THE GEORGIAN GROUP**

Raise no objection to the principle of reconstructing the crescent. The scheme is an opportunity to rectify the inaccuracies in the post war rebuild and would sustain and enhance the crescent's significance provided any proposal is completely secure in its source material and applies consistent scholarship to all aspects of the proposed design. Object to the roof extension which would contradict the stated aim to return the crescent to a greater approximation of Nash's design and unbalance the original composition of the crescent and add unwelcome bulk at roof level.

**BUILDING CONTROL**

No objections raised.

**DIRECTOR OF HOUSING**

Welcomes the provision of on-site affordable housing. The presence of affordable housing within the mews houses will create a self-contained location for these affordable homes and will assist in keeping service charges at an affordable level.

**ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE APPLICATION WAS CONSIDERED AT THE COMMITTEE OF 2 DECEMBER 2014****HISTORIC ENGLAND**

The principle of accepting the demolition of the Crescent is based only on it being replaced in the current planning applications, which offer the opportunity of enhancement of the appearance of this part of Nash's grand townscape designs. Consider that the loss of the Crescent and its replacement with anything other than a design as close to Nash's original as is possible would be unacceptable.

Formal authorisation has not yet been received.

**HISTORIC ENGLAND (ARCHAEOLOGY)**

The ice house is considered to be of national significance and is currently being considered for designation, potentially as a scheduled ancient monument. The applicant has carried out design changes to ensure the preservation of the ice house as well as incorporate the asset into the proposals to make it a feature within the development. Further investigation of the ice house should be carried out prior to development of the proposed mews houses to ensure that the structure is fully recorded. Information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission subject to suitable conditions being attached.

**TRANSPORT FOR LONDON**

Ask that the levels of car parking are reduced and request conditions relating to electric charging points, cycle parking, a car park management plan, construction logistics plan, travel plan and a delivery and servicing plan.

**ST MARYLEBONE SOCIETY**

Decline to comment.

**HIGHWAYS PLANNING MANAGER**

No objections raised.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

Five letters of objection (including two letters on behalf of the residents of 22 Park Crescent) on the following grounds:

- Maintain previous objections to the application on heritage grounds.
- Consider that the Committee failed to consider the provision of affordable housing within the development rather than accepting a payment in lieu.
- Demolition of the Grade I listed building.
- Loss of light.
- Impact of new basement works.

#### 4. THE PROPOSAL

The application was reported to Committee on 2 December 2014 for a steer on a number of issues including whether on-site affordable housing should be sought and whether demolition and a roof extension to the Park Crescent building would be unacceptable in principle. The Committee, however, resolved to grant planning permission subject to an enhanced affordable housing payment of £18.65m, a 35 year lease for the community use, unallocated parking for the proposed residents and confirmation that there would be no impact on the ice house.

Since the Committee's resolution to grant planning permission, the application has been amended to incorporate the ice house which has now been partially excavated beneath the parking area to the south east of the application site. As a result the application has been amended to retain the ice house in situ. This involves the following amendments to the scheme:

1. The service basements have been removed from beneath the mews house terrace and relocated within the basement areas below the Portland Place buildings and the garden space behind.
2. The mews house lower ground floors have been omitted from the three houses directly above the ice house.
3. The sub-structure has been redesigned to span clear of the ice house and the mews house terrace has been repositioned to move a separating wall off the centreline of the ice house.
4. The refuse collection point has been relocated from below the mews houses to its current position at the base of the access ramp.

The applicant has also introduced additional changes to the scheme including the omission of the mezzanine levels to the first floor apartments within the crescent building, amendment to the rear elevation of the crescent, internal alterations to the plan form of the crescent building and a subsequent decrease in the number of apartments in the crescent from 71 to 64. The number of mews houses remains at nine.

Following the Committee's resolution to grant planning permission, the application has also been subject to a pre-action challenge. The challenge is based on whether the Committee failed to consider whether on-site affordable housing should be provided rather than resolving to accept the £18.65m in lieu; and whether the £18.65m contribution was a trade-off for the increased roof height. Given that the affordable housing provision is a policy requirement that has to be met, it is not considered that it can be said to be necessary to cause substantial harm to achieve this policy requirement. The Committee is asked to reconsider this issue.

#### 5. DETAILED CONSIDERATIONS

##### 5.1 Land Use

##### 5.1.1 Residential Use

The application now provides 73 new residential units. As a result of the revisions the proposal now provides additional 1xbedroom flats and a reduction in 5xbedroom flats. The loss of the mezzanine level also results in the loss of ten 2xbedroom flats compared to the

initially submitted scheme. UDP Policy H5 requires the provision of a range of unit sizes in new housing schemes, including at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should be more than three bedrooms. The proposals would provide 54% family-sized housing to meet the requirements of the policy, of which 15% would have more than three bedrooms, also complying with Policy H5.

### Unit sizes

The units proposed would range in size between 42m<sup>2</sup> and 472m<sup>2</sup> as set out below:

Bedrooms	No. units	Average size (m <sup>2</sup> )
One bedroom	12	66.5
Two bedroom	21	116
Three bedroom	29	185.5
Four bedroom	5	278.5
Five bedroom	6	381.5

London Plan Policy 3.4 states that new developments should optimise housing output and Policy S14 in Westminster's City Plan also seeks to optimise the number of residential units on development sites in order to achieve and exceed Westminster's housing targets. A range of unit sizes are proposed, and given that a greater amount of smaller 1xbedroom units are now provided, and the number of 5xbedroom apartments has been reduced (from 11 flats down to six) it is considered that this aspect of the proposal is once again considered acceptable.

### Affordable Housing

The scheme now results in an increase in residential floorspace of 20,766 (GEA). This is a reduction of 5,616m<sup>2</sup> compared to the scheme initially proposed. Applying the Interim Guidance, a scheme of this size is expected to provide 25% of its floorspace as affordable housing, which equates to 5,191.5m<sup>2</sup>. If this were to be met by a financial payment in lieu, this would generate a requirement for £27,524,284.

The applicant initially contended that the maximum commuted payment with the revised scheme would be £12.39m. The City Council has employed GVA as an independent consultant to review the applicant's revised financial viability case and they consider that with the decrease in net saleable area, amendments to the scheme to span the ice house and resultant increased construction costs, that the scheme could now viably support either £13,165,000 or approximately five of the mews houses. The applicant has subsequently increased their offer to a payment in lieu of £13,165,000.

Clearly the policy presumption is for the affordable housing provision to be made on site and where this is not possible, the affordable housing should be within the vicinity of the site and Policy S16 states *"Where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing..."*

The applicant contends that the provision of five mews houses at a cost of £2.6m each would not provide a feasible or effective approach to meeting housing needs in the Borough. They have also drawn up indicative plans showing the five mews houses reconfigured to provide ten flats and contend that such a scheme would result in constrained accommodation with poor levels of natural light and limited outlook in the lower floors that would not convert well to



affordable accommodation. With regard to off-site provision, the applicant states that to date they have been unable to purchase a site within Westminster where affordable housing could be provided. They contend that a payment in lieu towards the Council's affordable housing fund would provide a greater level of provision elsewhere within the Borough.

Policy S16 allows for payments in lieu (PIL) of affordable housing provision where the City Council considers it is not practical or viable to provide it on site or off site. The Committee previously considered that it would not be practical or viable. Since the Committee last considered the application, the excavation of the ice house has resulted in a loss of gross floor area and a subsequent reduction in the on-site affordable housing requirement (from nine mews houses down to five). It is recognised that such a reduction of units would be more difficult for a Registered Provider (RP) to manage in this isolated location. The applicant has approached a number of RP's but have not been able to find one that would be prepared to manage the five mews houses. Given this, it is recognised that it is unlikely that affordable housing could be provided on site, which confirms the Committee's views that it is not practical or viable. The Committee is asked to re-affirm their views that it would be appropriate to accept a commuted sum towards the City Council's affordable housing fund in lieu of on-site provision.

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

In considering the scheme presented to Committee in December, Members resolved that the use of the community space by Business in the Community was sufficient to off-set the loss of the social and community use, subject to the applicant agreeing to a 35 year lease at a peppercorn rent to the charity. The applicant has agreed to this, and the provision of this space would be secured by legal agreement.

## **5.2 Townscape and Design**

The 1960s redevelopment closely follows the height and depth of the crescent as first built; the rear wall is on almost the same alignment as the original, all of the later unattractive rooftop additions were removed, and the stucco facades are a close copy of the original except for a reduction in the number of doors and modifications to the north return to Marylebone Road. The crescent as it stands is the result of a careful survey of the original, prior to demolition, and skilful rebuilding, all of which followed from detailed studies and reports commissioned in the period immediately after WWII regarding the practicality or otherwise of retaining what remained of the original buildings. The same approach was adopted at Nos. 77-81 Portland Place which also form part of the application site.

It is proposed to increase the height of the roof, which is detrimental to the special architectural interest of the building and to the unity of the crescent as a whole because it is not part of the original design intent, and it would unbalance the intended uniformity of the two halves of the crescent. This is contrary to UDP Policies DES 6, DES 9, and DES 10 and City Plan Policies S25 and S28. Furthermore, the scheme does not take the opportunity to better reveal the significance of the Nash design because the footprint of the building is enlarged significantly beyond the original main, rear, building line, the depth below ground is excessive, and the plan form of the individual properties and the detailed design of the new rear façade make little attempt to reinstate any sense of the original individual house plots.

Historic England (formerly English Heritage) supports the principle of redevelopment. It was noted in their letter dated 27 August 2014 that "...The Crescent was completely rebuilt in the early 1960s. The façade does not faithfully replicate Nash's proportions and details and it does not seem that any authentic Nash fabric remains in situ". These remarks were based on the first historic building report which included incorrect statements about the 1960s replica façade in relation to moulding details and the size of the ground floor windows; these parts of

the building were claimed to be defective and inauthentic in their design. The report also failed to follow-up the lead given by officers in relation to the potential survival of an icehouse on the site.

However, it came to light following further and more thorough research by officers and objectors that the windows and mouldings as rebuilt are in fact part of the original design. Drawings sourced at the National Archives in Kew, by an objector, prove the applicant's assertions are wrong. These claims have now been dropped by the applicant and it is accepted by them and Historic England that the facades as they stand are an accurate recreation (except as set out above).

Historic England confirmed by e-mail dated 30 April 2015 that they are confident that they can continue to support the proposals now that they have been revised. While they are of the opinion that loss of the crescent and its replacement with anything other than a design as close to Nash's original as is possible would be unacceptable, they have confirmed verbally that they do not object to the proposed alterations to the roof line and welcome the proposed reinstatement of chimney stacks.

One of the aims of the redevelopment is to produce a rendered façade of higher quality finish, than that which exists, by using a lime render. While this may be acceptable, there is no evidence that the original render was lime, and no evidence has been produced to support the assertion despite there being a report produced by the Department of Scientific and Industrial Research in to the question of how to repair the stucco in the post war period, which may shed light on the matter. More historic building research needs to be carried out in order to reach a fully informed decision on the materials. The matter of materials can be reserved by condition. Nevertheless, in accordance with the Committee's resolution, which sought reassurance on the detailed design of the façade (amongst other things), drawings have been provided to set out the detailed design of the new crescent façade showing there are minimal movement joints proposed and that where these are required, they are sited to minimise their visual impact.

#### The ice house

The ice house, more correctly called an ice well in this case because it was originally mostly, if not entirely, an underground structure has been partly excavated and found to be intact. It is to be retained in situ and the design of the new buildings in the mews has been altered accordingly. The ice well is currently under consideration for statutory listing as a building of special historic or architectural interest, or to be scheduled as an ancient monument.

#### The 1990 Act (as amended)

In accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Likewise, in accordance with s16(2), in considering whether to grant listed building consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case, the special interest of the building lies primarily in its architecture. Therefore the changes to its design must be given close scrutiny and be found to, at the least, preserve the building's special interest; increasing the size of the building and raising the height of the roof are important considerations in this case.

With regard to the impact of the development in conservation area terms, in accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by

virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this respect, increasing the height of the roof is of great significance because of the impact this has on the appearance of the crescent and the effect this alteration has on this outstanding piece of architecture which is a key part of the conservation area.

#### Conclusion on urban design and conservation matters

The building's façade is a 1960s replica consequently there is no loss of old, or original early nineteenth century, materials. While the post war conservation approach to the site is of historic interest from a theoretical point of view, the 1960s fabric is not of intrinsic interest. Therefore, there is no harm to the special historic interest of the building arising from its demolition. Instead, the harm arises from a failure to maintain the special architectural interest of the building by inappropriately altering a design which is of outstanding importance as an architectural set piece designed by a renowned architect. In this case, demolition of the building and its replacement with an inappropriately altered design, principally the raised roof, would cause substantial harm to this designated heritage asset. Where the harm is substantial, it may be considered in terms of the NPPF, the tests are set out in paragraph 133, as follows:

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

1. the nature of the heritage asset prevents all reasonable uses of the site; and
2. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
4. the harm or loss is outweighed by the benefit of bringing the site back into use.

As set out in the report dated 2 December 2014, the demolition and redevelopment is unacceptable primarily because the proposed roof is inappropriate. However, the increased footprint of the building and the failure to take the opportunity to return the building closer to its original design, as regards its plan form and rear facade design, are also objectionable. The most severely damaging alteration to the building would result from increasing the height of the roof. This would harm the appearance and special architectural interest of the rebuilt part of the crescent, and the crescent as a whole which would cease to have the originally intended and carefully balanced outline. This would also be harmful to the character and appearance of the surrounding conservation area.

There would be no harm caused by demolition and redevelopment of the site if the crescent was rebuilt in a form closer to the original design, without the rooftop deviation, which would be a public benefit. However, the scheme in its current form offers insufficient public benefits (as defined in the NPPF) which are confined to the addition of some front doors, chimney stacks, and new rendering. All of these claimed improvements could be obtained without resorting to demolition of the building or raising its roof. Furthermore, there is no suggestion that the façade, or roof at its current height, prevents all reasonable use of the site, nor is it suggested these features render the building unviable; conservation by grant funding etc. is not relevant in this case, and the site is capable of beneficial reuse without loss of the façade, increasing the footprint of the building, or raising the roof.

Committee previously resolved that the proposed demolition and redevelopment was acceptable, because of the benefit arising from a financial contribution towards the provision of affordable housing and because it found no harm to the special historic interest of the

building. However, the affordable housing provision is a policy requirement that has to be met in any case, and there is no basis for considering that it is necessary to cause substantial harm in order to achieve this provision. The provision would still be required without resorting to demolition and/or increasing the height of the roof and/or deepening the plan form of the crescent. That the resulting contribution may be reduced if the roof is not raised, is not a sustainable reason for approval where harm to a designated heritage asset is identified. The obligation is to optimise the use of the site, not to maximise it, while having special regard to the desirability of maintaining the building's special historic and architectural interest.

Therefore, Committee is asked to reconsider the issue of harm to conservation area and to the special architectural interest of the listed building, and having regard to the tests in the NPPF to state whether they consider the demolition and redevelopment of the site to an altered design is necessary to secure substantial public benefits. As set out above, the public benefits of the scheme are the reinstated front doors, chimney stacks, and new render.

