

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: 11-14 Grafton Street and 163-164 New Bond Street, London, W1; Site 2: Crowdean House, 26 Bruton Lane, London W1		
Proposal	Site 1: Demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level. Site 2: Use of part ground, first, second and third floors of 26 Bruton Lane to create 3 residential units (Class C3) and replacement of windows at ground to third floor.		
Agent	Gerald Eve		
On behalf of	Grafton Estate No. 1 (Nominee 1)		
Registered Number	Site 1: 15/08189/FULL 15/08190/LBC Site 2: 15/08341/FULL	Date amended/ completed	24 August 2015
Date Application Received	24 August 2015		
Historic Building Grade	Site 1 – The shopfront at 14 Grafton Street is listed Grade II Site 2 - Unlisted		
Conservation Area	Sites 1 and 2 - Mayfair		

1. RECOMMENDATION

<p>Site 1:</p> <p>1. Grant conditional permission and conditional listed building consent, subject to a legal agreement to secure the following:</p> <p>i) The dismantlement and re-instatement of the listed "Wartski" shopfront;</p> <p>ii) Provision of the residential accommodation at Crowdean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;</p> <p>iii) The provision of car parking spaces for Crowdean House in the basement of 11-14 Grafton Street;</p> <p>iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;</p> <p>v) Management and maintenance of the car lift;</p> <p>vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the</p>

New Bond Street frontage, subject to them not being removed as part of any separate public realm works;

vii) Monitoring costs of £500 for each of the above clauses.

2. If the S106 legal agreement has not been completed within two months, then:

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

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

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

Site 2:

Grant conditional permission.

2. SUMMARY

Site 1 is a prominent building on the north side of Grafton Street (with a frontage on New Bond Street) that dates from the early 1970s. Whilst the building as a whole is not listed, one of its shopfronts is. The building is occupied as shops, offices and residential, and the proposal is for the redevelopment of the site to provide a new building with replacement accommodation for the same mix of uses. To offset the increase in commercial floorspace, the application at site 2 proposes a change of use from offices to residential.

The key issues are considered to be:

- The land use implications, in particular the loss of offices at site 2;
- The design of the new building, including the proposals for the reinstatement of the listed shopfront.

Notwithstanding the objections that have been received, the proposals are considered to be acceptable for the reasons as set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

11-14 Grafton Street



11-14 Grafton Street/163-164 New Bond Street



The 'Wartski' shopfront, 14 Grafton Street



26 Bruton Lane



5. CONSULTATIONS

Site 1:

HISTORIC ENGLAND

Have issued the authorisation for the council to determination the listed building application for the shopfront;

TWENTIETH CENTURY SOCIETY

Strong objection to the on the grounds of substantial harm to the listed shopfront at No. 14 and that the loss of the entire building will detrimentally affect both the listed shopfront and the conservation area "by reducing the architectural diversity and severing a historical connection with the chronology of evolution of building forms in the area"

COUNCIL FOR BRITISH ARCHAEOLOGY

No objections in principle; comment that the tower and drum feature on the corner of Bond Street form a corner feature of some merit although the detail could be simplified, and that the elevation facing Albemarle Street should be amended so that it is properly appreciated as an entity in longer views.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection in principle but comment on overprovision of car parking, some doors shown as opening over the highway, the need for electric vehicle charge points and maintenance of the car lift, and issues of servicing [subsequently amended with a revised servicing management plan].

ENVIRONMENTAL HEALTH

Confirm that the plant should operate in accordance with the Council's required noise levels but request that a supplementary acoustic report is required by condition.

ARBORICULTURAL OFFICER

Comment on the need to safeguard the three trees on the New Bond Street frontage and secure costs for the pruning measures requested by the applicant.

