

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Macdonald House, 1 - 3 Grosvenor Square, London, W1K 4BN,		
Proposal	Demolition and redevelopment to provide three basement levels, lower ground, ground and first to seventh floor levels to provide between 42-46 residential units (Class C3) with associated ancillary leisure facilities, car parking, cycle parking, mechanical plant and associated works within the basement levels. Creation of terraces and balconies at various levels and installation of photovoltaic panels and plant with associated screening at main roof level. Use of part of the lower ground and ground floor levels as a restaurant unit fronting Grosvenor Street (Class A3).		
Agent	DP9		
On behalf of	Lodha Developers 1GSQ Ltd		
Registered Number	15/07800/FULL	Date amended/ completed	28 August 2015
Date Application Received	7 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission subject to the views of the Mayor of London and a S106 agreement to secure the following:

- i) Not to occupy the residential units at Grosvenor Square until the 10 Affordable Housing Units at Dorset Close have been completed and have been transferred to a Registered Provider.
- ii) a financial contribution of £14.5million towards the Council's affordable housing fund with £1 million to be paid on commencement, £5 million on occupation and the remainder (£8.5 million on occupation of 80% of the residential units).
- iii) £2.5 million towards public realm within the vicinity of the site
- ii) all highway works around the site for the development to occur including vehicle crossovers, including the costs of any necessary Traffic Management Orders, changes to on-street restrictions and footway repaving
- iv) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £35,000.
- v) unallocated car parking
- vii) costs of monitoring S106 agreement

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

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

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

4. That the Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of that area of highway necessary to enable the development to take place.

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

2. SUMMARY

The application site lies on the south east corner of Grosvenor Square and involves an eight storey building currently occupied by the Canadian High Commission. The proposals involve the redevelopment of the site for residential use with parking for 39 cars.

There is an extant planning permission for residential use, which expires in December 2017 for redevelopment behind retained facades which secured provision of 10 affordable units off-site at Dorset Close together with an affordable housing payment of £17,295,093 (with £4,300,000 being paid on commencement and £12,995,093 prior to occupation).

The key issues in this case are:

- * The impact of the scheme on the character and appearance of the conservation area.
- * The provision of affordable housing.
- * The impact of the scheme on the amenity of neighbouring occupiers.
- * Parking and servicing arrangements

The proposals trigger the requirement for affordable housing provision. The independent consultants appointed by the City Council have reviewed the applicant's financial viability case for providing 10 affordable housing units off-site at Dorset Close (together with a payment in lieu) rather than making on-site provision (a total financial package of £18 million). The consultant agrees that this is the maximum viable for the scheme. The applicants have since revised their offer, recognising that the previous package secured a significantly enhanced offer than initially proposed, and now offer the following:

- i. Delivery of 10 units of affordable housing at 1-5 Dorset Close
- ii. An affordable housing contribution of £14.5 million with £1 million to be paid on

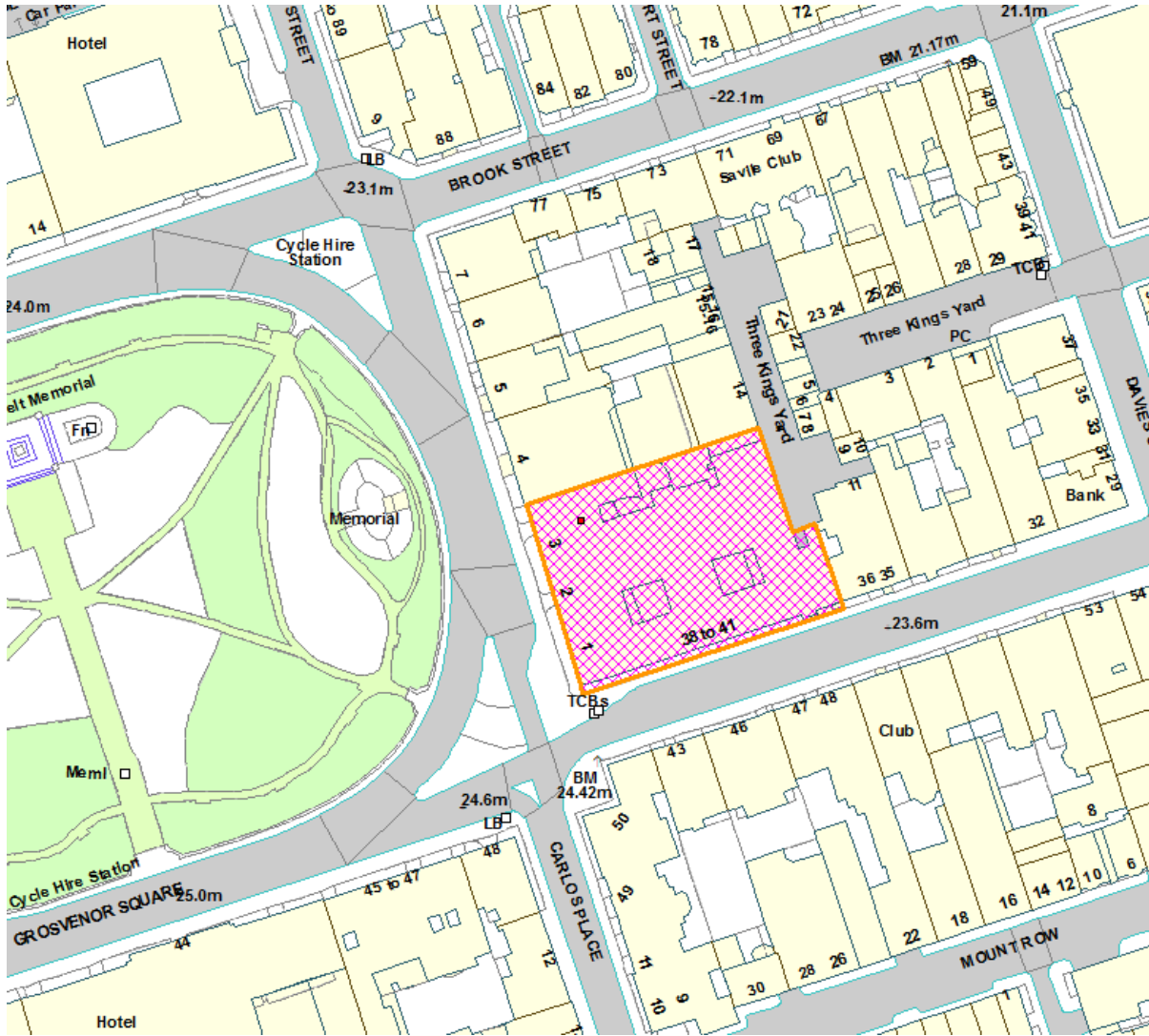
commencement, £5 million on occupation and the remainder (£8.5 million on occupation of 80% of the residential units).