### **5.3 Amenity**

#### **5.3.1 Daylight and Sunlight**

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

A further sunlight and daylight report has been submitted with the amended scheme which includes an assessment of the development using the appropriate VSC and No Sky Line methods prescribed in the BRE guidelines. The occupier of 2 Devonshire Mews North has again raised concerns regarding loss of light, however, there would be no material loss of light to windows within this property.

Whilst occupiers of the adjoining flats within 22 Park Crescent initially raised concerns about loss of light, only five habitable windows within this block of flats is adversely affected by 20%. These windows would experience losses of between 21.9% and 31.7% in terms of VSC, however, these are secondary windows to rooms that are served by one other window that retain good levels of VSC. It is considered that these rooms would still receive adequate levels of daylight.

Whilst the occupier of 2 Devonshire Mews has again raised concerns regarding loss of light, there would be no material loss of light to this property. The impact of the daylighting/sunlighting on the remaining adjoining residential properties is set out in full in the original report to committee.

It is considered that within this urban built-up location, the levels of daylighting/sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

#### **5.3.2 Refuse store**

The original proposal included a waste storage area at basement level 2 underneath the proposed mews houses. This aspect of the scheme has been deleted and waste is proposed to be stored and collected from the rear of the existing crescent building. Whilst concerns have been raised regarding the proximity of the refuse storage area to existing residential accommodation, however, the scheme no longer proposes a new refuse point adjacent to the rear mews.

## 5.4 Transportation /Parking

The proposals would provide 73 car parking spaces for the 73 proposed units. This would comply with Policy TRANS23. In considering the scheme presented to Committee in December, Members resolved that all parking should be unallocated. This would be secured by condition.

Since the application was last considered, further comments have been received from Transport for London (TfL). They ask that the levels of car parking are reduced and request conditions relating to electric charging points, cycle parking, a car park management plan, construction logistics plan, travel plan and a delivery and servicing plan. As the level of car parking is consistent with TRANS 23 of the UDP and the standards set out in the London Plan, the amount of car parking is considered acceptable. Vehicle charging points, cycle parking, a car park management plan and compliance with the Construction Management Plan are secured by condition. Conditions for a travel plan and a delivery and servicing plan are not considered necessary for a scheme of this nature.

TfL also ask that £15,776 is provided towards Legible London. However, the proposed development is a redevelopment on an existing, well-established street and will not lead to any change in the hierarchy of spaces and street in the immediate area or to the legibility of pedestrians. In this regard it is not considered that such a payment would meet the CIL tests below required to secure the funding.

## 5.5 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:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development;
3. fairly and reasonably related in scale and kind to the development.

These tests are set out in Government Circular 5/2005 which deals with the issue of planning obligations and of which the Council's SPG takes account.

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues:

- The provision of affordable housing (either on-site or through the payment of £13.165m).
- The provision of £200,000 towards public realm improvements in the vicinity of the application site payable on commencement of development.
- A bond to secure the reinstatement of the Park Crescent façade.
- The provision (including full fit-out) and retention of the new community space with ongoing maintenance costs to be paid for by the applicant prior to occupation of the first residential unit.
- The provision and retention of the communal play space.
- The provision of an education contribution of £159,000 payable on commencement of development.
- Compliance with Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) with associated monitoring fees to a capped total of £30,000.
- Public access to the ice house
- The provision of costs for monitoring of agreement.

Committee's views are sought on the affordable housing provision, and subject to this, and given that the previous resolution was made prior to the 6 April, the S106 obligations outlined above are considered to meet the tests of the regulations and are considered acceptable for the purposes of the City Council's adopted SPG on Planning Obligations.

## **5.6 Other Issues**

A neighbouring occupier refers to concerns regarding party wall matters, however, this is not a planning issue.

## **5.7 Conclusion**

Committee's views are sought on whether the applicant's offer of £13.165m towards the City Council's affordable housing fund is acceptable in lieu of on-site provision and whether the demolition and redevelopment of the site to an altered design is necessary to secure the public benefits of the scheme.

## **BACKGROUND PAPERS**

1. Application forms and letters from the applicant dated 1 December 2014
2. Report from Planning Applications Committee and background papers dated 2 December 2014 and minutes.
3. Email from Building Control dated 25 November 2014
4. Email from Housing Supply Manager dated 28 November 2014

5. Letter from The Georgian Group dated 28 November 2014
6. Letter from Councillor Bott dated 2 December 2014
7. Letter from The Princes Trust dated 28 November 2014
8. Letters on behalf of the occupiers of 22 Park Crescent dated 5 December 2014 and 17 April 2015
9. Letter from the St Marylebone Society dated 17 April 2015
10. Letter from occupier of 83 Arlington Road dated 11 April 2015
11. Letter from occupier of Flat B, 46 Devonshire Street dated 11 April 2015
12. Letters from occupier of 2 Devonshire Mews North dated 21 April 2015
13. Letter from Historic England (Archaeology) dated 23 April 2015
14. Email from Historic England dated 30 April 2015
15. Email from Highways Planning Manager dated 6 May 2015
16. Email from Transport for London dated 21 May 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MICHAEL WALTON ON 020 7641 2521 OR BY E-MAIL – [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

MINUTES DATED 2.12.14  
RESOLUTION

DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE: Demolition and redevelopment of 16 - 26 Park Crescent and partial demolition of 77 - 81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (71 flats); the development of nine mews properties comprising of lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car-parking and plant in the basement of the Park Crescent property; use of part, ground, lower ground and basement level as a community use (Class D1). Associated landscaping within the rear courtyard area.

Additional representations from the Ward Councillors, William Hotopf, the Princes Trust, DP9, Park Crescent West and Jacob Kut were circulated.

**RESOLVED:**

1. That the Committee agree that:

The principle of the redevelopment of the site is acceptable in land use and amenity terms subject to the following:

- i) The provision of the full affordable housing payment in lieu of provision on site (approximately 18 units) should be sought of £18.65m in the light of advice from independent valuation consultants appointed by the City Council.
  - ii) More information is needed regarding the detailed design (construction) of the proposed rebuilt stuccoed façades to permit their demolition.
  - iii) The addition of another storey at roof level is acceptable in design and heritage asset terms.
  - iv) Whilst there is a risk to the London Plane tree at the rear of Devonshire Street, sufficient measures have been put in place to reasonably protect it. Should these measures fail, the benefits of the scheme outweigh the limited public views of the tree.
  - v) The Prince's Charity use is acceptable and sufficient to offset the loss of the social and community use.
2. That subject to the above and officers being able to secure unallocated parking provision, a 35 year lease and satisfactory provision for the Ice House conditional condition be granted authority for the determination of the outstanding issues and conditions being delegated to officers in consultation with the Chairman.

**4 25 SAVILE ROW, W1**

Demolition of existing building and construction of a replacement building comprising two basement levels, ground floor and six upper floors. Use of part of the ground



**APPENDIX**  
**Agenda Item 3**

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 December 2014	<b>Classification</b> For General Release	
<b>Report of</b> Operational Director Development Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>18-25 Park Crescent, London, W1B 1AL</b>		
<b>Proposal</b>	DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE: Demolition and redevelopment of 16 - 26 Park Crescent and partial demolition of 77 - 81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (71 flats); the development of nine mews properties comprising of lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car-parking and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level as a community use (Class D1). Associated landscaping within the rear courtyard area.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	PCW Property Holdings Ltd (Jersey)		
<b>Registered Number</b>	14/03306/FULL 14/03308/LBC	<b>TP / PP No</b>	TP/1147
<b>Date of Application</b>	03.04.2014	<b>Date amended/ completed</b>	15.08.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Grade I and Grade II Listed Buildings		
<b>Conservation Area</b>	Regent's Park		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

**1. RECOMMENDATION**

For Committee's consideration:

1. Does the Committee agree that:

The principle of the redevelopment of the site is acceptable in land use and amenity terms subject to the following:

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i) The provision of partial affordable housing provision on site (approximately 18 units) should be sought in the light of advice from independent valuation consultants appointed by the City Council.

ii) More information is needed regarding the detailed design (construction) of the proposed rebuilt stuccoed facades to permit their demolition.

iii) The addition of another storey at roof level is unacceptable in design and heritage asset terms and should be deleted from the scheme.

iv) Whilst there is a risk to the London Plane tree at the rear of Devonshire Street, sufficient measures have been put in place to reasonably protect it. Should these measures fail, the benefits of the scheme outweigh the limited public views of the tree.

v) The Prince's Trust use is acceptable and sufficient to offset the loss of the social and community use.

2. Subject to 1. i) to v) above, that further negotiations be carried out with the applicant to seek to resolve outstanding detailed issues relating to the design of the building and the affordable housing offer.

## 2. SUMMARY

The application site comprises Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site. The application involves the redevelopment of the site to accommodate 80 new residential units, including a terrace of nine mews houses, off street car parking for 79 cars, inclusion of a community use and landscaping works to the rear.

The key issues for consideration in this case are:

- The acceptability of the proposal in land use terms including the affordable housing offer.
- The demolition of the Grade I listed building.
- The impact of the proposals in highways terms.
- The principle of the loss of the existing community use and its replacement with a new community facility.
- The impact of the proposals on the amenities of neighbouring residents.
- The impact of basement excavation on the London Plane tree at the rear of Devonshire Street.

The principle of a residential-led redevelopment of the site is acceptable in land use and amenity terms and Committee's views are sought on whether the provision of affordable housing on site should be sought, whether there is sufficient information about the detailed design (construction) of the proposed rebuilt stuccoed facades to permit the demolition of this Grade I listed building and whether the proposed addition of another storey at roof level is unacceptable in design and heritage asset terms.

Views are also sought as to whether the Prince's Trust use is acceptable and sufficient to offset the loss of the social and community use and, notwithstanding the objections of the Arboricultural Manager, whether the impact of the basement excavation on the London Plane tree at the rear of Devonshire Street is acceptable.

Subject to these matters, Committee is asked to defer consideration of the application in order to allow for further discussions to resolve the outstanding issues.

## 3. CONSULTATIONS

### GREATER LONDON AUTHORITY

The application fails to comply with the London Plan and the following changes are required to remedy deficiencies: further information on the detail of the retained social infrastructure floorspace and interested parties should be provided; details of the location, form and timing of any off-site affordable housing should be discussed with the GLA as soon as possible; details of children's playspace should be provided; details of the windows and further justification for a new roof level are required; calculations for the reduction in carbon emissions should be recalculated against Part L of the 2013 Building Regulations; confirmation is required in relation to the incorporation of passive elements, the size of CHP units and location of the energy centre; a review of the quantum of car parking on the site should be carried out; a financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan and car park management plan should all be secured by condition.

### TRANSPORT FOR LONDON

In order for the development to be in general conformity with the London Plan additional information should be provided on car parking. A car parking management plan should be

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submitted; blue badge and electric vehicle charging points should be secured through condition; cycle parking for the D1 unit to be provided and a travel plan, construction logistics plan and delivery and servicing plan are secured and contributions towards Legible London and Crossrail are secured by S106.

#### ENGLISH HERITAGE

The opportunity of an exact and scholarly rebuilding of the facade may be seen as an opportunity of enhancing the significance of wider heritage assets in accordance with the National Planning Policy Framework. A bond should be secured to cover the cost of rebuilding the facade to the expected standard.

#### ENGLISH HERITAGE (ARCHAEOLOGY)

No objections subject to conditions

#### LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY

Objects strongly to the demolition of the facade of the Crescent. Believe that any 'scholarly' replica of the facade would not match the other half of the Crescent. Consider that the overall proposals are an overdevelopment of the site. The additional roof storey would be visible in longer views and would not outweigh any benefit of masking the existing 1950's blocks. Consider the design of the rear elevation of the Crescent and the mews are not of a high standard.

#### LONDON UNDERGROUND

No objections raised, subject to conditions.

#### THE MARYLEBONE ASSOCIATION

No objections raised and welcomes an historically accurate representation of the original street facade. Consider that the rear elevation of the Crescent is a little restrained and consider that the mews houses could be of a far superior, sympathetic design.

#### THE MARYLEBONE SOCIETY

Defer to the comments of the Conservation Officer and the Marylebone Association

#### HIGHWAYS PLANNING MANAGER

No objections raised subject to securing the provision of cycle spaces, and a car parking management plan. The applicant should be required to fund the proposed highway works, changes to on-street parking bays and a parking mitigation payment of £1,000.

#### ENVIRONMENTAL HEALTH

No objections.

#### BUILDING CONTROL

Any response to be reported verbally.

#### ARBORICULTURAL MANAGER

Objects to the excavation of basements within such close proximity to the London Plane at the rear of 12 Devonshire Street which is likely to result in an unacceptable degree of root loss. The principle of siting mews houses below the canopy of the London Plane is also unacceptable leading to fears of the tree falling and/or branches breaking and causing damage or injury. The roof strengthening details shown are not sufficient to overcome these fears. The proposals are also likely to result in require pruning of the London Plane but no accurate canopy dimensions have been provided to indicate the extent of tree surgery required.

The proposed landscaping works are disappointing and further details are required to demonstrate that there would be no harm to the Mimosa tree on Park Crescent Mews West.

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## CLEANSING MANAGER

No objections.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 429; Total No. of Replies:

## ORIGINAL CONSULTATION

80 letters of objection from residents of 22 Park Crescent stating they have instructed CBRE to review the application on their behalf and 11 letters of objection raising the following concerns:

### Land Use

- Loss of tourist attraction.
- Facilities proposed would not benefit local community.
- Apartments proposed would be high end luxury apartments which would not be affordable and would stand empty if brought by non-UK businesses.
- No on-site affordable housing would be contrary to policy.
- Affordable housing studies should be within the public domain.
- The redevelopment of the existing buildings would be a more sustainable form of development.

### Design

- The demolition of a Grade I facade is unacceptable in principle.
- The additional height and materials would conflict with the eastern side of Park Crescent.
- There is no justification for demolition.
- The existing appearance of the rear of the building and the alleged defects of the building does not justify demolition.
- The 'scholarly' reinstatement of the facade is fatally undermined by the increased height and depth of the proposed building.
- The additional height would be visible from a number of view points.
- Extending the height and an additional roof storey will not enhance the appearance of the building.
- Historically there would only have been single storey houses at the rear of Devonshire Street and there is no evidence to support 2 two storey mews houses.
- It is unclear if the original mews houses were listed and whether there is justification for their reinstatement with a contemporary design.
- Proposed mews houses are four storeys in height and would not be subservient to the surrounding properties or in keeping with the prevailing architecture and design.
- Mews houses detract from the setting of surrounding listed buildings and character of the conservation area.
- 8 mews houses is an over-development and four houses would be more realistic.
- Proposals fail to preserve and enhance heritage assets contrary to S.38(6) of the Planning and Compensation Act which requires proposals to be considered in accordance with the Development Plan.
- The two storey blank wall across the width of Devonshire Mews North would be unsightly, out of character with the area and would impact on loss of views.

### Highways

- Impact on parking.
- Underground basement car parking will increase traffic and pollution.
- 58 Car parking spaces is not consistent with adopted car parking standards.

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- Vehicles should only enter and exit via Harley Street and not Park Crescent Mews West and the exit onto Marylebone Road should be sealed for vehicular traffic.