ENVIRONMENTAL INSPECTORATE

Recommend that the development is subject to a Site Environmental Management Plan and an Environmental Inspectorate contribution of £28,000 per annum.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 151; Total No. of replies: 1

An objection from a nearby commercial occupier on grounds of disruption during building works (including adverse impact on availability of parking and stopping spaces), and that the size and nature of the proposed development is out of keeping with the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Initial concerns about lack of adequate information assessing the insulation between the proposed flats and the approved pub use on the ground floor; following submission of additional information confirm no objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

Both sites lie within the Core Central Activities Zone and the Mayfair Conservation Area. Site 1 comprise basement parking (accessed at the rear from Barlow Place), seven retail (A1) units at ground floor level, offices at first to third floor level and residential accommodation at fourth floor level (comprising two flats). The main building on Grafton Street dates from the early 1970s and includes a shopfront (known as the 'Wartski' shopfront) at No. 14 which is listed Grade II. 163 New Bond Street is originally dates from the late eighteenth century (though much altered) and is unlisted.

Site 2, near the top of Bruton Lane (next to the Coach and Horses public house) is a small modern office building comprising ground and three upper floors. It is currently vacant.

The surrounding area comprises commercial uses, including the world famous Bond Street, with some residential uses. Permission was granted in 2015 for the redevelopment of the adjoining site at 8-10 Grafton Street and 22-24 Bruton Lane for demolition of all existing buildings and redevelopment to provide a six storey building (plus three storey basement) on Grafton Street comprising dual/alternative retail, restaurant or office use at ground and basement and office use above on Grafton Street and an 11 storey building on Barlow Place comprising car parking and residential storage at basement levels, dual/alternative retail or restaurant use at ground floor, and residential use at first - tenth floors containing 15 residential units. That scheme includes provision of open space and landscaping in Barlow Place.

6.2 Recent Relevant History

There is no relevant planning history for site 1. At site 2, permission was granted in March 2014 for use of the ground floor as a drinking establishment (Class A4), in connection with the existing public house (Coach and Horses) at 5 Bruton Street. This was subject to a condition that customers shall not be permitted within the public house premises before 10.00 or after 00.30 Monday to Saturday and 12.00 or after 00.00 on Sundays.

7. THE PROPOSAL

Planning permission is sought for the complete demolition and redevelopment of the Grafton Street/New Bond Street site to provide a new building comprising 2 No. basement levels, a lower ground, lower ground mezzanine, ground and part five/part six upper floors (including roof level plant). The new building would provide car and cycle parking and refuse storage at basement level 2 (the parking accessed from a car lift in Barlow Place), retail accommodation from basement 1 up to part 2nd floor, with alternative retail/office use at part second floor level, office use at third and fourth floors, and residential accommodation at fifth and part sixth floor levels, including a plant area at sixth floor level.

The replacement residential accommodation comprises two 2-bedroom flats (as existing). Access would be shared with the office entrance, which is the same as existing.

The land use changes can be summarised in the table below:

Land Use	Flexible use 2 nd floor – <u>office</u> maximised			Flexible use 2 nd floor – <u>retail</u> maximised		
	Existing	Proposed	Difference	Existing	Proposed	Difference
	GEA (sqm)			GEA (sqm)		
Retail (Class A1)	1,372	2,251	+879	1,372	2,434	+1,062
Office (Class B1(a))	1,982	1,511	-471	1,982	1,328	-654
Residential (Class C3)	570	782	+212	570	782	+212
Total	3,924	4,544	+620	3,924	4,544	+620

At site 2, there is a change of use of part ground, first, second and third floors from offices to residential (193 sqm), to provide 3 x 1-bedroom flats. There are no external alterations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Offices and Retail use

The proposal for site 1 is for redevelopment that replaces the existing uses on the site, albeit with some changes in the amounts of floorspace. The scheme includes flexible use of part of the second floor to be used as either A1 retail or B1 offices. Under both options there would be a

loss of offices but this is more than offset by an alternative commercial use, namely the retail accommodation.