iii. A £2.5 million public realm investment to enhance the immediate vicinity of the site namely Grosvenor Square, Grosvenor Street and Three Kings Yard.

This offer is welcomed and would be secured by S106 agreement.

It is not considered that the proposals would have any materially harmful impact on conditions on the public highway, or on residential amenity, and would comply with local planning policy in these regards. The proposed design of the dormer windows and the hierarchical arrangement of the fenestration raises design concerns, however, it is considered that the benefits of the scheme would outweigh any disadvantages and the proposals are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Supports the principle of a residential-led development, subject to an independent review of the applicant's viability statement. Considers that whilst the proposal will lead to a temporary loss of significance of the non-designated heritage asset, and some temporary harm to the significance of the Conservation Area and nearby listed building, once the building has been reconstructed any harm is considered acceptable. A reduction in the level of car parking is encouraged and electric vehicle charging point, blue badge parking, controlled parking zone restrictions, showering/changing facilities, delivery and servicing plan, construction logistics plan and a detail travel plan should be secured. Further information is required concerning the energy strategy for the site and any shortfall in carbon dioxide savings should be met off-site.

TRANSPORT FOR LONDON

A Delivery and Service Plan and Construction and Logistics Plan should be secured by condition. Considers that a reduction in car parking should be sought and a car parking management plan and travel plan (to also secure funding for cycle hire membership) should be sought. Residents should be exempt from applying for parking permits and the provision of electric vehicle charging points must also be provided.

HISTORIC ENGLAND (LISTED BUILDINGS/CONSERVATION AREAS)

Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

Raise no objections subject to conditions.

ENVIRONMENT AGENCY

No objections raised.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Object to excessive basement 'dig' and general disruption over a lengthy period.

HIGHWAYS PLANNING MANAGER

Considers that the shortfall in car parking could lead to an increased demand for on-street car parking and that the provision of life-time car club membership for each residential unit should be secured, that all residential car parking spaces (except the Town House and Penthouse spaces) should be unallocated so as to serve the needs of the development more flexibly. Raises no objection to a restaurant use in this location subject to the submission of a Service Management Plan.

ENVIRONMENTAL HEALTH

No objections subject to conditions.

BUILDING CONTROL

Any comments to be verbally reported to Committee.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 333
Total No. of replies: 5
No. of objections: 5
No. in support: 0

Design

- * Adverse impact on Grosvenor Square
- * The significant excavation proposed is likely to cause harm to the adjoining listed building
- * The Construction Management Plan needs thorough review with specialist experts in relation to the potential vibrational impact on artworks in 4 Grosvenor Square.

Amenity

- * Additional height proposed will be overbearing
- * Cooking smells from proposed restaurant
- * Increased sense of enclosure
- * The impact of sunlight/daylight on 14 Three Kings Yard has not been assessed

Highways/Parking

- * Parking is already at capacity in the vicinity
- * Refuse removal and access to the restaurant should not be allowed through Three Kings Yard
- * Three Kings Yard is unsuitable for servicing

Other Issues

- * Loss of property values
- * Damage from extensive excavations
- * Noise and vibration during construction may cause further damage to adjacent buildings
- * Dust and air pollution will cause health problems
- * Working hours should be restricted to 08:00 to 17:00 Mondays to Fridays and no working should be allowed on Saturdays
- * Expects compensation for loss of amenity, including noise and disturbance, during the construction period, possible sound proofing, damage during construction and any costs of relocation during build programme
- * Security issues raised due to the number of windows/Juliet balconies to the internal lightwells facing 4 Grosvenor Square, and the terraces at fifth and sixth floor level, and details of the courtyard wall and security measures to the seventh floor roof terrace need to be secured/resolved.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an eight storey building plus basement and rooftop plant room, located on the south east corner of Grosvenor Square at its junction with Grosvenor Street. The rear of the building faces onto Three Kings Yard.

The current building on the site was completed in 1938 and was used for diplomatic uses as part of the American Embassy. In 1961 the building was occupied by the Canadian High Commission, with office floorspace over part of the basement to fifth floor and residential accommodation over part basement to first floors and at sixth floor levels. The Canadian High Commission vacated the building in 2015 and have relocated its office functions to its premises at Canada House, Trafalgar Square.

The main entrance to the site is from Grosvenor Square. There are two secondary access points on Grosvenor Street with servicing access to the rear off Three Kings Yard.

The immediate area around the site is mixed in use, with Grosvenor Square accommodating a number of commercial uses, including the US Embassy and two hotels. The closest neighbours to the building are 4 Grosvenor Square to the north, which is occupied by the Italian Embassy and 35-36 Grosvenor Street to the east, which is in part office and part residential use at the rear. There are a number of other residential properties within Three Kings Yard at the rear of the site.

6.2 Recent Relevant History

In December 2015 planning permission was granted for the demolition and redevelopment, behind retained Grosvenor Square and Grosvenor Street facades, for 41 residential units, associated ancillary leisure facilities, car and cycle parking plant and associated works. This application has not been implemented.