#### Amenity

- Loss of daylight and sunlight.
- Overlooking from proposed mews houses.
- All rear windows from the mews houses should be removed.
- The impact of the mews development and their proposed rear balconies will impact on residential amenity.
- The sunlight/daylight study needs independent assessment.
- Impact from noise from plant, machinery and sub-stations and refuse storage area.

#### Other

- Noise, dust, dirt, drilling, traffic and nuisance during construction.
- Demolition will cause severe impact to residents of 22 Park Crescent
- Danger to residents from construction works.
- Proposal will cause existing residents to become homeless.
- Impact of basement excavation on London Underground.
- Risk that the development will not reach completion.
- Documents submitted are inconsistent, incorrect and unclear.
- The existing gardens should not be altered.
- No public consultation.
- A scheme of this size and complexity would be extremely difficult to manage and build out whilst retaining free and unobstructed flow for residents.
- This is a missed opportunity to bring forward a scheme that includes 22 Park Crescent.
- The leaseholders of 22 Park Crescent are supportive of an integrated scheme that includes 22 and it is not correct that such a scheme requires 90% support of all residents.
- Believe that the current application will put pressure on the residents of 22 Park Crescent to agree unfavourable terms.

#### RE-CONSULTATION FOLLOWING REVISED PLANS

No. Consulted: 429; Total No. of Replies:

Nine letters of objection raising the following (additional) concerns:

#### Land Use

- The proposed D1 space is poor quality, at basement 2 level with no natural light. It is a token gesture and does not provide genuine D1 space.

#### Design

- The proposals do not achieve the first test of Paragraph 133 of the NPPF which requires proposals to achieve substantial public benefit.
- The proposals fail to meet the other tests of the NPPF namely, that the heritage asset is preventing all reasonable uses; that no viable use can be found for it; that grant funding is not available and the loss is outweighed by the benefit of bringing the site back into use.
- The scheme is still an over-development and out of character with the surrounding area.
- The reduction of one floor to the western-most mew house still result in a bland wall at the end of Devonshire Mews West which would be unsightly and cause loss of views.
- Impact on the setting of the adjacent Grade II listed building.
- The design of the mews houses is uniform and unimaginative.
- The closure of Devonshire Mews North could be achieved in a more attractive manner.
- The reconstruction of the crescent falls short of Nash's original design.
- Possible survival of 19th century fabric in 16 Portland Place and 17 Park Crescent.

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#### Amenity

- Impact on privacy.
- Overlooking from use of flat roof as an amenity space.
- Windows within the rear wall of mews could be inserted at a later date.
- The location of the refuse point adjacent to residential accommodation will harm residential amenity.

#### Highways

- Parking bays will be suspended to provide loading areas for site vehicles.

#### Other

- Proposals will reduce access to 22 Park Crescent West.
- Basement excavation would impact on subsidence.
- Concern that the proposals will harm the long term survival of the plane tree at the rear of 12 Devonshire Street.
- Asbestos removal.
- The Construction Management plan fails to identify noise mitigation measures.
- Inadequate public realm contribution and additional open space should be secured by legal agreement.
- The applicant will make a huge financial gain at the expense of others.

ADVERTISEMENT/SITE NOTICE: Yes.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Sites

The application site comprises Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site. The Park Crescent buildings were rebuilt in the early 1960s due to wartime damage.

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

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

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

### 4.2 Relevant History

On 2 July 1959 planning permission was granted for the development of 18-25 Park Crescent of an office building consisting of a basement and four upper floors and two eight storey blocks of flats at the rear.

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In 30 July 1962 planning permission was granted for the redevelopment of the remainder of the western quadrant of Park Crescent for the erection of a building for use as institutional offices and car parking at the rear.

On 1 July 1963 planning permission was granted for the redevelopment of 77-79 Portland Place and 11-13 Park Crescent Mews West for the erection of a building of seven storeys comprising lower ground floor, ground, first and mezzanine floor, offices with two flats on the second floor and two maisonettes on the third and fourth floors with ten lock up garages and eight open parking spaces at the rear.

There are also a number of applications and notifications under Circular 18/84 (the former Crown exemption procedures) relating to this site the most relevant of which relate to an application submitted for the use of 26 Park Crescent as a County Court and refurbishment of the building to provide 12 court rooms, plant and metal louvres.

## 5. THE PROPOSAL

The application involves the redevelopment of the site to accommodate 80 new residential units, including a terrace of nine mews houses, off street car parking for 79 cars, inclusion of a community use and landscaping works to the rear. The key features of the proposal include:

- The complete demolition of the existing building on Park Crescent and redevelopment behind the retained facade on Portland Place (on an enlarged footprint).
- The erection of a new six storey (including new roof storey) building onto Park Crescent
- Excavation of two basement levels to provide parking, plant and servicing, swimming pool, gym and media rooms
- The introduction of a contemporary mews terrace to the southern boundary of the site.
- Introduction of new landscaping to the rear of the Park Crescent buildings.
- Provision of 1,762m<sup>2</sup> of community floorspace.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Residential Use

Policies S14, S15 and S16 relate to residential use. This use is a priority across Westminster, and residential developments are expected to provide an appropriate mix of units in terms of size, type and affordable housing provision to create mixed communities and to meet housing needs. UDP Policies H3, H4, H5 and H8 are also relevant.

Policy H3 of the UDP seeks to maximise the amount of land in housing use, where appropriate, within the CAZ. Policy S8 also relates to Marylebone and Fitzrovia, identifying the Named Streets of Marylebone Road, Portland Place and Park Crescent as areas appropriate for residential development.

The application provides 80 new residential units. UDP Policy H5 requires the provision of a range of unit sizes in new housing schemes, including at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should be more than three bedrooms. The proposals would provide 52% family-sized housing to meet the requirements of the policy, of which 21% would have more than three bedrooms, also complying with Policy H5.



### Unit sizes

The units proposed would range in size between 44m<sup>2</sup> and 474m<sup>2</sup> as set out below:

Bedrooms	No. units	Average size (m <sup>2</sup> )
One bedroom	7	66.5
Two bedroom	31	116
Three bedroom	25	185.5
Four bedroom	6	278.5
Five bedroom	11	381.5

London Plan Policy 3.4 states that new developments should optimise housing output and Policy S14 in Westminster's City Plan also seeks to optimise the number of residential units on development sites in order to achieve and exceed Westminster's housing targets. It is noted that there are a range of unit sizes in the proposed development, and whilst the largest penthouse 427m<sup>2</sup>, be extremely large, this is not untypical for luxury penthouse apartments within Westminster and therefore on balance this aspect of the proposal is considered to be acceptable.

Objections have been raised on the grounds that the apartments are likely to stand empty if brought by non-UK businesses, however, the application could not be refused on these grounds. The affordability issues are dealt with below.

### Residential standards

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

Policy H8 requires all new housing units to meet Lifetime Homes standards and requires 10% of the units to be designed to be wheelchair accessible or adaptable. The applicant has committed to this standard.

All the housing units would meet the size standards in the London Plan and whilst not all flats would be dual aspect, all of the single aspect flats would be west facing and would therefore receive some sunlight every day but not to the extent that overheating would be a problem.

UDP Policy ENV6 states that the City Council will require residential developments to provide adequate protection from existing background noise and be sound insulated to meet standards for internal noise levels of 35dB daytime and 30dB night time. This is considered to be a 'good' standard of quietness inside a home. Had permission been recommended, a condition would have been included requiring the applicant to submit a noise report to demonstrate that these noise levels are achievable. Subject to this, it is considered that the proposed flats would provide a good standard of residential accommodation.

### Play space and open space

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

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

Policy SOC 6 requires children's playspace to be provided where 25 or more family sized units are being provided, and one of the two communal courtyard spaces incorporates an area of children's playspace including the provision of play equipment. The Mayor's Supplementary Planning Guidance "Providing for Children and Young Peoples Play and Informal Recreation" March 2008 sets out a formula for calculating requirements for play and open space based on the potential number of children within the development, in this case around 12 children. Whilst some 40m<sup>2</sup> of children's playspace is shown on the submitted drawings, in accordance with the formula, approximately 123m<sup>2</sup> of playspace should be provided (although it is noted that this is an indicator rather than standard).

### **Community Floorspace**

Policy H10 also requires on sites suitable for large housing developments, where appropriate, the provision of a community facility. The policy allows for the payment of a financial contribution in lieu of on-site provision where costed social and community projects are identified. In this case, the applicant contends that the proposed community space (set out in 6.1.3 below) satisfies this requirement. However, in policy terms, this community space is considered to off-set the loss of the existing courts (under Policy S34) and ideally a separate community facility should have been offered to satisfy Policy H10. However, as set out below, it is recognised that the applicant is offering a number of measures to secure the community space and that as additional communal facilities are also proposed for future residents of the development, it is considered that in this instance, the package of community facilities is considered acceptable.

### **6.1.2 Affordable Housing**

#### **The policy requirement**

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or over 1000m<sup>2</sup> of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The proportion required will be determined by the City Management Plan which is unlikely to be adopted for some time and the draft is not sufficiently advanced to use for development management purposes. In the meantime we have published an Interim Guidance Note, originally for the purposes of the public inquiry into the Core Strategy.

The expectation of the London Plan, the UDP and the City Plan is that affordable housing should be provided on site. Policy S16 states "*Where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing...*"

The scheme results in an increase in residential floorspace of 26,382m<sup>2</sup> (GEA). Applying the Interim Guidance, a scheme of this size is expected to provide 25% of its floorspace as affordable housing, which equates to 6,596m<sup>2</sup>. If this were to be met by a financial payment in lieu, this would generate a requirement for £27,524,284.

The applicant has submitted a viability report to support their affordable housing offer, and an objection been made on the grounds that the affordable housing study should in the public domain. However, it is the City Council's practice to keep viability reports confidential on the grounds of commercial sensitivity.

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

The applicant initially contended that it would not be economically viable for the proposals to contribute to any affordable housing either on or off-site, or by way of a commuted payment. This position was challenged by the City Council's valuation consultant and in subsequent

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discussions with officers the applicant has increased the offer to a payment in lieu of £14,350,000 or the delivery of six of the mews houses as affordable intermediate rent together with a

The City Council has employed GVA as an independent consultant to review the applicant's financial viability case for offering a part on-site solution together with a PIL of £1,500,000. Our consultant has concluded that a policy compliant 25% affordable housing cannot be provided on site, however, the application could viably provide either:

- 11% of the on-site accommodation as affordable housing (ie. the 9 mews houses) or £18.65m.

Clearly the policy presumption is for the affordable housing provision to be made on site and where this is not possible, the affordable housing should be within the vicinity of the site. Objections have also received on the grounds that on-site affordable housing should be provided. The applicant's contend that whilst six mews houses and a commuted payment of £1.5m have been offered, their preferred approach would be to provide a PIL of £14.35m as they believe that at a £2m subsidy per dwelling that the on-site approach would not provide a feasible or effective approach to meeting housing needs in the Borough. GVA believe that the nine mews houses could be redesigned to provide approximately 18 units which would be more appropriate for meeting affordable housing needs and for management by a Registered Provider.

There is still disagreement between the two consultants regarding sales values, construction costs and profit levels and the applicant contends that their offer is the maximum that they can viably support. The applicant also contends that the conversion of the mews terrace to flats would require significant design changes which would break the rhythm of the current arrangement, result in a number of basement flats without amenity space, and only provide small one or two-bed units which would be contrary to policy and would be unlikely to meet Lifetime Homes Standards. They also comment that the flats at £1.3m per unit would not provide value for money and comment that a £14.35 financial contribution could deliver more affordable homes off-site.

Notwithstanding these comments, a re-designed scheme has yet to be drawn up to demonstrate that the applicants concerns that a scheme for flats would not provide acceptable habitable conditions or would compromise the current design of the scheme.

Given the shortfall in affordable housing provision relative to the requirements of Policies H4 and CS16, which has been arrived at having regard to independent viability assessment of the scheme, the Committee's views are sought as to whether the provision of affordable housing on site should be sought (in the form of a revised scheme for the 9 mews houses).

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

The existing law courts is considered to be a community use and the application therefore needs to be considered under Policy SOC1 of the UDP and S34 of the City Plan which protects existing social and community facilities.

Policy S34 states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.

The building is now empty and the Courts have relocated to new premises within the Royal Courts of Justice. This relocation is part of the Court's wider strategy to consolidate their existing facilities in fewer, more efficient and better quality premises. Given the courts relocation, it is clear that the proposal meets the first part of Policy S34. However, the existing law courts previously occupied a building of 4,503m<sup>2</sup> and only 1762m<sup>2</sup> of replacement community space is proposed. The proposed community use is therefore significantly smaller than the space it replaces and evidence has not been put forward (such as a robust marketing exercise) to demonstrate that there has been no demand for an alternative social/community use to occupy the entire area previously occupied by the Courts.

The community space proposed is intended to be occupied by the Prince's Trust. One of the arms of The Prince's Trust is Business in the Community who supply education and training programmes linking job opportunities between local communities and businesses. It is understood that the space would be used for mentoring training, networking events, exhibitions and discussion and speaker events. Such a use is supported by Policy S34 which encourages new social and community facilities throughout Westminster.

The applicant proposes the following measures to ensure the delivery of the community space:

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

Concerns have been raised on the grounds that the space provided is mainly below level, devoid of natural light and that the offer is a token gesture, does not provide genuine D1 space and would not benefit the local community. However, the Trust has confirmed that the space is suitable to their needs and provides a range of flexible space for the activities they offer. They also comment that the basement space benefits from a high level of natural insulation that would enable them to keep costs down.

Whilst the proposed offer is significantly smaller than the space the courts have previously occupied, the space is of a size and layout which meets the needs of the Prince's Trust and has been offered on terms which are of interest to the charity. Given this, the Committee's views are sought on whether the size of the space is acceptable and sufficient to offset the loss of the social and community use?

## 6.2 Townscape and Design

Park Crescent was built to the designs of John Nash by Charles Mayor who leased the whole of the proposed site at the top of Portland Place. After some difficulty (a fire, partial collapse, and the bankruptcy of Mayor), the crescent was built by William Richardson, Samuel Baxter and Henry Peto and completed circa 1820 with financial backing by John Farquhar. There is an elevation drawing of part of the proposed crescent in the National Archives, Kew. Its detailed design is not therefore in dispute.

Various piecemeal alterations were made over the following century, including a variety of roof extensions that marred the skyline. A substantial part of Park Crescent West was destroyed in WWII and the problem of what to do with the remainder of the crescent and the other Nash terraces in Regent's Park was considered by a parliamentary committee, chaired by the Rt. Hon. Lord Gorell. Evidence was heard from many experts and interested parties, which resulted in the recommendation of 1947 that "We are unanimously of the opinion that the Nash Terraces are of national interest and importance and that, subject to certain reservations... they should be preserved as far as that is practicable and without strict regard to the economics of 'prudent' estate management... we consider that there is a minimum which must at all costs be restored and preserved, namely... Park Crescent..."