Site 1 is located within the Core Central Activities Zone, and within the West End Special Retail Policy Area and the New Bond Street properties are on the Primary Shopping Frontage. The protection and enhancement of retail shopping provision is supported under City Plan Policies S6, S7 and S21 and UDP Policies SS 3 and S 4. The increase in retail floorspace at the expense of office floorspace is therefore considered to be acceptable. The indicative layout shows two large retail units replacing the existing seven units, which in this prime location is considered to be acceptable.

Mixed use

UDP Policies CENT3 and COM2 and City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, with the particular aim of including residential accommodation. It is a requirement that any increase in commercial development (especially offices) in excess of 200m² should be matched by residential provision.

The increase in commercial floorspace at site 1 is 408 sqm. That scheme includes the creation of replacement residential accommodation on the upper floors of the building, with an increase from 570 sqm to 782 sqm. The increase in commercial floorspace is therefore partially offset by the 212 sqm increase in residential floorspace.

In order to offset the rest of the commercial increase (196 sqm), the applicants have submitted the application for site 2. This would involve a change of use of 193 sqm of offices to residential use: taking account of the loss of offices at that site, the overall proposals means that the increase in commercial floorspace is more than matched by the proposed residential accommodation.

With regard to the loss of offices at site 2, 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 will be 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.

In this case, because the proposed loss of offices at site 2 is part of a package to address other policy requirements, it is considered to be acceptable. Furthermore, the applications were submitted before the deadline of 1st September 2015.

Residential

City Plan Policy S14 aims to protect all residential land, and optimise the number of units on a site. There are two existing residential units at 11-14 Grafton Street and these are to be replaced and the overall floor area increased. The existing units comprise one 2-bedroom and one 3-bedroom; the proposal is for 2 No. 2-bedroom units. UDP Policy H5 normally requires 33% family-sized accommodation, which is not possible with only two units. The loss of a family-sized unit is regrettable but given the location, is on balance considered to be acceptable. All the flats would comply with the minimum dwelling space standards as set out in the London Plan and the National Technical standards and the proposed units are not considered to be unduly large. It is accepted that the constraints of the site make it difficult to provide a better layout that would enable the creation of more units.

The existing residential accommodation has a shared access with the offices. The proposal provides a separate residential entrance, accessed from Barlow Place. This is an improvement

which is welcomed, albeit that Barlow Place has yet to be improved as part of other developments.

The three residential units proposed at site 2 are considered to provide an acceptable level of amenity. These flats would also comply with the minimum dwelling space standards as set out in the London Plan and the National Technical standards.

At 782 sqm and 193 sqm the additional residential floorspace created in both applications does not require the provision of any affordable housing, being less than 1,000m².

8.2 Townscape and Design

11-14 Grafton Street dates from the early 1970s to a design by Richard Seifert & Partners. Despite the acclaimed status of that practice, this building is considered to be wholly out of character with the historic character and appearance of the street and surrounding conservation area, and detrimental to the setting of neighbouring listed buildings in Grafton Street and New Bond Street. Its sole redeeming feature is the grade II listed shopfront belonging to Wartski. The site also includes 163 New Bond Street which is a remnant of the Grafton Street scheme designed by Sir Robert Taylor and built in the late eighteenth century. The street façade is much altered, but the interior contains a fine staircase and some decorative plaster cornices. Historic England is currently considering the applicant's request for a certificate of immunity from listing.

In heritage asset terms, notwithstanding its negative contribution to the conservation area, the building forms the setting of the Wartski shopfront and this is noted by the Twentieth Century Society who also consider the building to be a non-designated heritage asset, i.e. of architectural/historic merit. The shopfront is to be dismantled and re-erected in the new development which has been designed to accommodate it without modification. While its setting of the shopfront will be different, there is no objection to the change in its current form. The new building will still be a clearly modern design into which the shopfront will neatly fit without any obvious stylistic clash. Furthermore, the new building's simple architectural detail and restrained palette of materials will not visually compete with the shopfront which will maintain its setting. The proposal in this regard will maintain the setting of the shopfront and retain its historic and architectural interest. On this basis the objection from the Twentieth Century Society is not considered to be sustainable. Furthermore, Historic England has not raised objection to the proposals and has issued authorization for the Council to determine the listed building application.