In 2009 Certificates of Lawful Use were granted for the following areas of the building:

1. Use of part basement, part ground, part first, second, third and fifth floors as offices.
2. Use of part of the basement, ground and first floors as High Commissioner's official residence.
3. Use of part ground and part first to fifth floors and sixth floor as six residential units.

7. THE PROPOSAL

The application seeks the complete redevelopment of the site to provide between 43 and 48 residential units together with a new restaurant at ground and lower ground floor levels on the Grosvenor Street frontage. The proposals would be broadly similar in scale and height to the previous scheme but would be served by three new basement levels (two more than the consented scheme). The basement levels would provide plant and car and cycle parking at basement level 1, car and cycle parking at basement level 2 (a total of 39 car parking spaces) and leisure facilities at basement level 3 including a pool, spa, gym, cinema, library and private function room.

The proposed design retains the architectural style of the existing building, and the applicant intends to dismantle and reassemble the Grosvenor Square and western wing of the Grosvenor Street facades, reusing as much of the original materials as possible within the reassembled facades.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications are determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

Restaurant use

UDP Policies TACE 8-10 are applicable to entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the

various parts of the City, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. UDP entertainment policies are intended to represent a 'sliding scale' of permissibility from TACE 8 ('generally permissible') to TACE 10 ('permissible only in exceptional circumstances'), dependent upon the location, size and type of the entertainment use.

As the new restaurant comprises 498m² it needs to be considered under TACE9 which states that permission for restaurant uses (Class A3) of between 150m² – 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area may be permissible where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floorspace to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The site is also within a predominantly commercial location and whilst there is some residential in the locality: the nearest are flats at 32 Grosvenor Street (at the junction with Davies Street) and a single family dwelling at 52 Grosvenor Street to the north of the site. There is therefore limited residential accommodation within the immediate vicinity of the site.

The applicant states that the restaurant would provide high quality dining and plans submitted with the application indicate that the proposed restaurant would be limited to approximately 100 seats. The applicant has also indicated that whilst the operator has not been agreed at this stage, the restaurant is expected to be operated in accordance with a draft Operational Management Plan which seeks to address a range of considerations to protect neighbouring amenity, including hours of operation, entrance and exit arrangements, deliveries and servicing, security and staff arrangements, fume extraction and mechanical plant. Appropriate conditions can mitigate any potentially adverse impact on the amenity of residents in the wider area.

The opening hours of the premises are proposed until 12:30 am daily. Paragraph 8.88 of the UDP states that; 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. Considering this is not a 'predominantly residential area', the proposed opening hours are considered reasonable and in line with the UDP requirements for this location.

In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of a full Operational Management Plan to

ensure the restaurant is managed effectively. A condition is also proposed to ensure that no more than 15% of the restaurant floor area is used for a bar/bar seating and that drinks can only be served at the bar to restaurant customers, before, during or after their meals. A standard condition is also proposed in relation to noise transference through the building structure to the proposed residential units on the upper floors.

Given the existing office use, it is considered the new restaurant premises would help to enliven the street frontage which would be considered a benefit of the scheme. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

There have been no objections to the principle of a restaurant use in this location.

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 S6 also relates to Core CAZ, identifying it as an area appropriate for residential development.

The application provides 43 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 72% family-sized housing to meet the requirements of the policy, of which 51% would have more than three bedrooms, also complying with Policy H5.

Unit sizes

The units proposed would range in size between 51m² and 722m² as set out below:

Bedrooms	No. units	Size (m ²)
Studio	4	51 - 59
One bedroom	4	91 - 94
Two bedroom	4	167
Three bedroom	9	220 - 299
Four bedroom +	21	317 - 610
Five bedroom penthouse	1	722

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. There is a range of unit sizes in the proposed development but some of the 4+ bedroom sized units are considered to be extremely large. The penthouse accommodation is excessively large (722m²), however, this is comparable in size to the

existing High Commissioner's residence. It is also considered that the policy can be applied flexibly given the physical constraints of the existing building and the fact that the consented scheme was for a similar number of units (41) of a similar size.

The applicant has requested some flexibility with the number of units and the application has been amended to provide up to 48 residential flats. This can be achieved through changes to the internal layout and does not affect the height, bulk or external appearance of the building and will allow the developer some flexibility to respond to market demand.

London Plan Policy 3.4 'optimising housing potential' seeks to optimise housing density and has a range of 650 to 1100 habitable rooms per hectare for this area. At 789 hr/h, the development is within the densities as set out in the UDP and London Plan.

Residential standards

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 and the applicant is committed to providing 10% of the units as being as being wheelchair accessible/adaptable.

Policy H10 requires housing developments to include an element of amenity space, including the use of balconies and roof terraces on sites within CAZ. Private courtyard space is provided within the internal lightwell, roof terraces are provided at the rear of the building from fifth floor upwards and balconies at second floor and above on the Grosvenor Street frontage. The penthouse apartment at seventh floor also benefits from private roof terraces.

The application is supported by an assessment of the amount of natural light received within the proposed flats. The report calculates the Average Daylight Factor (ADF), which is the mean daylight factor on the horizontal working plane inside the room. The BRE guidance recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. Where rooms are in mixed use, they should achieve the highest value amongst those uses.

The application originally proposed four single aspect north facing studios that would have failed to meet these standards receiving 0% ADF values and both the GLA and Environmental Health raised concerns about light levels to these flats. These flats have now been relocated to the Grosvenor Street frontage and whilst they still do not achieve full compliance with the BRE guidance, they do now face south east. Based on the submitted analysis, most rooms within the remaining flats would meet, and generally exceed, minimum ADF values. However, where rooms fail to meet these standards light is largely constrained by their aspect and proximity to neighbouring buildings and the deep plan form of the building. Given the relationship of the site with neighbouring buildings, these values are, overall, considered acceptable.

The application also includes an ancillary pool, spa, gym, cinema, library and private function room at basement level 3 for residents use only and meeting/function rooms at lower ground floor level.