It is evident from planning committee reports and correspondence that it was the "...intention to preserve the existing Nash facades and to restore them where necessary to their original condition." (Fitzroy Robinson letter to the LCC Architect dated 12 February 1959). This intention to restore the crescent acquired the caveat "where possible" (LCC report 14 May 1959), and became "rebuilding in facsimile" by the time of the LCC committee report of 18 September 1961. Nevertheless, a key theme of all the letters and reports is the insistence that "...the importance of Park Crescent lies primarily in the composition as a whole, which given an accurate reconstruction of the façade, is not endangered." (LCC Historic Building Report 18 September 1961).

At the rear of the crescent the height of the flats was a cause of concern and the LCC Architect noted in 1959 that "The wings at the back should be cut down in height as they will be visible above the skyline of the terrace." The slightly piqued response from the architects, Fitzroy Robinson, noted "It will be readily apparent that these pavilions are sufficiently set back from the main facades so as to become disassociated from them... the main residential blocks are at a distance of 76 feet behind the façade, and only become visible from in front at a distance of 370 feet..." The Royal Fine Arts Commission opined that "...the treatment of the gable ends of these blocks might be more closely related to their elevations and that although it would support the suggestion of a pitched roof, it does not consider that the detailed treatment need be in the Regency tradition." (RFAC letter dated 15 June 1959).

The height of the flats was not reduced and the north ends are built in the Regency tradition while Park Crescent West was rebuilt, in phases, in facsimile save for chimney stacks which were omitted and a reduced number of entrance doors. During reconstruction of the crescent an ice-house, pre-dating the crescent, measuring 42 feet deep by 30 feet diameter was discovered and subsequently filled with rubble. The Third Report of the Crown Commissioners (June 1962) noted that "We think the uninterrupted view of the sky through the balustrades, no possible for the first time, is a pleasant improvement, So also is the result of removing many modern excrescences from the roof line."

The stuccoed crescent is grade I listed, the brick-fronted Nos.77-81 Portland Place are Grade II listed, and the site lies within the Regent's Park Conservation Area. Adjoining the site to the south and west is the Harley Street Conservation Area, and there are grade II listed buildings to the west in Harley Street and to the south in Devonshire Street. No.75 Portland Place is Grade II\* listed as are Nos. 92-96 Portland Place. While the list entry for the crescent wrongly states that it was rebuilt behind retained facades, English Heritage has confirmed that the primary interest lies in its architectural design rather than its modern fabric and notes "It is the culmination of one of the most monumental and significant exercises in town planning to take place in early nineteenth century London and remains one of the most important streetscapes in England... and this is clearly recognised by it being listed at Grade I, of outstanding architectural and historic interest and indeed of international importance in the influence of this type of development."

Park Crescent East does contain some original work in the form of party walls in one of which the broken ends of the principal stone staircase were observed during recent refurbishment work. However, none of the original fabric has survived in Park Crescent West and this is confirmed by selective opening-up works. Nevertheless, there is potential for the rubble infill of the ice-house to contain fragments of decorative work. A brief description of what remained internally from the Regency period was produced in 1962 and provides evidence for how the interior should be designed as part of any future redevelopment.

The scheme in its current form envisages total demolition of Park Crescent West, and demolition behind the retained street facades of Nos. 77-81 Portland Place. The redevelopment will include a facsimile of the original facade design. However, the depth from front to back of the crescent will be increased and an additional storey is proposed at rear roof level.

Objections have been received to the demolition of the buildings, the increased height of the roof and footprint of the crescent, the design and size (number of storeys) of the mews houses, and adverse comment is made regarding the omission of key drawings from the applicants' historic building report. Objectors at No.22 Park Crescent have engaged the services of a heritage consultant who has found early drawings of the buildings, which fill an important gap in knowledge about the site. This information, combined with the City Council's archive material and historic town planning files, gives a good understanding of the site's history notwithstanding any omissions on the part of the applicant. For the reasons set out below, the substantive objections to the alterations are sustainable. As regards the facade, they could be addressed by provision of detailed drawings, and with reference to the roof by omission of the extension.

The initial proposal to raise the level of the ground floor window sills and to otherwise tinker with the design of the facade has been dropped following provision, by objectors to the scheme, of a copy of the original design drawing. At this stage it is not clear how the crescent facade is to be rebuilt. Currently it has some well fairly well concealed expansion joints and some obtrusive joints between the different phases of the post-war rebuilding. The render is in good condition but has a substantial build-up of paint which could be removed to allow repainting to beneficial effect. There are some weathering details that need attention on the colonnade roof, but otherwise the facade is in good condition. Therefore, any rebuilt facade will need to be of the highest quality and details have been sought to establish how any new facade would be constructed, particularly with reference to expansion joints. Some late information has been provided offering partial reassurance and this is being considered. However, if not dealt with exceptionally carefully these details could mar the facade. Therefore, the committee's agreement is sought to require that this detail is provided in full before a decision on demolition is made.

Considering the outstanding architectural value of the crescent is its design, to add another storey at roof level where one was not intended and to effectively reverse the improvements made in the 1960's reconstruction, is unacceptable in principle. This would harm the appearance of Park Crescent West and the overall symmetry of the crescent as a whole. Objections from the GLA, the London and Middlesex Archaeological Society, and occupiers of No.22, refer to this aspect of the proposal and are sustainable. The roof extension would not meet UDP policies DES 6, DES 9, and DES 10. It would also not meet the aspiration of English Heritage who note that "This represents a perhaps unique opportunity, through a more scholarly design to create more accurately a townscape which will enhance the significance of the Regent's Park Conservation Area." There is no benefit to partly hiding the flats behind the crescent where they project over the roofline by fundamentally changing the outline of the crescent contrary to everything that has happened before. It is not appropriate to alter the roof-height of a Grade I listed building to screen something behind. The committee's agreement is therefore sought that in design and heritage asset terms, a roof extension is unacceptable.

There are also objections to the increased footprint of the crescent which will become deeper from front to back than as originally built or as reconstructed in the 1960's (to the original footprint). The objection is a sustainable one in the context of the overall package of alterations to the crescent including the unacceptable increase of height. This aspect of the proposal also counts against the scheme particularly with reference to the English Heritage remark that "...anything other than a design as close to Nash's original as it is possible to achieve would cause substantial harm...and would be entirely unacceptable." While there may be scope to increase the depth of the crescent to the extent proposed, in conjunction with the increased height the alterations would be too far from the original design to be recommend for approval. Provided that the additional height is omitted from the crescent, the harm resulting from the increased footprint of the crescent would be less than substantial and may be acceptable in the overall context of the development.

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The rear facades of the crescent are to be rebuilt in brick and stone to a design more worthy of the site and new mews houses erected on the southern boundary of the site. There are objections to the design of the new rear façade and to the mews houses in terms of their size and design. The existing rear façade of the crescent is of limited architectural ambition and is in poor condition. The concrete-framed stairwell windows are in particularly bad condition. Nevertheless, there is no objection in principle to rebuilding the rear facades to a new design, and the current proposal (except for the additional storey at roof level) is acceptable. The palette of materials is appropriate and the detailed design is an improvement to that which currently exists. The objections to the design of the rear façade are not therefore sustainable.

Regarding the design of the new mews houses, these are in a simple modern design and are on the site of previous mews buildings. The area to the rear of the crescent was originally developed with mews houses of two storeys above street level with some having one or possibly two floors below. Archive drawings seem to show that those immediately behind the crescent may have had two storeys below street level in the mews as a result of the greater storey heights in the main crescent buildings. Nevertheless, the prevailing character of the original mews would have been created by small-scale two-storey buildings, much like those remaining in Park Crescent Mews West.

The proposed mews is a pleasantly modest and well considered design using appropriate facing materials and the objections on the design of the terrace are not supported. The set-back third floor reads as an architecturally subordinate structure that does not result in the buildings appearing too large for their surroundings. The site of the proposed mews houses is currently a neglected area that needs improvement and the mews development is, in principle, acceptable. However, since the application was submitted, evidence for the presence of an icehouse has been obtained. If this feature survives, a drawing from 1961 noted that it was being "filled with debris", then it would be exceptionally rare and the development would have to be revised so that it is retained. The debris is likely to be from the original Nash crescent and will therefore require careful excavation to record any finds of significance. This aspect of the proposal will therefore have to be the subject of further discussion and development in consultation with English Heritage.

## 6.3 Amenity

### 6.3.1 Daylight and Sunlight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of light reaching the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse affect would have to be taken into account in any decision making. The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as a habitable room), whilst bedrooms are protected to a lesser extent.

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

A sunlight and daylight report has been submitted with the planning application which includes an assessment of the development using the appropriate VSC method prescribed in the BRE guidelines, and the proposed development has been designed to comply with these. Residents within 22 Park Crescent raise concerns on the grounds that the report identifies a number of windows that will experience a loss of daylight/sunlight and on the grounds that the report is based on site visits, photographs and local authority records, rather than on a detailed accurate assessment after gaining access into the affected properties. For VSC, the test is reliant on the amount of sky visible from the window face and is not dependent on the relationship of the room layout behind the window. In addition, the Building Research Establishment (BRE) guidelines state that an on-site assessment is only required for analysing Average Daylight Factor (ADF) calculations (which are not being taken into account in the assessment of loss of light). The report, submitted as in this case, by a member of the RICS carries a duty of care which the Council considered sufficient to rely on and it is considered that the evidence submitted is adequate to enable officers to reach a view on the amenity impact.

Whilst occupiers of the adjoining flats within 22 Park Crescent have raised concerns about loss of light, only one habitable window within this block of flats is adversely affected by 20%. This window would experience losses of 31.7% in terms of VSC, however, this is a secondary window to a room that is served by one other window that retains good levels of VSC. It is considered that the room would still receive adequate levels of daylight.

Two north facing kitchen windows within 75 Portland Place would also experience daylight losses of 21.5% and 25.2%, however, this room is also served by a rooflight which retains excellent levels of daylight with values of between 42% and 60% VSC. In these circumstances it is not considered that the room would be so adversely affected by the proposals to justify refusal.

The occupier of 2 Devonshire Mews North has also raised concerns regarding loss of light, however, there would be no material loss of light to windows within this property.

With regard to annual sunlight losses, three windows within one flat at 22 Park Crescent would experience losses of winter sunlight hours varying between 43% and 100%. All these windows would therefore fail BRE guidance. However, these windows would retain very good levels of annual sunlight hours varying between 29% APSH and 46% APSH. One other flat within 98 Portland Place would experience winter sunlight losses of between 50% and 100%. These high percentage changes are due to the very low existing levels of sunlight that these windows currently experience. Both of these windows would only see an actual decrease of available winter sunlight hours of 2% and 1%.

It is considered that within this urban built-up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

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

UDP Policy ENV13 also seeks to safeguard the amenity of existing residential occupiers by not allowing proposals that would result in an unreasonable sense of enclosure or overlooking. The most obvious impact on sense of enclosure would result from the construction of the mews terrace along the southern boundary of the site and from the increased depth, and new roof storey of the rebuilt crescent. However, the new rooftop storey would be both set back from the rear façade of the new building and would be at an oblique angle from any windows within 22 Park Crescent. It is not considered that this element of the application would have an adverse impact on overlooking or on sense of enclosure.

At the rear, the rebuilt crescent would extend beyond its existing footprint, however, it would not project beyond any windows within 22 Park Crescent and therefore there would be no material effect on sense of enclosure. Whilst the rear façade of the new building would be closer to existing



windows within No. 22, any overlooking would be from an oblique angle and therefore there would be no significant increase in overlooking of the neighbouring property.

The main impact on sense of enclosure relates to the new mews terrace on the southern boundary of the site. The application initially proposed a terrace of eight townhouses each three storeys in height. During the course of the application this element of the scheme has been amended to a terrace of nine mews houses, and those at the far south west end of the terrace have been reduced to two storeys in height. There is already a high boundary wall along this southern boundary, and whilst the two 2-storey mews houses at the south west end of the terrace would still project above this by approximately 1.8m, it is not considered that this additional bulk would have an adverse impact on sense of enclosure. The occupier of 2 Devonshire Mews North does not consider that these amendments resolve his concern about increased sense of enclosure, however, it is not considered that the application could be refused on this basis. No habitable windows are proposed in the rear elevation of the new mews houses that would be above the height of the existing boundary wall and whilst the occupier of No. 2 considers that all rear windows should be removed, it is not considered that those windows proposed at lower level in the rear elevation would cause any harmful overlooking of surrounding properties. If approval had been recommended, a condition removing permitted development rights would have been included on the decision notice preventing any new rear windows from being inserted within the mews houses.

The occupier of 2 Devonshire Mews North also raised concerns about the use of the flat roofs of the mews at the south west end of the terrace as a roof terrace. The applicant has indicated that the flat roof to these houses would be non-accessible and a green roof and planted pergola are shown on the submitted drawings. If approval had been recommended a condition restricting these roofs from being used as a terrace would have been proposed.

The new mews houses would also be within close proximity to the southern wing of 22 Park Crescent and at its closest point would be approximately some 10m from primary habitable windows. This would be similar to the relationship of the northern wing of 22 Park Crescent to the existing mews houses in Park Crescent Mews West and it is not considered that the mews houses proposed would result in any harmful degree of overlooking to warrant refusal.

### **6.3.3 Plant**

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

### **6.3.4 Refuse store**

The proposal includes a waste storage area at basement level 2 underneath the proposed mews houses. Waste would then be brought to ground level twice a week to a temporary storage area at ground floor level in advance of collection. The Cleansing Manager is satisfied with this arrangement. Whilst concerns have been raised regarding the proximity of the temporary storage area to existing residential accommodation, and to noise and disturbance from collection, it is considered that suitable conditions could be put in place to limit the hours of collection to limit the disturbance to surrounding residential occupiers.

## **6.4 Transportation /Parking**

The proposals would provide 79 car parking spaces for the 80 proposed units. This would comply with Policy Trans 23. The London Plan 14 requires that 20% of the spaces should be capable of charging an electric vehicle, with 20% passive provision, and this requirement is

also met. The parking spaces would be located at basement level, to which access would be from either Harley Street or Park Crescent West via the Marylebone Road. It is not considered that the vehicular traffic generated by the proposed 80 units would be so substantial that it would lead to potential conflict in terms of highway safety, convenience or amenity, and the concerns raised by objectors on this point are not considered to justify refusal. The Highways Planning Manager considers that, in order to ensure that downtime of the automated car parking system is kept to a minimum to avoid residents parking on-street (for example, while the system is under repair), a Car Park Management Plan should be conditioned to cover this issue.

The proposals include cycle parking facilities which would also be provided at basement level. 238 cycle parking spaces are proposed to serve the residential elements of the development and a further 25 to serve the D1 use. This is more than sufficient to satisfy the demands of Policy Trans 10. These spaces would be reserved by condition to ensure compliance with UDP Policy TRANS10.

The proposals also indicate that one parking bay in Park Crescent West is to be moved, so that refuse vehicles can turn in the Mews. Parking bays in the Crescent are also proposed to be moved. The Highways Planning Manager has no objections to the proposed changes to on-street parking, but these will be the subject of a separate Traffic Order Making process under the Road Traffic Regulation Act 1984.

#### **6.5 Economic Considerations**

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

#### **6.6 Access**

The building will be fully accessible to people with mobility difficulties.

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

Not applicable.