The proposed development is divided in to two blocks facing Grafton Street with a return facade to New Bond Street. The corner features a drum tower which is to include public art, and there is a modest bit of expression given to the rooftop on the axis of Albemarle Street. The proposed facing materials are unspecified types of brick and stone. The scheme represents a modest improvement to the appearance of Grafton Street, but the New Bond Street façade and tower are incongruous and sit uncomfortably amongst the more richly detailed and small-scale Georgian facades; this is particularly apparent on the Proposed Elevation drawing 1486-21-0012 for example. The Council for British Archaeology has also commented on aspects of the design which they consider to be unresolved, and a nearby commercial occupier has objected on the grounds that the size and nature of the proposed development is out of keeping with the area.

Overall, the proposed development is considered to have a neutral impact on the character and appearance of the Mayfair Conservation Area and the setting of neighbouring listed buildings including the Wartski shopfront. On this basis it is, on balance, recommended for approval.

The scheme incorporates metallic spandrels into the corner drum; this is considered to be acceptable in principle and is subject to a condition.

Apart from the provision of double glazing, there are no external alterations no at site 2.

8.3 Residential Amenity

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

The nearest existing residential accommodation is at 160 New Bond Street and 1 Barlow Place, but the applicants have also assessed the impact on the approved but unimplemented residential accommodation at 22-24 Bruton Street. The assessment demonstrates that there will be no material loss of amenity to these properties. No objections have been received on these grounds.

The proposals at site 2 do not give rise to any amenity consideration.

8.4 Transportation/Parking

Car parking - Commercial & Residential

The Highways Planning Manager advises that it is considered that in terms of people arriving and departing site 1 using car as the chosen mode of transport are not likely to be high. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels in the area is expected to be minimal.

Replacement parking is to be provided at basement level, accessed by a car lift in Barlow Place. One car parking space for each of the commercial units is provided within the basement which is compliant with TRANS22. These spaces should be primarily made available to any disabled members of staff. One car parking space for each of the two residential units in site 1 are to be provided, with three additional spaces for the proposed residential units at site 2 – these will be secured as part of the legal agreement.

This means five spaces are provided for all the residential units and two are for the commercial uses. The Highways Planning Manager has expressed concern that as eight spaces in total are proposed, there is an over provision by one space of that required under TRANS22 and TRANS23. He advises that one space should be removed from the garage parking area. However, as the existing basement has parking for 12 vehicles, overprovision of one space is considered to be acceptable.

Electric Vehicle Charge Points

A 20% provision for electric vehicle charging points is required by London Plan for the basement car park. These facilities will be secured by condition.

Car Lift

To prevent the car lift from falling into disrepair and the associated parking becoming unusable, maintenance of the lift will need to be secured, and this will be done as part of the legal agreement.

Servicing – Commercial

No off-street servicing is provided. Whilst there is a basement car parking, this will be accessed from a car lift with a narrow entrance (due to the configuration of the rear of the site in Barlow Place). It is therefore accepted that servicing from the basement car park is not feasible. The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection or laundry

vehicle. These will service this property in a similar fashion to the existing use and nearby properties.

A non-food retail use has a potentially for a slightly higher level of servicing requirement than the proposed offices. A draft Service Management Plan (SMP) has been submitted with measures that will help to minimise the impact of servicing on the public highway. The SMP contains measures that will help to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

A condition should be imposed to ensure the A1 units do not become food retail, as such a use can often create servicing problems. Servicing (where it occurs on-street) often disrupts traffic flow, obstructs pavements and creates noise problems for surrounding residents (both the movement of goods between vehicle and store and the noise of the vehicles themselves). It is also proposed that a condition be imposed that requires tenants to comply with the SMP.