In terms of exposure to noise, the applicant has assessed the scheme in accordance

with the relevant noise standards as set out in the UDP. The windows to the flats are all to be replaced with casement windows. Environmental Health has confirmed that in principle, subject to conditions, this is acceptable.

Affordable housing

The policy requirement

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or over 1000m² of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The proportion of affordable housing sought on individual sites will be set out in the City Management Plan when it is adopted but until then is set out in an interim guidance note. For sites within Core CAZ with a residential floorspace increase of more than 2,500m² the guidance specifies a floorspace requirement of 25% or if this is proved impractical or unfeasible, the affordable housing should be provided off-site in the vicinity.

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...”

In appropriate circumstances under Policies H4 and S16 where it can be demonstrated that it would not be reasonably practical to provide affordable housing on-site or that by providing affordable housing on site the viability of the whole development would be reduced to such an extent that it would not proceed, the requirement for on-site affordable housing may be waived, in which case a payment in lieu may be considered as an alternative to on-site provision. In the case of this scheme the total additional residential floorspace proposed is 25,153m² which generates a requirement for 6288m² (25%) to be affordable housing or, in accordance with the formula set out in the interim guidance note and if it is accepted that affordable housing cannot be provided on site or in the vicinity, a payment in lieu of affordable housing of £41,242,206.

In the consented scheme, a S106 package was negotiated involving the provision of 10 affordable units off-site at Dorset Close together with an affordable housing payment of £17,295,093 (with £4,300,000 being paid on commencement and £12,995,093 prior to occupation).

The applicant's proposals

The proposal is once again to provide market residential units with no on site affordable housing. The applicant argues that the super-prime market is materially weaker than at the time when the previous application was considered, and there has also been a significant increase in build costs. The applicant therefore contends that to make this scheme competitive, a significantly upgraded amenity package has been provided (ie the leisure accommodation at basement level 3) which in turn has increased build costs and has impacted on the scheme's viability significantly. The financial viability assessment (FVA) subsequently concludes that the scheme can only viably support a total affordable housing contribution of £18,000,000 (ie provision of the 10 off-site units

at Dorset Close together with an affordable housing payment of £9,088,000). The FVA has been independently assessed by GVA on behalf of the City Council and they concur with this assessment, on the basis that the £9,088,000 is paid on commencement of works on site. They submit that should there be any deferred payment, as in the extant scheme, higher figures should be made to allow for the interest saving.

The applicants have since revised their offer, recognising that the previous package secured a significantly enhanced offer than initially proposed, and now offer the following:

- i. Delivery of 10 units of affordable housing at 1-5 Dorset Close
- ii. An affordable housing contribution of £14.5 million with £1 million to be paid on commencement, £5 million on occupation and the remainder (£8.5 million on occupation of 80% of the residential units).
- iii. A £2.5 million public realm investment to enhance the immediate vicinity of the site namely Grosvenor Square, Grosvenor Street and Three Kings Yard.

This offer is significantly more than that which our consultants believe to be viable and is welcomed. This package would be secured by S106 agreement.

8.2 Townscape and Design

The proposal is similar in principle to that previously approved, except that it is now intended to entirely demolish the facades and to and rebuild them to a modified design. The rooftop and rear extensions are similar to those previously approved.

In heritage asset terms, the existing building makes a positive contribution to the Mayfair Conservation Area and is an important part of the setting of the grade II listed American Embassy on the west side of Grosvenor Square and the neighbouring Italian Embassy on the east side of the square.

The proposed alterations to the façade are intended to provide more uniform accommodation internally and partly reduce and partly remove the hierarchy of fenestration by stretching some windows, shortening others and tampering the column bases to stretch them to fit the increased height of the façade. On Grosvenor Street there are to be a set of balconies in neo-Georgian style to match the building. At roof level an enlarged penthouse is to be provided but an originally proposed turret feature on Grosvenor Street has been omitted. The new dormer windows are formed of copper with full height casements and metal railings. The proposed design of the dormers does not suit the building, and fails to maintain the uniformity of the square's roofscape which is characterised by white-painted timber dormer windows. An objection has been received on the grounds that the proposal would have an adverse impact on Grosvenor Square.

The application again involves the relocation of the former oval room. This is to be re-provided at basement level 3, details of which would be secured by condition.

An objection relating to the potential impact of the proposal on the fabric of the adjoining grade II listed building has been made, but there is sufficient detail in the application documents to demonstrate the necessary special regard is being (and will be) had to

maintaining the structural integrity and fabric of the building so as to make refusal of permission for this reason unjustifiable. In line with the NPPF test, the harm caused to heritage assets has to be weighed against public benefits. It is concluded that the harm is less than substantial in this case and the public benefits of the regeneration of this scheme and affordable housing provision outweigh that harm. The application is recommended for approval accordingly.

8.3 Residential Amenity

8.3.1 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, or 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.

The closest residential to the site is at the rear of the site within 9-10 and 5-8 Three Kings Yard and adjacent to the site within 4 Grosvenor Square. These properties have all been assessed in the submitted daylight/sunlight report, as has (despite the contention from the Italian Embassy) the adjoining building at 14 Three Kings Yard.

The rear facade is to be rebuilt with a part sheer and part stepped façade with a steeper profile than the existing. The new floor at roof level would also introduce some additional bulk at roof level. The only residential windows affected by daylight losses of 20% or more are in 7-8 and 9-10 Three Kings Yard. A second floor window in 7-8 Three Kings Yard would experience a 24.1% loss of VSC and two first floor living room windows with 9-10 Three Kings Yard would experience VSC losses of 20.8% and 26.1%. These would be material losses in terms of VSC, however, in each case actual percentage losses are relatively small (between 2.5 and 3.5%) and it is not considered that these losses would so harmful to warrant refusal.