#### **6.8 London Plan**

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

The proposal to redevelop this site is referable to the Mayor because the floorspace of the building is over 20,000m<sup>2</sup>. The Mayor considers that the application does not comply with the London Plan and raises the following points:

- the level of the affordable housing offer;
- requests further information on the detail of the retained social infrastructure floorspace and interested parties;
- requires details of the windows and further justification for a new roof level;
- details of children's playspace;
- a review of the quantum of car parking on the site should be carried out;
- a financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan and car park management plan should all be secured by condition;

- calculations for the reduction in carbon emissions should be recalculated against Part L of the 2013 Building Regulations;
- confirmation is required in relation to the incorporation of passive elements, the size of CHP units and location of the energy centre.

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

## 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:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development;
3. fairly and reasonably related in scale and kind to the development.

Policy S32 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will typically be subject.

In residential schemes, the City Council's Supplementary Planning Guidance on Planning Obligations comes into effect where the total number of units is 50 or more and the applicant has offered to enter into a S106 legal agreement to secure a range of obligations, which will need to cover the following issues:

- The provision of affordable housing units on-site for successive occupants in perpetuity.
- The provision of £200,000 towards public realm improvements in the vicinity of the application site payable on commencement of development.
- A bond to secure the reinstatement of the Park Crescent façade.
- The provision (including full fit-out) and retention of the new community space with ongoing maintenance costs to be paid for by the applicant prior to occupation of the first residential unit.
- The provision and retention of the communal open and play space.
- The provision of an education contribution of £163,056 payable on commencement of development.
- The provision of a financial contribution of £1,000 towards parking surveys to monitor the on-street parking levels in the vicinity of the site payable on commencement of development.
- Compliance with Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) with associated monitoring fees to a capped total of £30,000.
- The provision of costs for monitoring of agreement.

Sub-Committee's views are sought on the affordable housing provision, and it is recommended that subject to this, the application be deferred in order to allow the details of the affordable housing offer to be resolved with the Housing Manager. Subject to these matters, the S106 obligations outlined above are considered to meet the tests of the regulations and are considered acceptable for the purposes of the City Council's adopted SPG on Planning Obligations.

#### **6.10 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 this application are considered to be consistent with the NPPF unless stated otherwise.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity issues**

##### **6.11.1 Trees**

Concerns have been raised by neighbours that the proposals will harm the long term survival of the London Plane tree located in the neighbouring garden of 12 Devonshire Street. This concern is shared by the Arboricultural Manager who objects to the excavation of basements within such close proximity to the London Plane on the grounds that this is likely to result in an unacceptable degree of root loss. She also considers that the principle of siting mews houses below the canopy of the London Plane is unacceptable leading to fears of the tree falling and/or branches breaking and causing damage or injury and that the roof strengthening details shown are not sufficient to overcome these fears.

In response to these concerns, the applicant has provided further information including a radar scan of the root system of the tree and has provided information relating to the digging of a recent trial pit. This information is being reviewed by the Arboricultural Manager.

The Arboricultural Manager's concerns are understood, however, the layout and proximity of the mews terrace to the Plane tree is not uncommon in central London and whilst the tree is highly visible from surrounding properties, it does have limited public amenity value. The applicant is also committed to providing regular inspection of the tree to reassure residents that the tree is being managed appropriately and meaning that small dead branches can be dealt with before they fall.

Whilst there is a risk to the London Plane tree at the rear of Devonshire Street, it is considered that sufficient measures have been put in place to reasonably protect it. Should these measures fail, ~~Committee is asked~~ <sup>Committee is asked</sup> to consider whether the benefits of the scheme outweigh the limited public views of the tree.

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Concerns have also been received on the grounds of the impact on the existing gardens to the rear of 22 Park Crescent, however, these lie outside the application site and are not affected by the proposals.

The Arboricultural Manager also considers that further details are required to demonstrate that there would be no harm to the Mimosa tree on Park Crescent Mews West and has also raised concerns relates to the proposed landscaping works which she considers disappointing. Further information has now been submitted in relation to the Mimosa tree and the detailed design of the landscaping at the rear of the crescent could be dealt with by amending condition. In this context, it is considered that subject to further amendment, the scheme is likely to accord with ENV16 in the UDP and is acceptable in arboricultural terms.

### **6.11.2 Sustainability**

Policy 5.4 of the London Plan relates to retrofitting and states that the environmental impact of existing urban areas should be reduced through policies and programmes that bring existing buildings up to the Mayor's standards on sustainable design and construction. These standards are set out in Policy 5.3 of the London Plan and include minimising carbon dioxide emissions, avoiding internal overheating, efficient use of natural resources, minimising pollution and promoting and protecting biodiversity and green infrastructure. Policy 5.2 states that proposals should make the fullest contribution to minimising carbon dioxide emissions and aim for a 40% improvement on the 2010 Building Regulations.

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

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

The proposals make a significant carbon reduction towards London Plan Policy 5.2 targets and the Council's S40 target, with the mews houses at the rear of the site making a particularly high contribution and the objection that the proposal is not a sustainable form of development cannot be supported. Although the mews houses are not quite achieving policy compliance at 36% (against a target of 40%), considering the overall setting, and commitment to integration of renewable in a small area of the site serving the crescent apartments, and with savings through a site wide heat network, this is considered acceptable.

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

### **6.12 Other Issues**

#### **6.12.1 Basement Excavation**

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. 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.

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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 is being considered by our Building Control officers and subject to this it is not considered that the concerns raised regarding the impact of excavation works on the adjacent building can be supported. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

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.

#### **6.12.2 Construction Management**

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

The applicant has also confirmed that the existing access route through the Park Crescent building for residents of 22 Park Crescent will be retained throughout the demolition and

Item No.
2

construction process. Prior to demolition activities commencing protective measures will be put in place, including hoardings and a gantry over the pavement on Park Crescent, to protect the existing residents and the public from demolition and construction activities.

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

### 6.12.3 Other Issues

Objections have also been received on the grounds that the development would cause existing residents to become homeless, however, the proposals exclude the existing residential blocks at 22 Park Crescent, and no residential properties are to be lost as part of this application.

A number of landlord/tenant issues have been raised, including comments that this is a missed opportunity to bring forward an integrated scheme with 22 Park Crescent, but these are not planning matters that can be taken into account in determining the application.

One of the objectors also refers to the fact that the proposals would result in the loss of a tourist attraction, however, whilst it is recognised that the Crescent attracts visitors and tourists, it is not a designated Arts and Cultural use that could be protected under Policy TACE 5.

### 6.13 Conclusion

Committee's views are sought on whether the principle of a residential-led redevelopment of the site is acceptable in land use and amenity terms. If this is accepted, Committee's views are sought on whether the provision of affordable housing on site should be sought, whether there is insufficient information about the detailed design (construction) of the proposed rebuilt stuccoed façades to permit the demolition of this Grade I listed building and whether the proposed addition of another storey at roof level is unacceptable in design and heritage asset terms.

Views are also sought as to whether the Prince's Trust use is acceptable and sufficient to offset the loss of the social and community use and, notwithstanding the objections of the Aborigicultural Manager, whether the impact of the basement excavation on the London Plane tree at the rear of Devonshire Street is acceptable.

Subject to these matters, Committee is asked to defer consideration of the application in order to allow for further discussions to resolve the outstanding issues.

## BACKGROUND PAPERS

1. Application forms and letters from the applicant dated 24 October and 19 November 2014

Item No.
<del>3</del>
















1. Letter from London Underground dated 25 April 2014
2. Letter from St Marylebone Society dated 5 May 2014
3. Letter from English Heritage Archaeology dated 14 May 2014
4. Letter from the Marylebone Association dated 19 May 2014
5. Memo from Cleansing Manager dated 19 May 2014
6. Letter from London and Middlesex Archaeological Society dated 4 June 2014
7. Letter from English Heritage dated 27 August 2014
8. Letter from occupier of 28 Park Crescent Mews West dated 29 April 2014
9. Letter from occupier of Flat 14, 22 Park Crescent dated 29 April 2014
10. Letter on behalf of the occupier of 75 Portland Place dated 1 May 2014
11. Letter from occupier of Flat 18, 22 Park Crescent dated 4 May 2014
12. Letter from occupier of 29 Park Crescent Mews West dated 5 May 2014
13. Letters from occupier of 30 Park Crescent Mews West dated 7 and 8 May 2014
14. Letter from occupier of 2 Devonshire Mews North dated 7 May 2014 and 24 June 2014
15. Letter on behalf of the occupiers of 22 Park Crescent dated 23 May 2014
16. Letter from occupier of Flat 52, 22 Park Crescent dated 3 July 2014
17. Letter on behalf of the Directors of 22 Park Crescent dated 30 July 2014
18. Letters from occupiers of Flats 2,3, 4, 5, 6, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 56, 57, 58, 59, 62, 63, 66, 67, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92 at 22 Park Crescent dated May 2014

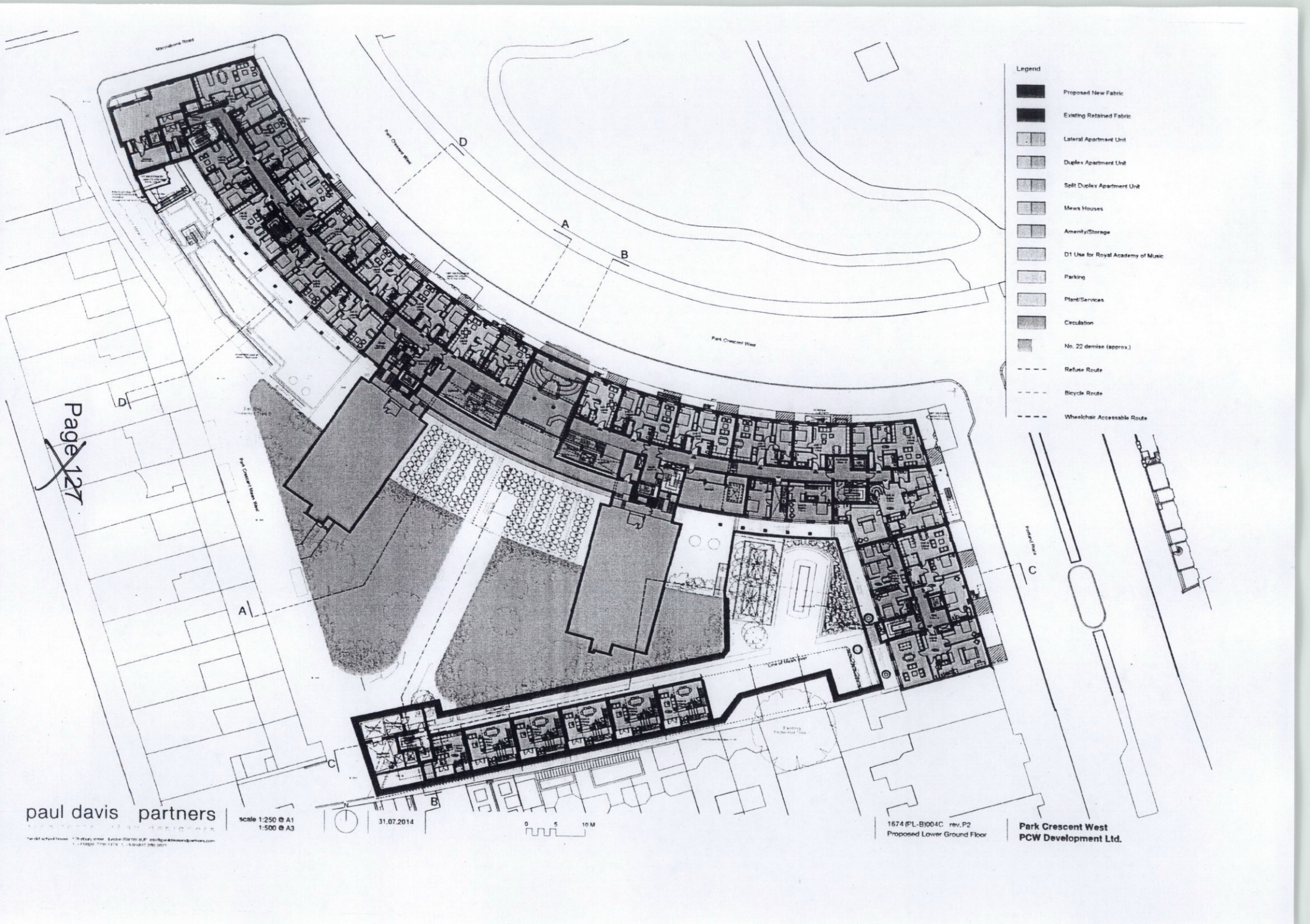
#### RESPONSES TO CONSULTATION ON REVISED SCHEME (SEPTEMBER 2014)

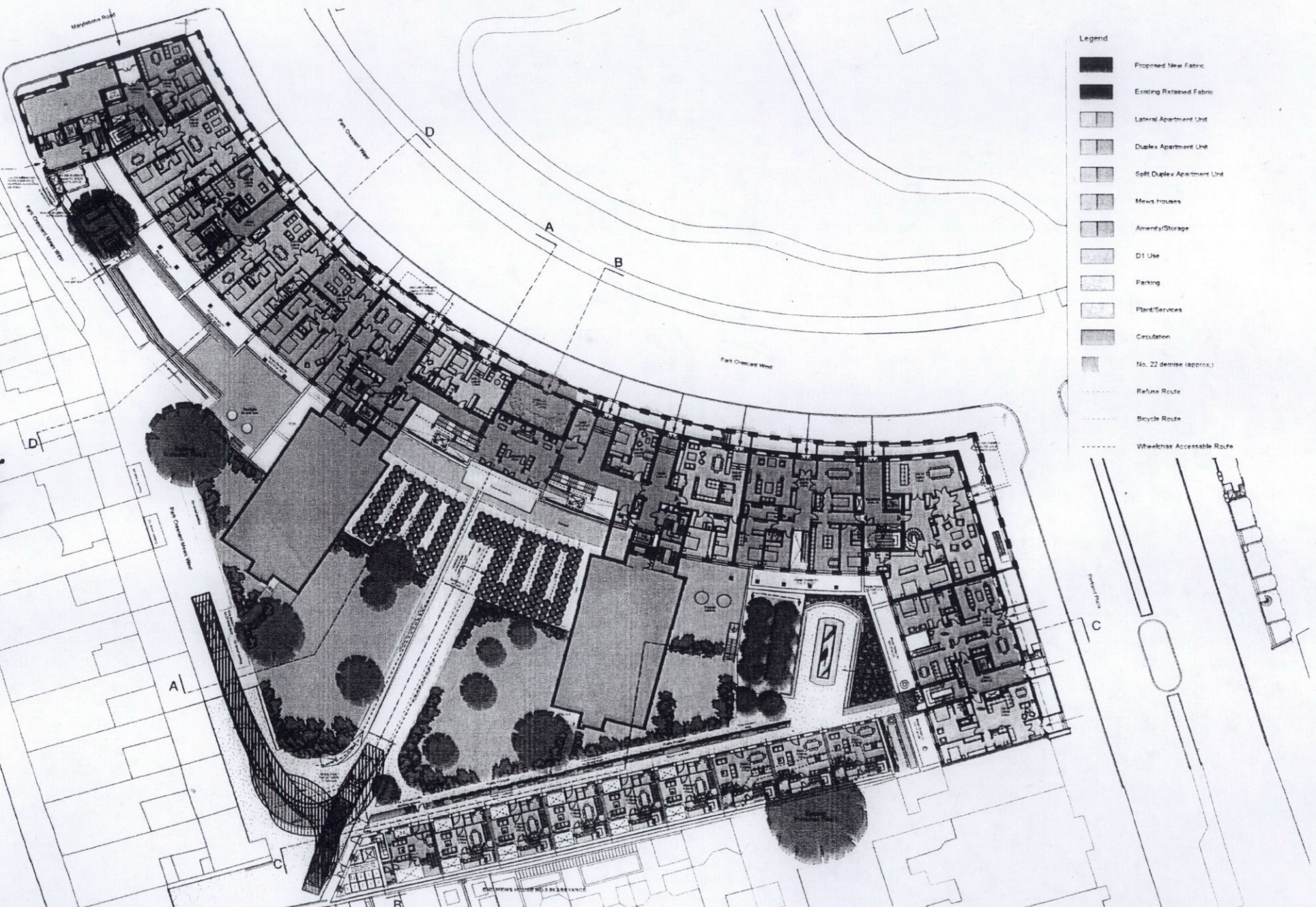
1. Letter from the Greater London Authority dated 22 October 2014
2. Memo from Environmental Health dated 18 November 2014
3. Letter from St Marylebone Association dated 10 September 2014
4. Memo from Highways Planning Manager dated 16 September 2014
5. Letter from Transport for London dated 24 September 2014
6. Letter on behalf of the occupier of 75 Portland Place dated 19 September 2014
7. Letter from occupier of Flat 18, 22 Park Crescent dated 22 September 2014
8. Letter from occupier of 2 Devonshire Mews North dated 29 September 2014
9. Letter from occupier of Flat 45, 22 Park Crescent dated 29 September 2014
10. Letters and enclosures sent on behalf of the occupiers of 22 Park Crescent dated 6 October 2014 and 18 November 2014
11. Letter from Howard de Walden Estate dated 30 September 2014 and 29 October 2014
12. Letter from occupier of Flat 81, 22 Park Crescent dated 18 November 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT STEVE BRANDON ON 020 7641 8541 OR BY E-MAIL – [StevenB@westminster.gov.uk](mailto:StevenB@westminster.gov.uk)


