Cycle Parking – Commercial & Residential

The London Plan requires 1 space per 1 bed residential unit and 2 for all other sizes. For the retail use the London Plan requires 1 space for every 250 sqm for the first 1,000 sqm and thereafter 1 space per 1,000 sqm; given the size of the proposal five spaces are required for the retail. Office use requirements are 1 space per 90 sqm, which equates to 17 spaces for the proposed floor area. The overall on-site requirement for commercial cycle parking is 22 spaces.

36 spaces are proposed within the basement of site 1, which is more than adequate. Ideally a separate secure cycle parking area should be provided for the residential units as opposed to the communal arrangement that has been shown, but given the secure nature of the basement parking level, the current proposal is acceptable.

Waste Storage – Commercial & Residential

Without storage areas waste can be left on the public highway for long periods of time. However a waste storage area is provided for all proposed uses which is welcomed.

8.5 Economic Considerations

Any general economic benefits generated are welcomed.

8.6 Access

The existing site has a number of stepped entrances. It is the applicant's intention to develop the site providing level access to the car park area via the car lift and then a residential lift to the flats. Level access will also be provided for the residential entrance in Barlow Place, with a lift serving solely the fifth and sixth floors. Level access will also be provided for the two retail units and the office accommodation.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal includes an area of plant at roof level. This has been assessed by Environmental Health, who have no objections to the proposals subject to conditions.

Trees

There are two trees immediately in front of the New Bond Street frontage of the site, on the public highway which is pedestrianized at this part of Bond Street. The applicant has requested limited pruning works to these trees; as they are owned by the City Council, the applicant has agreed to pay for these works to be carried out by a contractor appointed by the Council. This expense will be secured as part of the legal agreement. A separate condition will require details of tree protection to be submitted before any works commence on site.

Biodiversity and Sustainability

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

The applicant's energy statement demonstrates that the proposed new construction will incorporate sustainable design and construction measures, and that CO2 reductions will amount to 20% lower than a Part L 2013 compliant development. A combined heat and power (CHP) unit was considered but rejected as there will be a very low domestic hot water demand. The design of the commercial elements has sought to maximise their environmental performance, with the retail units designed to achieve a 'Very Good' rating and the offices an 'Excellent' rating under the BREEAM New Construction 2014 scheme, which is considered to be acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. There is a strip of green roof around the perimeter of the roof at sixth floor level, which is welcomed.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The City Council's approach to and priorities for planning obligations are set out in its Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

- 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 to be introduced 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) The dismantlement and re-instatement of the listed "Wartski" shopfront;
- ii) Provision of the residential accommodation at Crowndean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;
- iii) The provision of car parking spaces for Crowndean House in the basement of 11-14 Grafton Street;
- iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;
- v) Management and maintenance of the car lift;
- vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the New Bond Street frontage, subject to them not being removed as part of any separate public realm works;
- vii) Payments towards Crossrail of £18,304 and/or £27,983 (depending on the flexible use of part second floor), subject to the Mayoral CiL payment;
- viii) Monitoring costs of £500 for each of the above clauses.

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

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Other Issues

There has been one objection from the occupier of a nearby commercial property, concerned about the noise and disturbance during the construction period, including impact on the availability of parking and adverse impact on traffic movements. Although not a valid planning consideration, the applicant has agreed to sign up to the Code of Construction Practice, which would be monitored by the Council's Environmental Inspectorate. This is welcomed and is considered to address the objectors' concerns as far as reasonably possible.