With regard to annual sunlight, the residential properties within Three Kings Yard have a westerly aspect and therefore a sunlight analysis has been carried out for these properties. Three windows within 9-10 Three Kings Yard would lose between 29.63% and 42.86% APSH. These windows fail BRE guidance. However, two of the windows serve bedroom accommodation, which the BRE guidance state as being less important than main habitable accommodation and the third window is in a room served by a further window that is unaffected by the proposals. Nine windows within No's 5-8 Three Kings Yard would also experience losses of between 24% and 45.45% in Annual Probable Sunlight Hours however the level of APSH retained for each affected window is considered reasonable for this central London location. 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.

8.3.2 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 rebuilding of the Three Kings Yard façade, the replacement of the rooftop plant with the proposed penthouse and the reduction in depth to the existing lightwell between the site and 4 Grosvenor Square. However, this rooftop penthouse would not be in close proximity to any directly facing windows and it would therefore have only a minimal impact on sense of enclosure. At the rear, the existing triple height mansard would be replaced with a part sheer and part stepped rear wall and an additional sheer storey, however, as there would be no significant increase to the overall height at the rear, therefore there would be no material effect on sense of enclosure.

Additional windows are proposed in the rear mansard, however, there are already many windows at the rear, and therefore there would be no significant increase in overlooking of any neighbouring property.

An objection has been received from an occupier of a residential property on the opposite side of Grosvenor Street on the grounds that the proposal would introduce additional height and subsequently would be overbearing. The proposed scheme is very similar in parapet height to that approved, and whilst the proposal does introduce additional bulk at roof level where a plant room is proposed, this is set 16m back from the Grosvenor Street facade and it is not considered that this would introduce any harmful impact to neighbouring residents.

An objection on behalf of the Italian Embassy at 4 Grosvenor Square has also been received on the grounds that the proposal would result in an increased sense of enclosure particularly at fifth floor level which is closer to 4 Grosvenor Square than in the consented scheme. Whilst the fifth and sixth floor levels are no longer stepped back behind the rear façade of 4 Grosvenor Square (as in the consented scheme) they do not project in front of any residential windows. The retained lightwell between the two buildings is also not as deep than that in the consented scheme, however, a 6.5m lightwell is still retained and it is not considered that the proposed massing at this level would cause sufficient harm to warrant refusal.

8.4 Transportation/Parking

The proposals would provide 39 car parking spaces for the 43 proposed flats. This is a shortfall of 5 spaces.

The parking spaces would be located at basement levels 1 and 2, to which access would be from Grosvenor Street. The proposed vehicular entrance is two-way and will allow good access to the car park. This is served by two car lifts which is considered appropriate for the number of proposed car parking spaces. Whilst the site has a high level of public transport accessibility, the Highways Planning Manager is concerned that given the shortfall in parking provision, that the scheme would result in some residents parking on-street. Objections have also been received on parking grounds. The Highways Planning Manager has suggested that if the parking spaces were to be provided on a 'right to park' basis (by not allocating spaces to specific flats other than the Town Houses and Penthouse), then this lower provision of car parking could be considered to be acceptable in this case. This approach could be secured through a S106 legal agreement.

The GLA ask that the levels of car parking are reduced and request conditions relating to electric vehicle charging point, blue badge parking, controlled parking zone restrictions, showering/changing facilities, delivery and servicing plan, construction logistics plan and a detail travel plan. As the level of car parking is consistent with the maximum standards of 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 and compliance with the Construction Management Plan are secured by condition. Conditions for a travel plan are not considered necessary for a scheme of this nature.

The proposed location of the vehicular entrance on Grosvenor Street would result in the relocation of existing on-street residential car parking bays. This would require an amendment to the existing Traffic Management Order the cost of which together with the cost of relocating the car parking bays would need to be borne by the developer.

The proposals include cycle parking facilities which would also be provided at basement levels 1 and 2. These spaces would be reserved by condition to ensure compliance with UDP Policy TRANS10 and the FALP.

Servicing

UDP Policy TRANS 20 states that the City Council will, in most cases, require the servicing needs of all developments to be adequately accommodated on site and off-street, preferably behind or under new or converted buildings. Policy CS41 also requires servicing and delivery needs to be fully met within each development site, except where the Council considers that this is not possible, in which case servicing and delivery needs will be met in such a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity. Where some or all of the servicing and delivery needs are met through use of the public highway, the development will meet the initial and on-going costs associated with such use e.g. through the creation of on-street servicing bays.

Off-street servicing is provided for within the site for smaller delivery vehicles whilst larger vehicles will either have to make use of the public highway or may be

accommodated within Three Kings Yard. The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity also allow loading and unloading to occur. The largest regular service vehicle expected to be associated with the proposed development in this location is likely to be the refuse collection.

The Transport Statement sets out that the majority of deliveries associated with the restaurant will be undertaken via Three Kings Yard, other than larger vehicles which due to the restricted access arrangements on entry to Three Kings Yard, which will service the restaurant on street. Objections have been received on the grounds that Three Kings Yard is unsuitable for servicing, will affect access to the Italian Embassy, and that refusal removal and access to the restaurant should not be allowed through Three Kings Yard. However, this arrangement for servicing is similar to the current arrangement for the existing use and nearby other properties and Three Kings Yard provided the main access to the car parking and servicing in the consented scheme.

Given the size of the restaurant use the servicing requirements are not expected to be high. A Service Management Plan (SMP) has been submitted to help further reduce the impact of servicing on the public highway. This will be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The proposal removes the existing stepped access to the Grosvenor Square and Grosvenor Street and the new building will be fully accessible to people with mobility difficulties.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement and also within a screened enclosure on the roof of the new building. The application is supported by an acoustic report. The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the proposals subject to conditions relating to plant noise and vibration. However, as the plant scheme design is at an early stage, the applicant will need to provide a supplementary acoustic report to demonstrate that the selected equipment will operate in accordance with the standard noise condition. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

The restaurant is served by a full height extract duct which is to be routed internally (from basement level) and extract at roof level. This is sufficient to overcome the concerns raised regarding fumes and will be secured by condition.