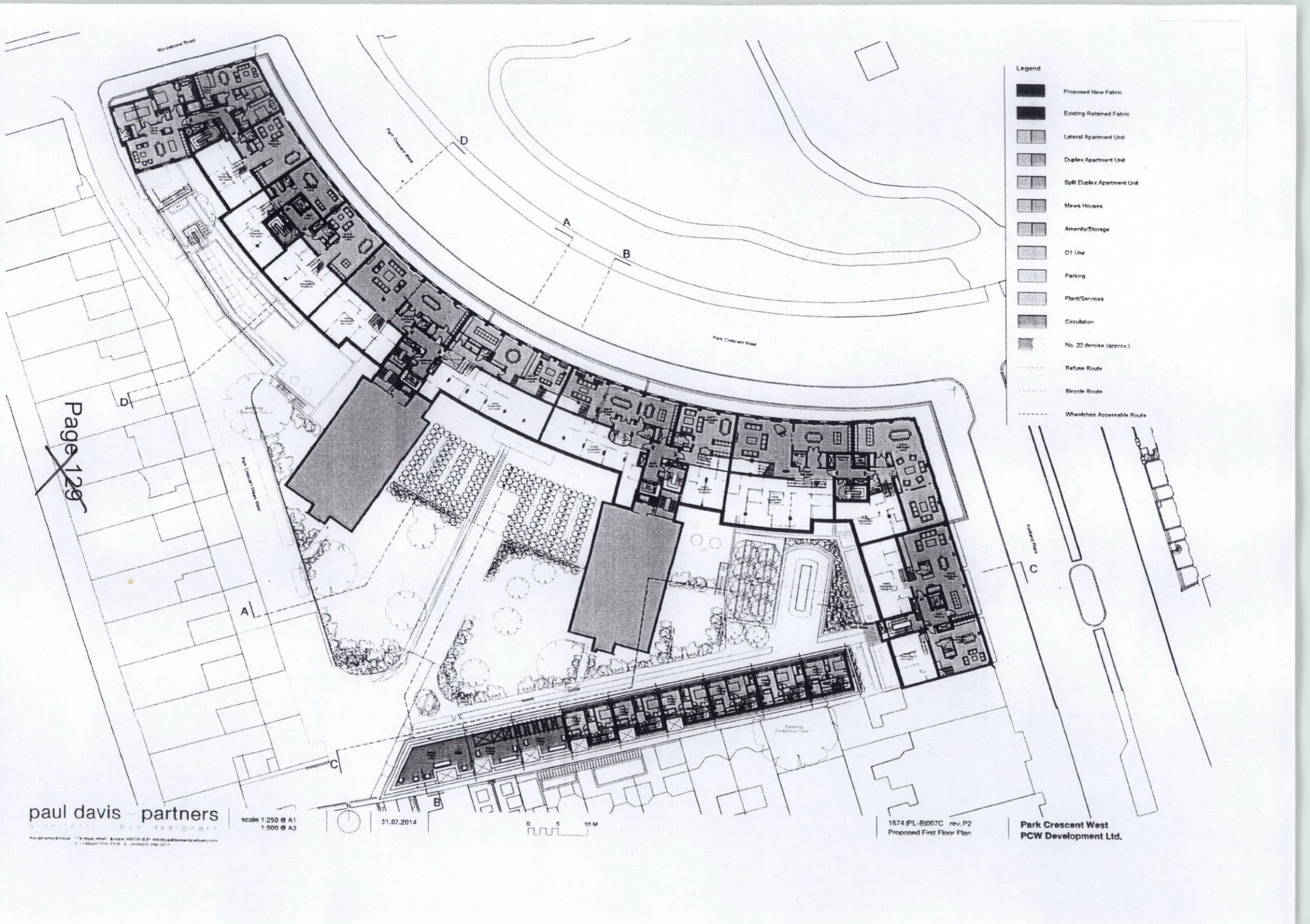
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  -  Existing Retained Fabric
  -  Lateral Apartment Unit
  -  Duplex Apartment Unit
  -  Split Duplex Apartment Unit
  -  Mews Houses
  -  Amenities/Storage
  -  D1 Use for Royal Academy of Music
  -  Parking
  -  Plant/Services
  -  Circulation
  -  No. 22 demise (approx.)
  -  Refuse Route
  -  Bicycle Route
  -  Wheelchair Accessible Route

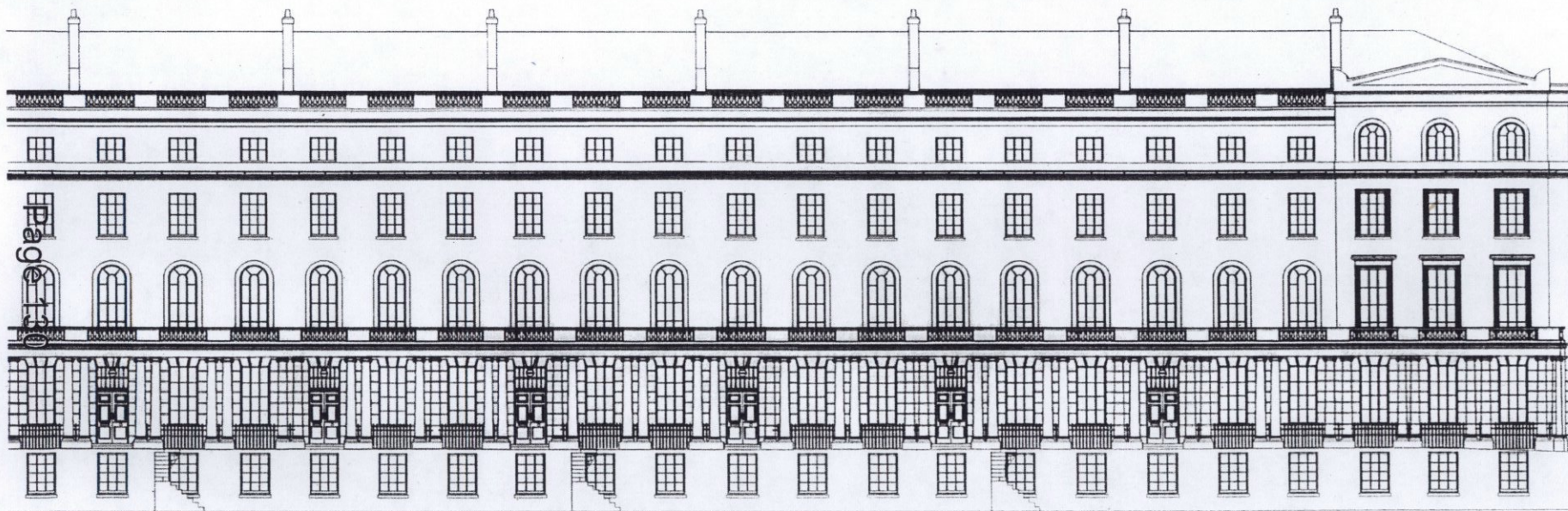
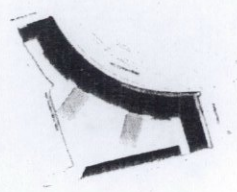




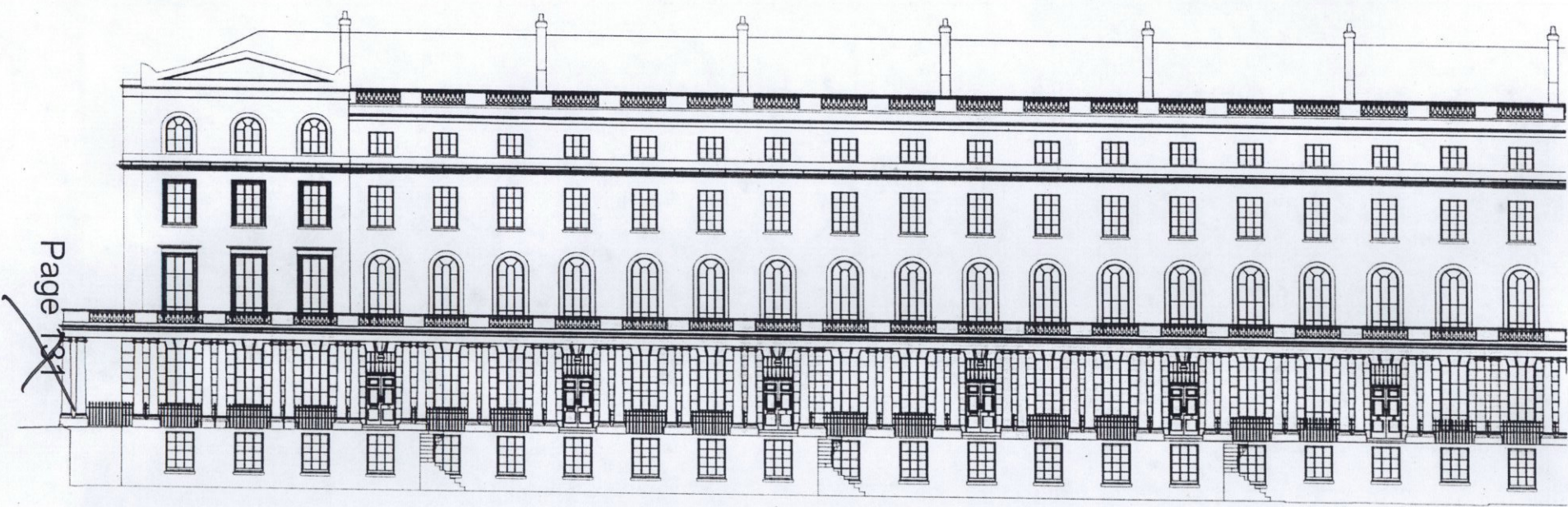
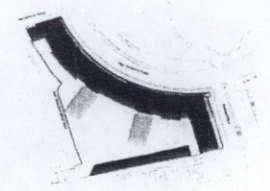
- Legend**
- Proposed New Fabric
  - Existing Retained Fabric
  - Lateral Apartment Unit
  - Duplex Apartment Unit
  - Split Duplex Apartment Unit
  - Mews houses
  - Amenity/Storage
  - D1 Use
  - Parking
  - Plant/Services
  - Circulation
  - No. 22 demise (approx.)
  - Refuse Route
  - Bicycle Route
  - Wheelchair Accessible Route

- Legend**
-  Proposed New Fabric
  -  Existing Retained Fabric
  -  Lateral Apartment Unit
  -  Duplex Apartment Unit
  -  Split Duplex Apartment Unit
  -  Mews Houses
  -  Amenity/Storage
  -  D1 Use
  -  Parking
  -  Plant/Services
  -  Circulation
  -  No. 22 demise (approx.)
  -  Refuse Route
  -  Bicycle Route
  -  Wheelchair Accessible Route



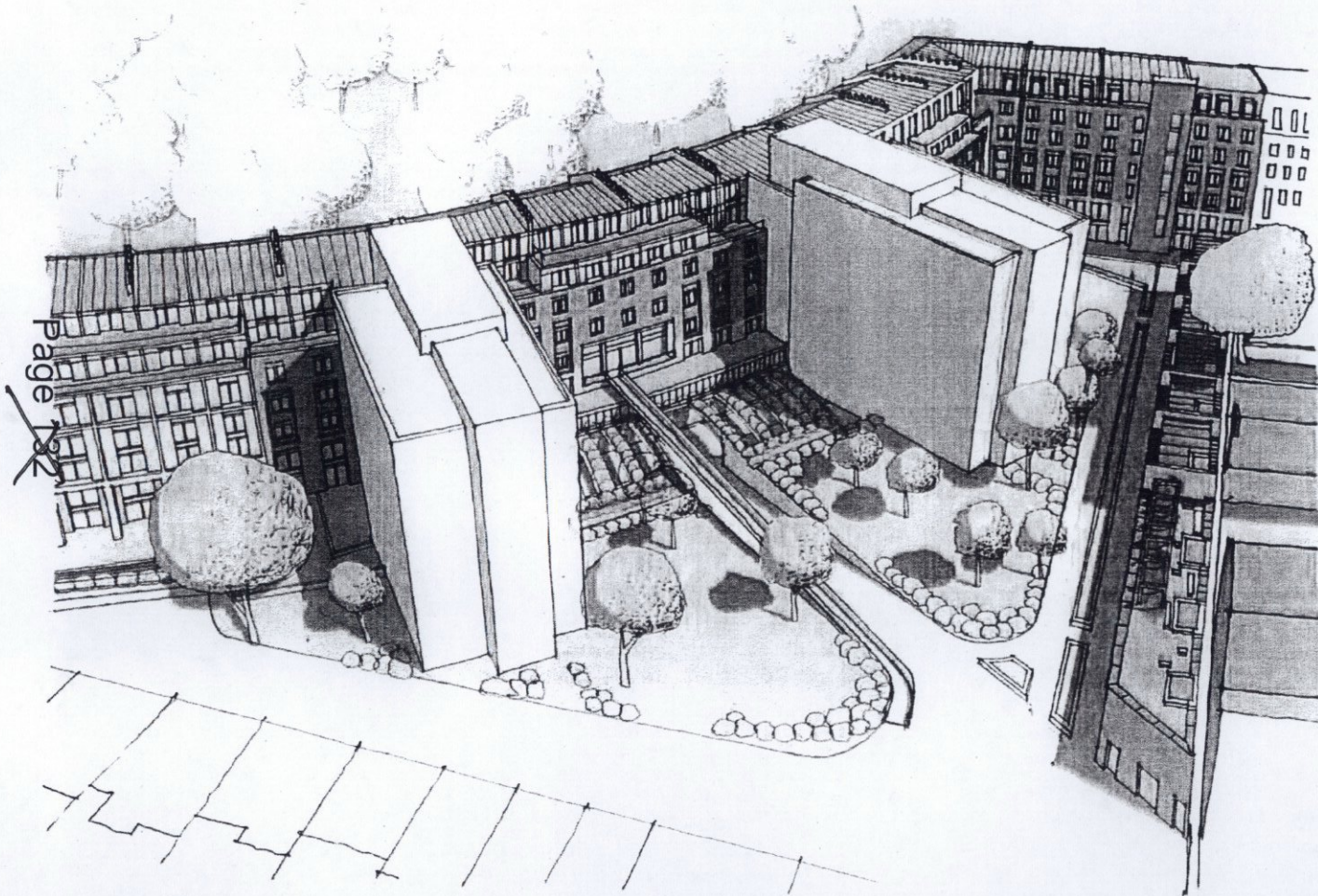


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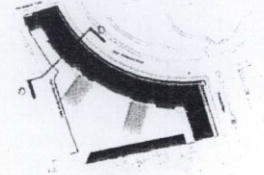
Page 181