9. BACKGROUND PAPERS

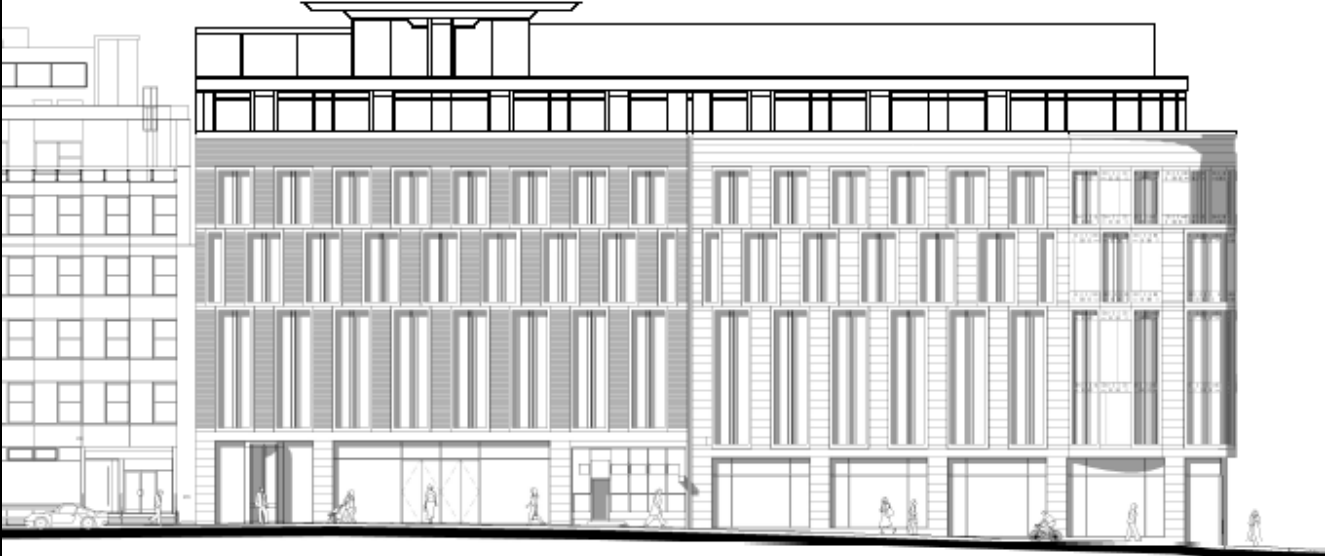
1. Application form
2. Responses from Residents Society Of Mayfair & St. James's, dated 28 and 29 September 2015
3. Responses from Environmental Services (Premises Management), dated 24 and 30 September 2015 and 3 February 2016
4. Response from Historic England (Listed Builds/Con Areas), dated 22 September 2015
5. Letter from occupier of Bond Street House, 14 Clifford Street, dated 5 October 2015
6. Letter from the Twentieth Century Society dated 7 October 2015
7. Response from the Council for British Archaeology dated 14 October 2015
8. Memoranda from the Highways Planning Manager dated 25 November 2015
9. Memorandum from the Arboricultural Manager dated 9 November 2015

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Proposed Grafton Street elevation



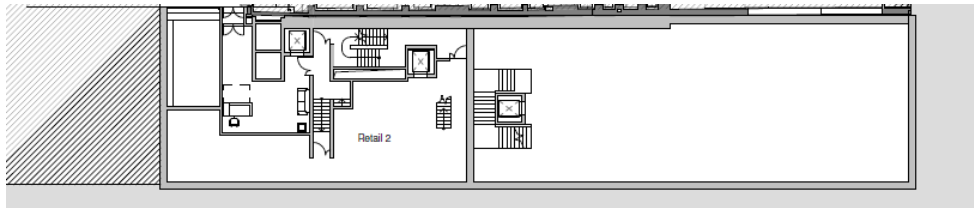
9-10 Grafton Street 11 Grafton Street 12-13 Grafton Street Watski shopfront (relocated) 163-164 New Bond Street

Proposed New Bond Street elevation

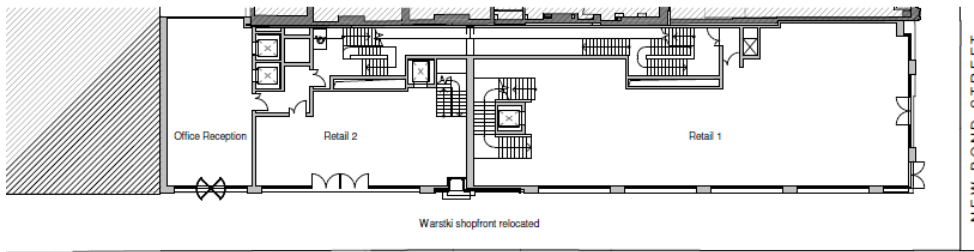


Bond Street 6 Grafton Street 163-164 New Bond Street 161-162 (Proposed Scheme Under Construction By Others) 160