Refuse /Recycling

Facilities for refuse and recycling are proposed at basement level. Waste would then be transported by the management company via the goods lift to the temporary waste storage area at ground floor level to await collection on waste collection day. These

arrangements are satisfactory subject to a condition to ensure that the waste storage areas are provided and permanently maintained and one to restrict rubbish collection between 07:00 and 23:00.

8.8 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 application is referable to the Mayor because it comprises a building which is more than 30 metres high and it outside the City of London. The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable subject to further discussion on a number of energy and transport related issues. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as

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

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in May 2016. 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.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) a financial contribution of £14.5 million towards the Council's affordable housing fund;
- ii) all highway works around the site for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iii) a financial contribution of £35,000 per annum to the Council's Environmental Inspectorate to monitor compliance with the Construction Environmental Management Plan
- iv) unallocated car parking;
- vi) a financial payment to cover the costs of amending the Traffic Management Order and relocation of the Grosvenor Street residential car parking bays;
- vii) costs of monitoring S106 agreement.

It is considered that the 'heads of terms' listed above satisfactorily address City Council policies and CIL Regulations.

8.11 Sustainability and Biodiversity

The application is supported by an Energy Statement. This statement sets out passive design measures (high specification glazing, thermal insulation) and the use of energy efficient building services (mechanical ventilation with heat recovery, energy efficient heating, cooling, lighting and water systems) to improve the building's performance and to reduce CO2 emissions. In addition, photovoltaic panels will be installed on the main roof. It is estimated that these measures would achieve a reduction in CO2 emissions of 29%.

It is anticipated that the development would achieve a level of sustainability equivalent to BREEAM Very Good (with the potential to achieve Excellent) for the restaurant use and an equivalent code for Sustainable Home Level 4 for the residential use.

The GLA has assessed the report and has expressed concern that the application is not fully compliant with London Plan policy requirement for 40% carbon reductions to be delivered. He has requested that the shortfall be addressed through carbon offsetting. It is understood that such a payment would be in the region of £35,000. The applicant

has confirmed that they are willing to make this payment however they argue that this should be deducted from any payment towards the affordable housing fund. Given the policy priority for affordable housing, Committee is asked to consider whether this money should be put towards affordable housing.

8.12 Other Issues

Basement

Objections have been raised from adjoining occupiers and the Amenity Society who are concerned about the potential impact of the development and particularly the proposed triple basement upon ground water and the structural integrity of their properties.

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. Generally residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings/structures and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

In terms of the progression of our policy towards basements, the City Council adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' in October 2014 and this application has been assessed having regard to this SPD, which provides detailed advice on how current policy in relation basement development is implemented. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Revision to the City Plan ('the Draft Basements Policy') has been the subject of consultation between 16 July and 9 September 2015. Following this pre-submission consultation exercise, the Draft Basements Policy, which has now reached an advanced stage, is likely to be submitted to the Secretary of State for public examination by an independent Inspector following minor modification. In view of its advanced stage of adoption and the limited number of unresolved objections, the Cabinet Member Statement dated 23 October 2015 sets out that the Draft Basements Policy will be applied, where there are no unresolved objections, to all new planning applications received from 1 November 2015 onwards. However, given this application was submitted well in advance of that date, in accordance with the Cabinet Member Statement, it has not been assessed against the Draft Basements Policy.

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

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and

existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

Building Control has been consulted and members will be updated verbally at the committee meeting. These statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

Objections have been received on the grounds of noise and disturbance during the construction period and the Italian Embassy raise concerns about the vibrational impact on their artworks and impact of noise on events. A draft Construction Management Plan has been submitted, which provides an indicative approach to demonstrate how the impacts of the demolition and construction stages of the development can be managed. Environmental Health have raised concerns regarding the fact that the number of banks men has not been provided and information is required to ensure safe reversing for construction traffic and the applicant's request that the submitted CMP is not conditioned is not accepted. It is therefore recommended that a condition is attached requiring the

submission and approval of a detailed construction management plan prior to the commencement of work.

The concerns regarding weekend construction works are noted, and the standard hours of work condition is imposed. The concern raised by neighbours regarding structural damage and by the Italian Embassy regarding the vibrational impact on their artwork is a Party Wall matter.

Crime and security

The Italian Embassy also object on the grounds that the introduction of windows and roof terraces raise security concerns and that further details of the courtyard wall and landscaped green wall need to be submitted to establish any security risks associated with it. Whilst these matters are noted, the relationship of the proposed windows and terraces to the Embassy is similar to that in the consented scheme and is not significantly different to the relationship of other established embassies to existing residential accommodation within Westminster. It is also understood that there are ongoing discussions between the Embassy and the applicant to resolve these concerns. It is not considered that the application could be refused on these grounds.

Other Issues

Loss of property values are not material considerations in planning terms. Neighbours have also requested compensation for secondary/double glazing and the costs of relocation whilst building works are taking place. It is not considered that such compensation could reasonably be required.

The applicant has also asked that as they have submitted information relating to Building Recording and Archaeology Investigation that these matters are not subject to conditions. However, Historic England have requested that these conditions are imposed.

9. BACKGROUND PAPERS

1. Application form and letter from applicant dated 12 January 2016
2. Letter from GLA dated 4 November 2015
3. Letter from TfL dated 20 October 2015
4. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
5. Response from Historic England (Listed Builds/Con Areas), dated 16 September 2015
6. Response from Historic England (Archaeology) dated 23 September 2015
7. Letter from occupier of 5 Three Kings Yard, London, dated 28 September 2015
8. Letter from occupier of 47 Grosvenor Square, London, dated 25 September 2015
9. Letter on behalf of the occupier of 4 Grosvenor Square and 14 Three Kings Yard, dated 30 September 2015
10. Letter from occupier of 47 Grosvenor Square , London W1K 2HS, dated 28 September 2015
11. Letter from occupier of 8 Three Kings Yard , London W1K 4JR, dated 29 September 2015
12. Response from Highways Planning Manager dated 23 September 2015
13. Memorandum from Environmental Health dated 13 January 2016
14. Response from Environment Agency dated 15 January 2016

Item No.