3.7 Rear Elevation

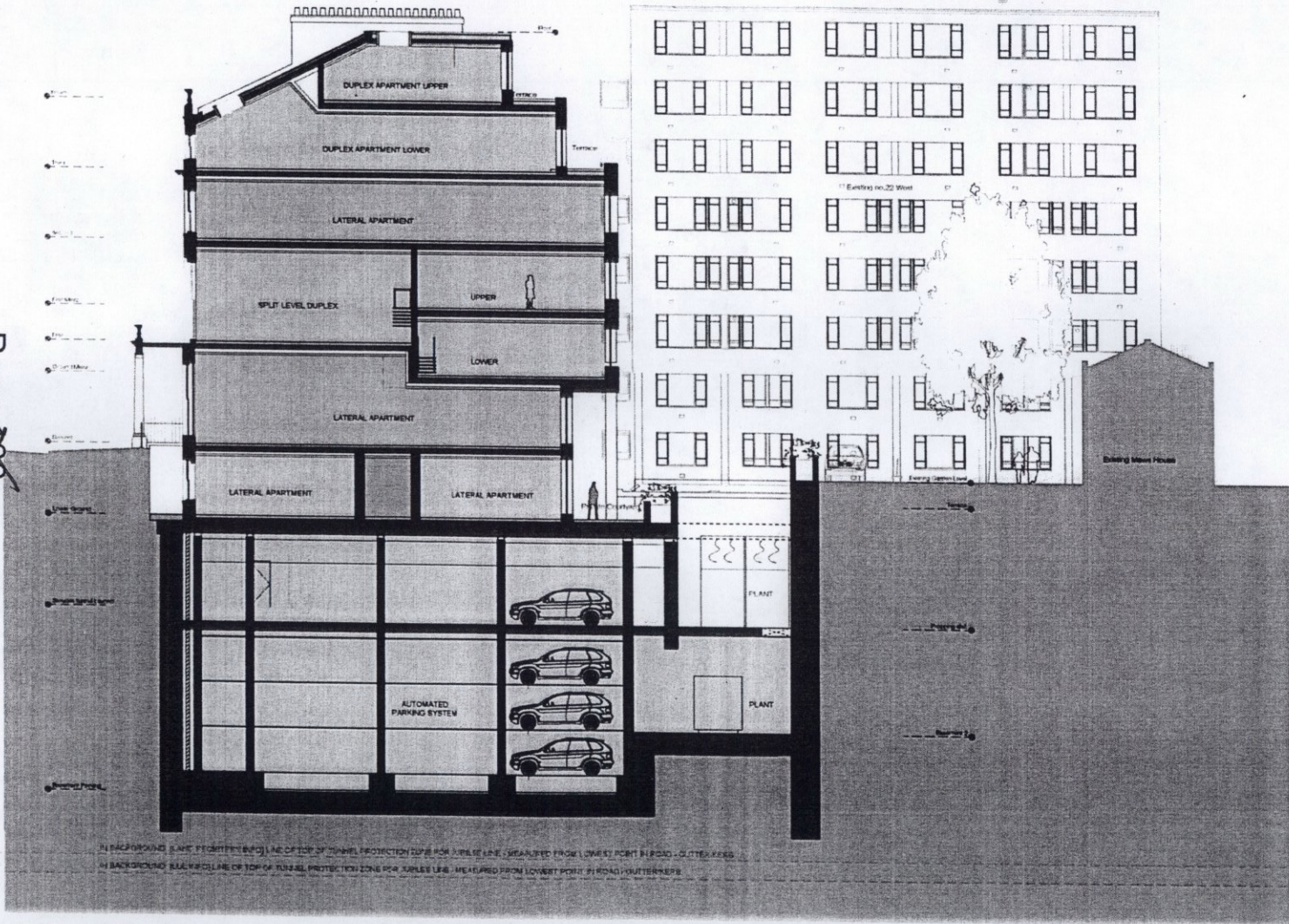


Page 12

Artistic Impression of rear elevation and landscape

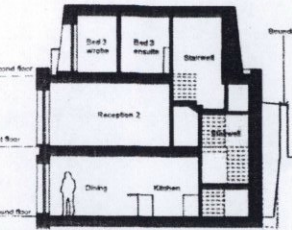


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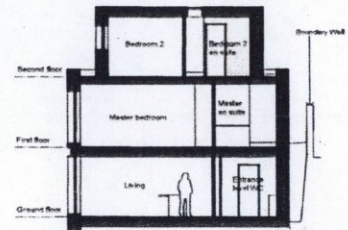


IN BACKGROUND SHOWN PROTECTION ZONE FOR DUPLEX UNITS MEASURED FROM LOWEST POINT OF ROAD - GUTTER KEYS  
 IN BACKGROUND SHOWN PROTECTION ZONE FOR LATERAL UNITS MEASURED FROM LOWEST POINT OF ROAD - GUTTER KEYS

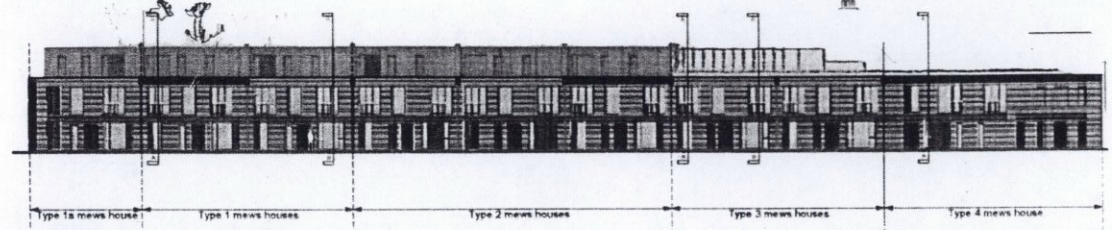
MEWS LAYOUTS TO BE DRAUGHTED IN SECTION



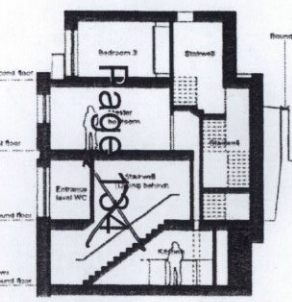
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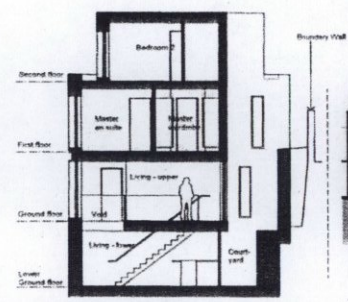
Type 1 - Section B



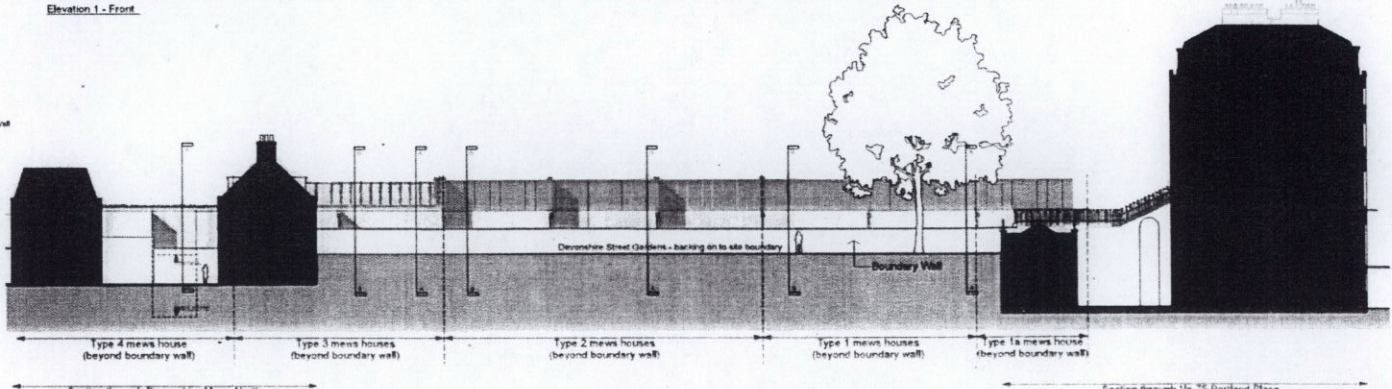
Elevation 1 - Front



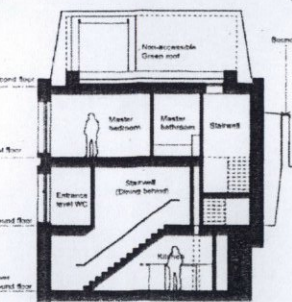
Type 2 - Section A



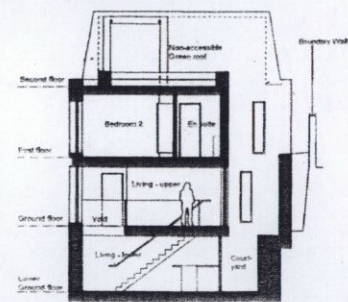
Type 2 - Section B



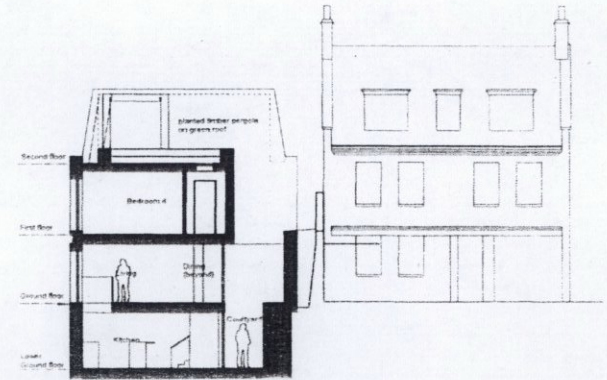
Elevation 2 - Rear



Type 3 - Section A



Type 3 - Section B



Type 4 - Section A



**DRAFT DECISION LETTER**

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

**Proposal:** Demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats); the development of nine mews properties comprising of part lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car parking, refuse storage and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level 1 and basement level 2 as a community use (Class D1). Associated landscaping within the rear courtyard area.

**Plan Nos:** 1674(PL-B)000 Rev P4, 002 Rev P4, 003 Rev P4, 004 Rev P4, 005 Rev P4, 006 Rev P4, 007 Rev P4, 008 Rev P4, 009 Rev P4, 010 Rev P4, 011 Rev P4, 012 Rev P4, 013 Rev P4, 020 Rev P4, 021 Rev P4, 022 Rev P4, 023 Rev P4, 024 Rev P4, 030 Rev P4, 031 Rev P4, 032 Rev P4, 033 Rev P4, 035 Rev P4, 036 Rev P4, 037 Rev P4, 038 Rev P4, 039 Rev P4, 040 Rev P4, 041 Rev P4, 042 Rev P4, 043 Rev P4, 044 Rev P4, 045 Rev P4, 046 Rev P4, 201 Rev P4, 202 Rev P4, 203 Rev P4, 204 Rev P4, 205 Rev P4, 206 Rev P4, 207 Rev P4, 208 Rev P4, 209 Rev P4, 210 Rev P4, 220 Rev P4, 221 Rev P4, 222 Rev P4, 223 Rev P4, 224 Rev P4, 225 Rev P4, 230 Rev P4, 231 Rev P4, 232 Rev P4, 233 Rev P4, 234 Rev P4, 235 Rev P4, 236 Rev P4, 237 Rev P4, 238 Rev P4; Design and Access Statement dated 16 March 2015; Environmental Performance Statement dated 12 March 2015; Code for Sustainable Homes Assessment dated 13 March 2015; BREEAM Assessment dated 13 March 2015; Energy Strategy dated 13 March 2015; Historic Building Report dated March 2015; Flood Risk Assessment dated 13 March 2015; Water Strategy dated 12 March 2015; Transport Assessment dated March 2014 (and Addendum dated 13 March 2015); Air Quality Assessment dated March 2014; Noise Survey dated March 2015; Vibration Assessment dated March 2015; Structural Report dated March 2014 (FOR INFORMATION ONLY); Waste Management Plan dated March 2015; Aboricultural Impact Assessment dated October 2013; Daylight and Sunlight Report dated March 2015; Planning Statement dated March 2015; Construction Management Plan dated March 2014; Demolition Management Plan dated 1 April 2015.

**Case Officer:** Josephine Palmer

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

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

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

**Reason:**

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
  - \* between 08.00 and 18.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday; and

\* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

\* between 08.00 and 18.00 Monday to Friday; and

\* not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

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

Reason:

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

- 4 You must provide 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.

- 5 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 12 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

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

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

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

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

Reason:

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

Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 14 You must provide the waste store shown on approved drawing no's 1674 (PL\_B) 003C rev P4 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 15 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 18 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.
- i. Green roofs and green wall planting
  - ii. Photovoltaics
  - iii. The features set out in your Energy Strategy dated 27 March 2014 including:
    - Site wide heat network
    - Solar control glazing

You must not remove any of these features.

Reason:

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

**20 Pre Commencement Condition.**

(a) You must 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. No development other than demolition to existing ground level shall take place until we have approved what you have sent us.

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

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

Reason:

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

- 21 You must carry out the measures for protection of the trees which you are keeping, as shown on drawing DFC P2749 TPP Rev C and your Arboricultural Impact Assessment Report Rev C dated May 2014. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 22 You must carry out the tree protection measures, including method of construction adjacent to the London Plane Tree T13, and following completion of the development the regular inspection of T13, as set out in your Tree and Landscaping Reports dated 12th November 2014 and Arboricultural Impact Assessment Report Rev C dated May 2014.