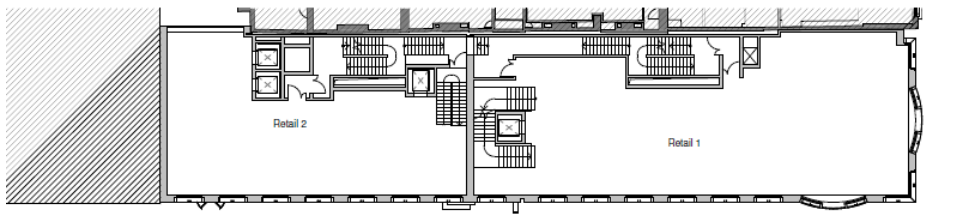
Proposed plans (sample)



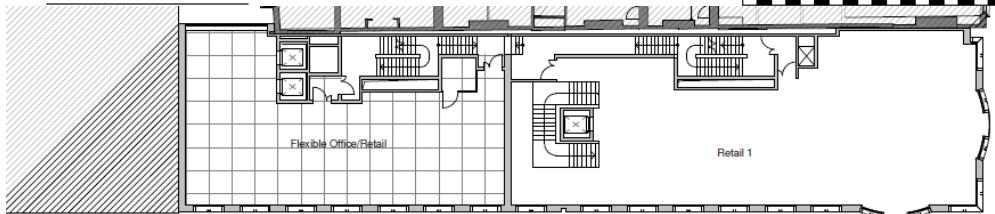
LG. Mezzanine



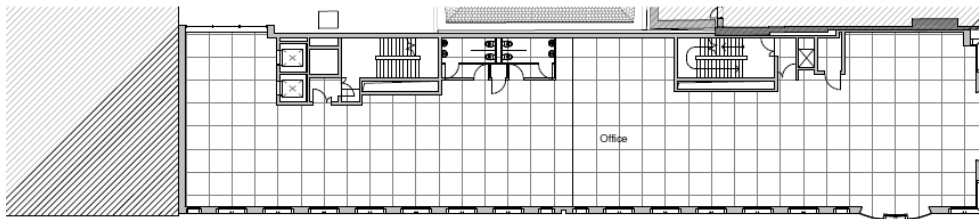
Ground Floor



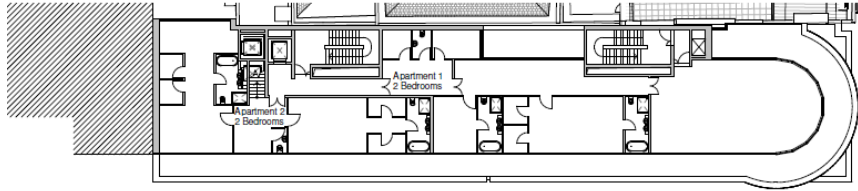
First Floor



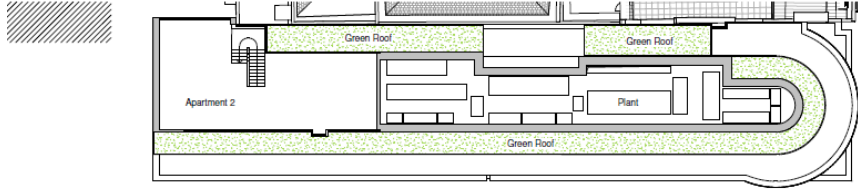
Second Floor



Third Floor



Fifth Floor



Sixth Floor

Proposed plans, 26 Bruton Lane

DRAFT DECISION LETTER (FULL)

Address: 11-14 Grafton Street, London, W1S 4EW,

Proposal: [SITE INCLUDES 163-164 NEW BOND STREET] Demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level. (Land-use swap with Crowndean House, 26 Bruton Lane)

Reference: 15/08189/FULL

Plan Nos:

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings (including details at scale 1:10) of the following parts of the development -

- i) typical example of each new window type;
- ii) the new shopfronts;
- iii) the public art.