3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



Existing Grosvenor Square elevation



Proposed Grosvenor Square elevation

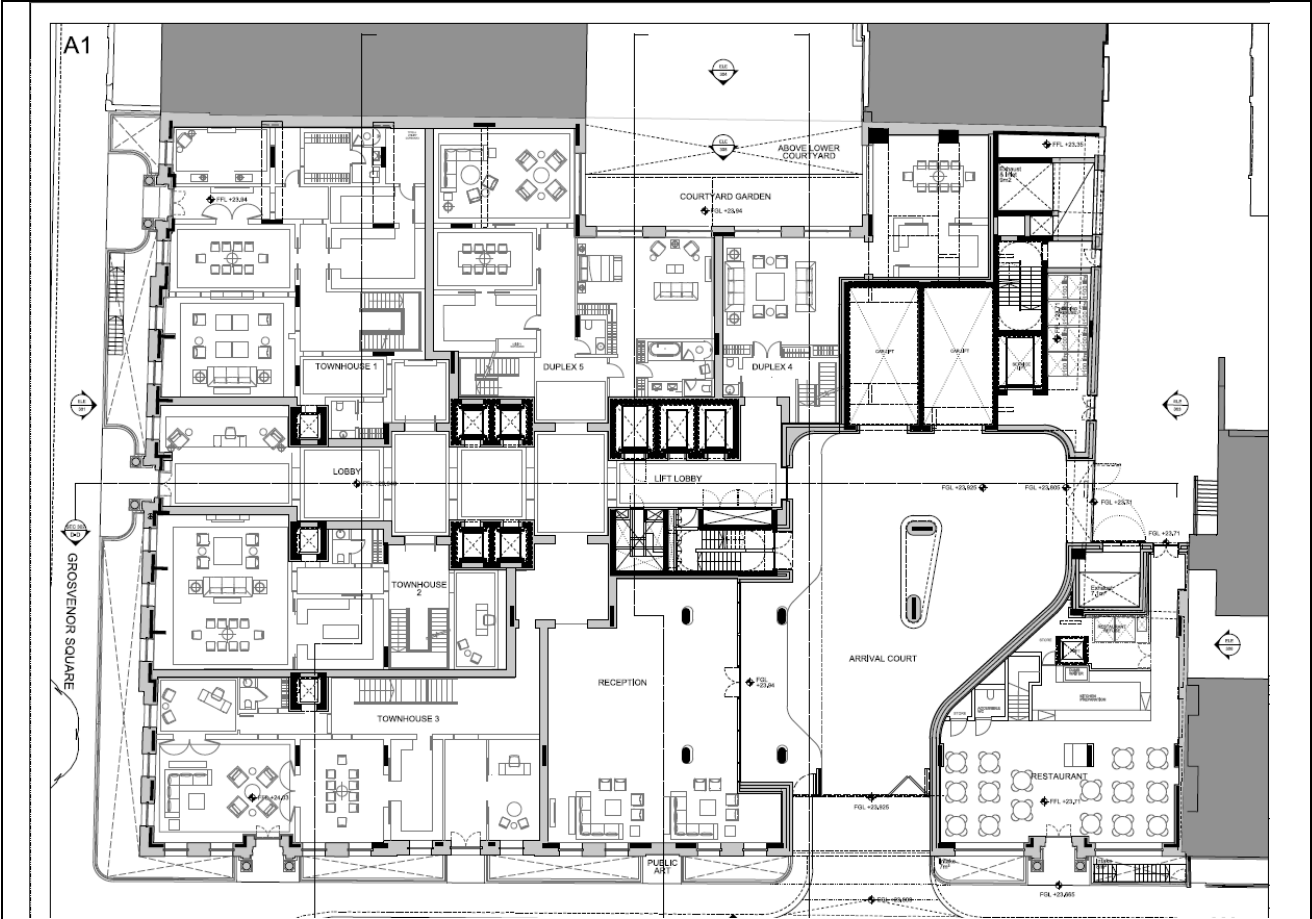


Existing Grosvenor Street elevation



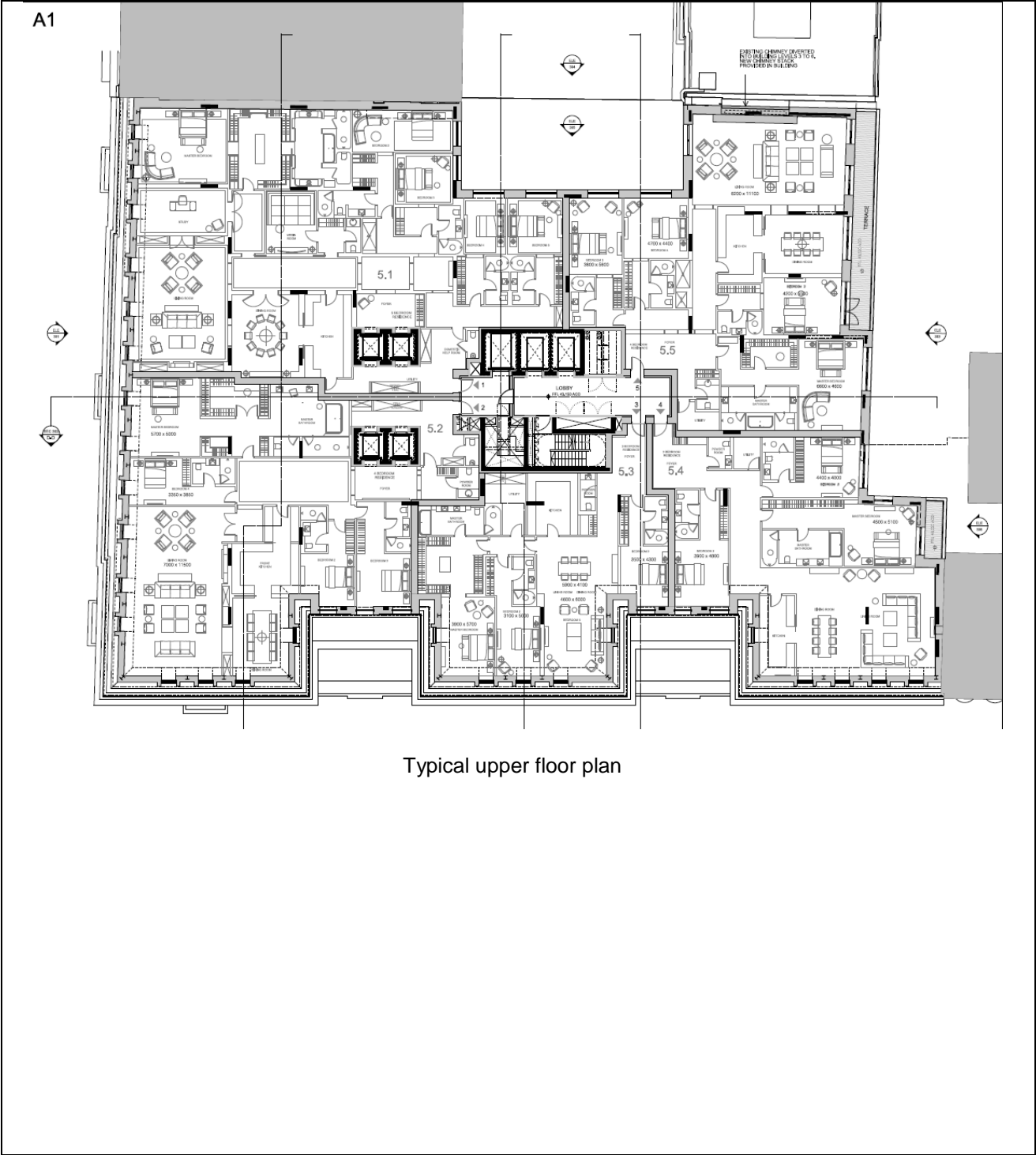
Proposed Grosvenor Street elevation

Proposed ground floor



Proposed ground floor

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



DRAFT DECISION LETTER

Address: Macdonald House, 1 - 3 Grosvenor Square, London, W1K 4BN,

Proposal: Demolition and redevelopment to provide three basement levels, lower ground, ground and first to seventh floor levels to provide between 42-46 residential units (Class C3) with associated ancillary leisure facilities, car parking, cycle parking, mechanical plant and associated works within the basement levels. Creation of terraces and balconies at various levels and installation of photovoltaic panels and plant with associated screening at main roof level. Use of part of the lower ground and ground floor levels as a restaurant unit fronting Grosvenor Street (Class A3).

Plan Nos: EPA GSQ 05 PLN 096, 097, 098, 099, 100, 101,102,103,104,105, 106, 107, 108; EPA GSQ 05 ELE 301, 302, 303, 304, 305, 306, 311, 312, 313; EPA GSQ 05 SEC 302, 305, 311, 312; EPA GSQ 05 DET 301, 302, 303, 304, 350, 351, 355

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

1

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

Reason:

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

2

Except for 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

(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.

7

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

Reason:

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

8

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.

9

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.

10

You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 8_9 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

11

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

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

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

Reason:

As set out in S32 of Westminster's City Plan: 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.

12

(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 restaurant 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 restaurant 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.

13

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 6 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.

14

You must provide the waste store shown on approved drawings 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

You must apply to us for approval of detailed drawings at scales 1:10 of the following parts of the development:

1. Windows (a typical example of each type)
3. Doors

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

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

Reason:

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

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)

18

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

Reason:

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

19

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

20

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

Reason:

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

21

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

22

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

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)

23

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

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)

24

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

Reason:

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

25

You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

photovoltaics

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

Reason:

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

26

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

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

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

- (vii) hours of when noisy works will be suspended

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.

27

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

Reason:

To maintain the character of the Mayfair 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)