Reason:

To protect the trees and the character and appearance of this part of the Regents Park Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 23 You must carry out the landscaping and planting shown on the drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30FA)

Reason:

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

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

Reason:

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

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

Reason:

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



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

Reason:

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

- 27 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings

Reason:

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

- 28 **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 Regent's Park Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 29 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Regent's Park Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 34 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than

rainwater pipes to the outside of the buildings unless they are shown on the approved drawings.

Reason:

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

- 35 The parking spaces shown on the approved drawings shall be made available to occupiers of all the flats and/or mews houses within the development at all times and shall not be allocated to any specific property.

Reason:

The provision of unallocated parking will ensure that the car parking spaces provided are used to their maximum efficiency. This will avoid blocking the surrounding streets and 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.

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

Reason:

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

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

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

- 38 You must carry out the development including any works of demolition, in accordance with the submitted construction management plan prepared by Builders SISK Contractors unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

Reason:

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

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of an affordable housing contribution, financial contributions towards public realm, education, parking surveys, monitoring of construction works, a bond to secure the reinstatement of the Park Crescent facade, and the provision and retention of a new community space and communal open and play space.
- 3 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For

more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 9 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 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.**

- 11 In respect of Condition 38, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

**DRAFT DECISION LETTER**

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

**Proposal:** Demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats). The development of nine mews properties comprising of lower, ground, first and second floors within the rear courtyard of Park Crescent Mews. Creation of terraces at rear ground, third and fourth floor levels and car-parking and plant in the basement of the Park Crescent property; use of part, ground, lower ground and basement level as a community use (Class D1). Associated landscaping within the rear courtyard area. (AMENDED PLANS)

**Plan Nos:** 1674(PL-B)000 Rev P4, 002 Rev P4, 003 Rev P4, 004 Rev P4, 005 Rev P4, 006 Rev P4, 007 Rev P4, 008 Rev P4, 009 Rev P4, 010 Rev P4, 011 Rev P4, 012 Rev P4, 013 Rev P4, 020 Rev P4, 021 Rev P4, 022 Rev P4, 023 Rev P4, 024 Rev P4, 030 Rev P4, 031 Rev P4, 032 Rev P4, 033 Rev P4, 035 Rev P4, 036 Rev P4, 037 Rev P4, 038 Rev P4, 039 Rev P4, 040 Rev P4, 041 Rev P4, 042 Rev P4, 043 Rev P4, 044 Rev P4, 045 Rev P4, 046 Rev P4, 201 Rev P4, 202 Rev P4, 203 Rev P4, 204 Rev P4, 205 Rev P4, 206 Rev P4, 207 Rev P4, 208 Rev P4, 209 Rev P4, 210 Rev P4, 220 Rev P4, 221 Rev P4, 222 Rev P4, 223 Rev P4, 224 Rev P4, 225 Rev P4, 230 Rev P4, 231 Rev P4, 232 Rev P4, 233 Rev P4, 234 Rev P4, 235 Rev P4, 236 Rev P4, 237 Rev P4, 238 Rev P4;

**Case Officer:** Josephine Palmer

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

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

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

**Reason:**

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

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in



January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

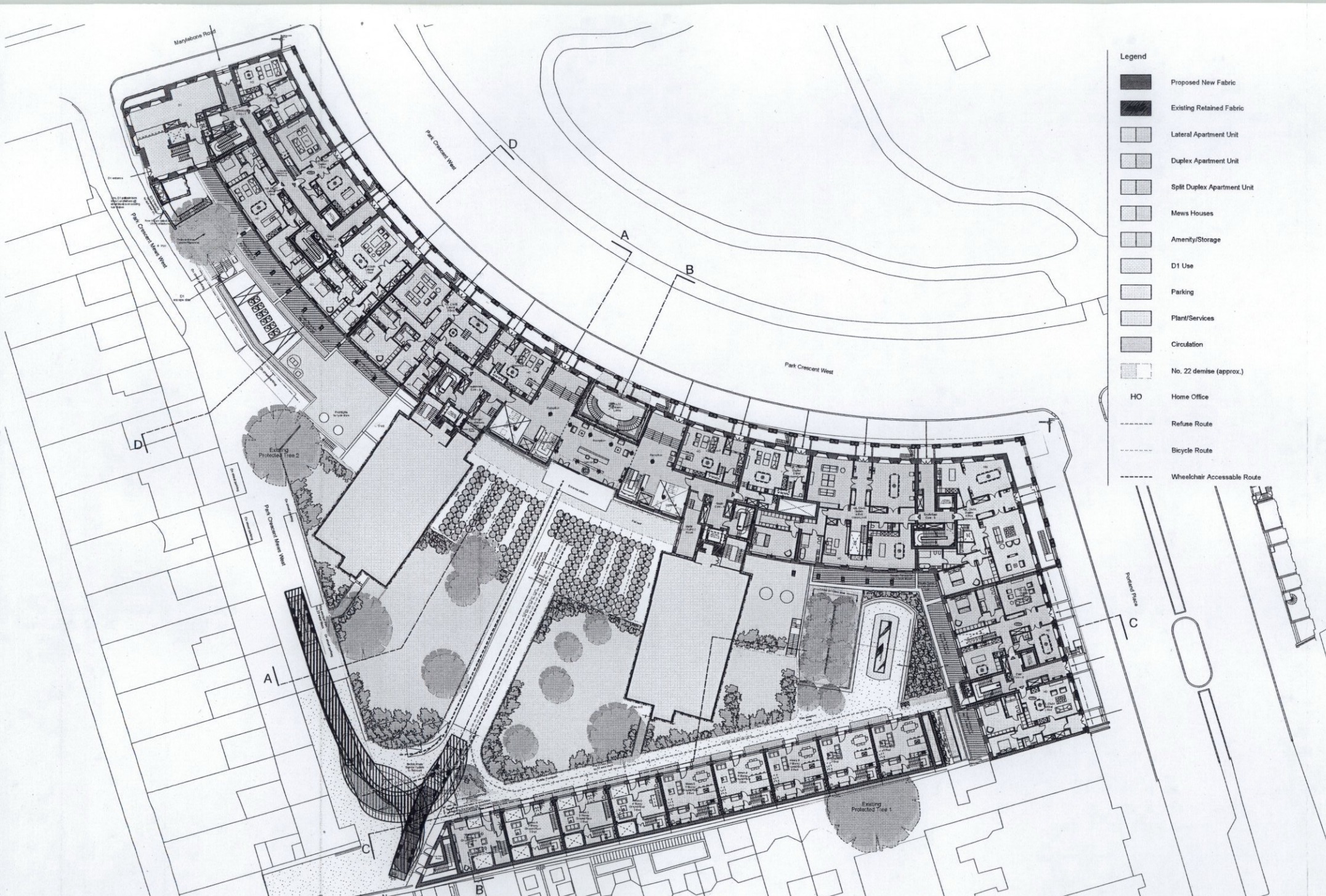
**Informative(s):**

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

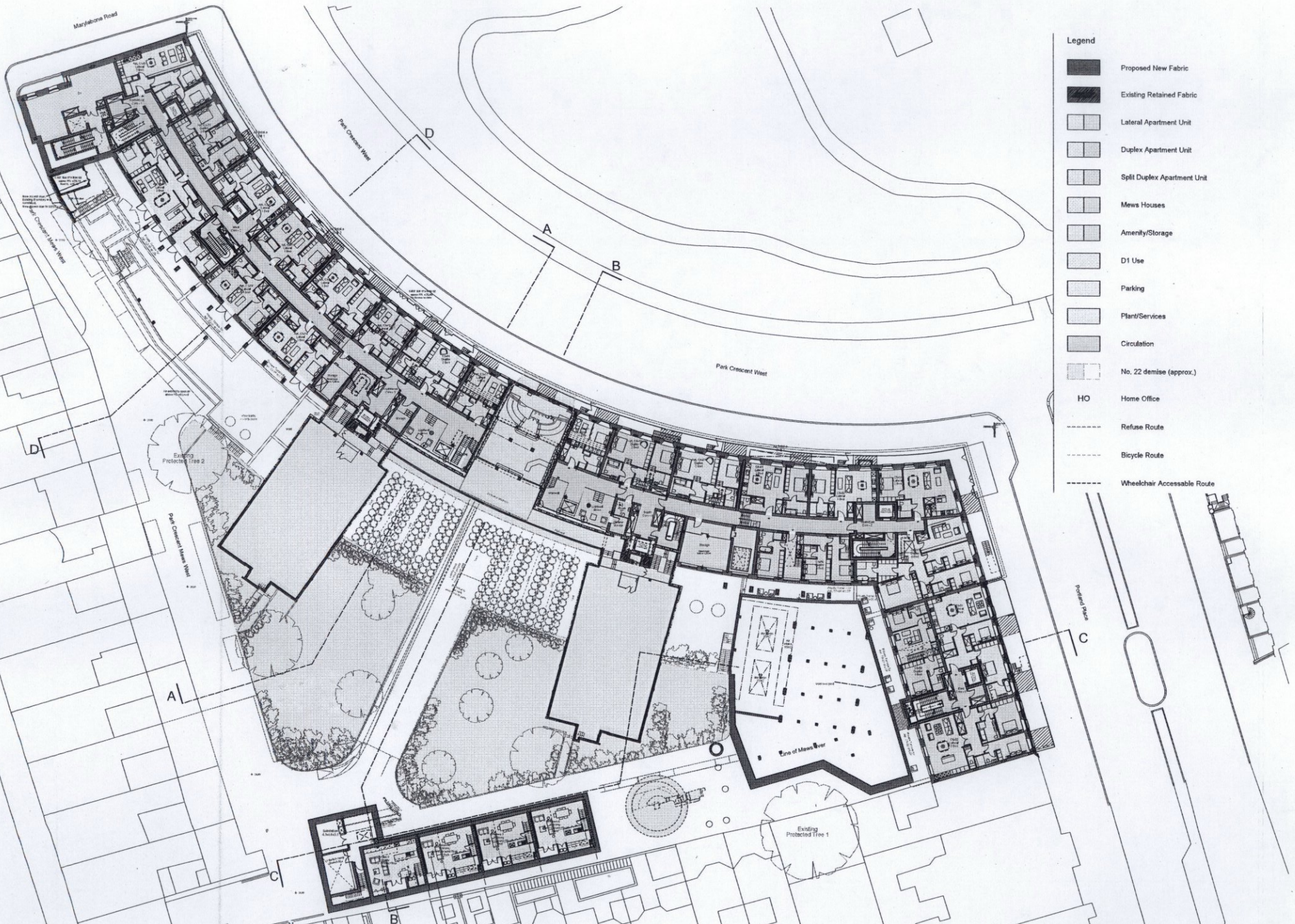
The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

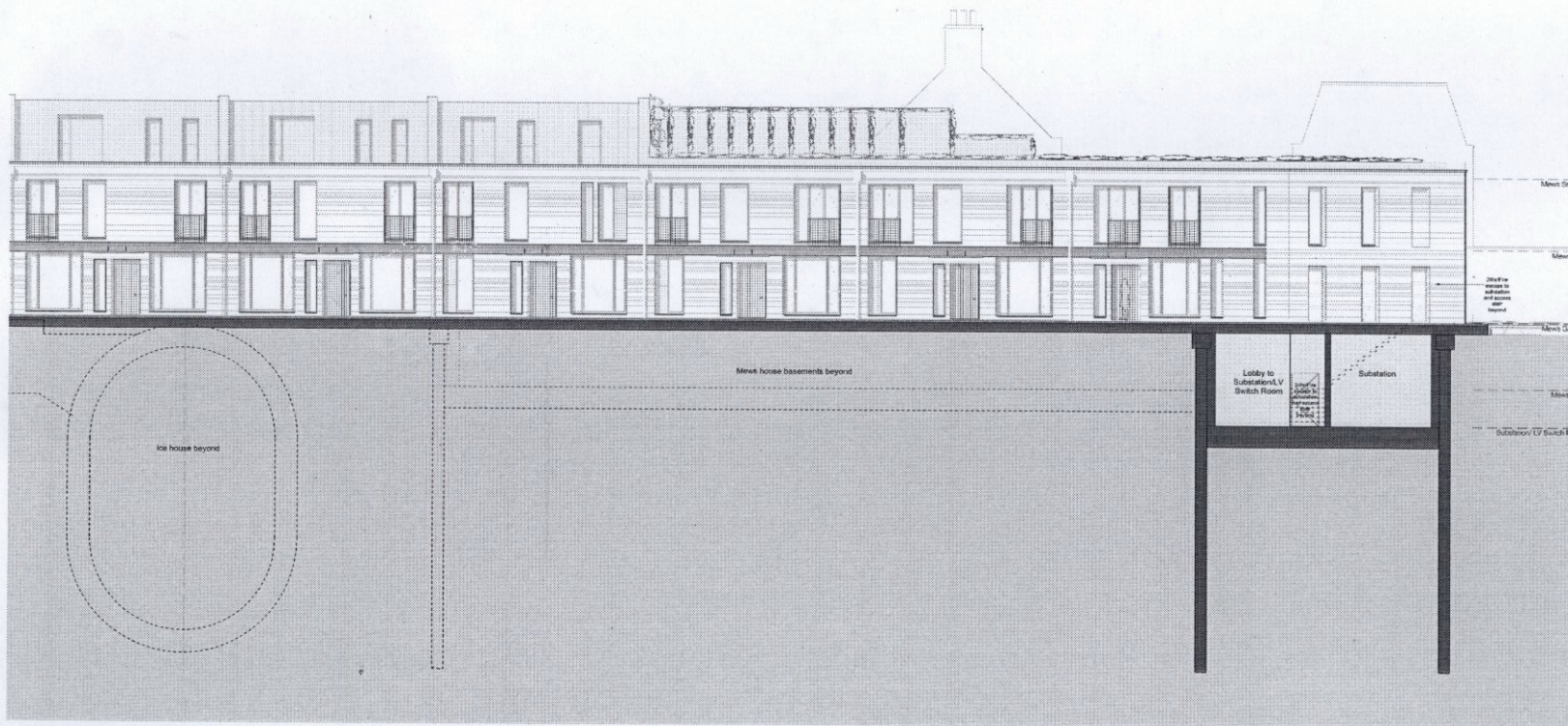
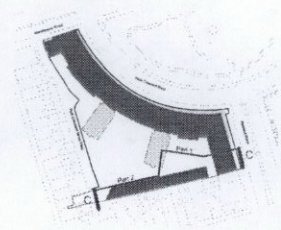
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



- Legend**
- Proposed New Fabric
  - Existing Retained Fabric
  - Lateral Apartment Unit
  - Duplex Apartment Unit
  - Split Duplex Apartment Unit
  - Mews Houses
  - Amenity/Storage
  - D1 Use
  - Parking
  - Plant/Services
  - Circulation
  - No. 22 demise (approx.)
  - HO Home Office
  - Refuse Route
  - Bicycle Route
  - Wheelchair Accessible Route



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Section C-C Part 2