28

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

- re-use of features including panelling, ceiling rooflight and other internal features within the existing oval room within the new building

You must not start demolition work of the relevant part until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26CB)

Reason:

To protect the 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)

29

Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work other than demolition to existing ground level 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.

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)

30

You must apply to us for approval of a written scheme of investigation for a programme of building recording and reporting. You must not start work until we have approved what you have sent us.

No development shall take place other than in accordance with the Written Scheme of Investigation.

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)

31

If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

32

You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours of 08.00 to 00.30 Monday to Sundays. (C12DC)

Reason:

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

33

You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

34

You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have

approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant use is in use. (C05JB)

Reason:

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

35

You must apply to us for approval of an Air Quality Assessment (AQA) showing the standards that will be achieved. The AQA should:

- * assess the existing air quality in the study area (existing baseline)
- * predict the future air quality without the development in place (future baseline)
- * predict the future air quality with the development in place
- * describe the demolition and/or construction impacts
- * identify mitigation measures
- * the impact of the CHP on any sensitive receptors on and off site

You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved AQA.

Reason:

To assess the significance of the development impact on air quality as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

36

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

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

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

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

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

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

37

All servicing must take place between 07:00 on Monday to Saturday and 23:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

38

You must apply to us for approval of a detailed scheme to prevent overheating based on a whole house ventilation scheme with windows closed prior to occupation.

You must then carry out the work according to these details.

Reason:

To ensure a satisfactory environment for future occupiers as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013

39

No vibration shall be transmitted from the Piccadilly Line so as to cause a vibration dose value of greater than 0.4m/s(1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential property.

Reason:

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

40

The design and structure of the development shall be of such a standard that it will protect residents within it from ground-borne noise from the Piccadilly line so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

As set out in ENV6 (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.

41

Electric vehicle charging points must be provided in the basement at a ratio of one charging point to every five car parking spaces.

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)

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 off-site affordable housing at Dorset Close, an affordable housing contribution, highway works and financial contributions towards monitoring of construction works.

3

This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

4

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)

5

When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

6

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

7

Conditions 6 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)

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