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

Reason:

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

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

Reason:

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

- 6 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)

- 7 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

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

Reason:

To maintain the 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)

- 8 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)

- 9 The residential flats hereby approved must be fitted out and made ready for occupation before either the retail or office uses can commence.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets COM 2 and CENT 3 of our Unitary Development Plan that we adopted in January 2007 and S14 of Westminster's City Plan: Strategic Policies adopted November 2013. (R07AB)

- 10 You must provide each car parking space shown on the approved drawings; one space shall be provided for each of the two flats in the residential part of this development, three shall be provided for the three flats in the linked application at Crowdean House, 26 Bruton Lane [secured as part of the legal agreement] and the remaining spaces shall only be used for the parking of vehicles of people working in the office and/or retail part of the development.

Reason:

To provide parking spaces for people living in the residential part of the development (and the linked development at Crowdean House, 26 Bruton Lane) as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

- 12 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)

- 13 Notwithstanding the provisions of Class 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (or any equivalent class in any order that may replace it) no part of the retail use shall be used as a retail food supermarket or similar use.

Reason:

To avoid the servicing of a food supermarket blocking the surrounding streets as set out in TRANS 20 of our Unitary Development Plan that we adopted in January 2007 and Policy S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - the provision of electric vehicle charging points for a minimum of 50% of the car parking spaces at basement level. You must not commence use of the retail, office or residential uses of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 15 You must carry out the measures included in your service management plan dated February 2016 at all times that the offices and shops are in use. (C05KA)

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)

- 16 You must provide the waste stores shown on the approved drawings before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the shops, offices and flats. 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)

- 17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise

level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 18 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.

- 19 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.

- 20 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.

- 21 (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.

- 22 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 19 and 20 of this permission. You must not occupy the flats approved in this 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.

- 23 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated August 2015 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

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

Reason:

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

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

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

Reason:

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

- 26 You must provide the environmental sustainability features (environmentally friendly features) set out in the Hoare Lea Energy Strategy dated 18.8.15 before you start to use any part of the development, as set out in your application. You must then 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the Neighbourhood 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:
 - i) The dismantlement and re-instatement of the listed "Wartski" shopfront;
 - ii) Provision of the residential accommodation at Crowdean House, 26 Bruton Lane (15/08341/FULL) before occupation of new office accommodation;
 - iii) The provision of car parking spaces for Crowdean House in the basement of 11-14 Gloucester Street;
 - iv) Provision of Site Environmental Monitoring Plan and £28,000 per annum towards construction monitoring;
 - v) Management and maintenance of the car lift;
 - vi) Payment of an arboricultural contractor (to be appointed by the Council) for works to the trees on the New Bond Street frontage, subject to them not being removed as part of any separate public realm works;
 - vii) Payments towards Crossrail of £18,304 and/or £27,983 (depending on the flexible use of the second floor), subject to the Mayoral CIL payment;
 - viii) Monitoring costs of £500 for each of the above clauses.
- 3 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the trees on the New Bond Street frontage, referred to in condition 24. (I34AA)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 6 This development has been identified as potentially liable for payment of the Mayor of London Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the owner of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to

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.

DRAFT DECISION LETTER (LBC)

Address: 11-14 Grafton Street, London, W1S 4EW,

Proposal: Dismantlement and reinstatement of shopfront of No. 14 Grafton Street following wider redevelopment of 11-14 Grafton Street and 163-164 New Bond Street.

Plan Nos:

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

- 1 You must apply to us for approval of a method statement for the dismantling, storage and reconstruction of the 'Wartski' shopfront at 14 Grafton Street. You must not start any work on the shopfront for its removal until we have approved what you have sent us and you must then carry out the work to the shopfront in accordance with the details we have approved. You must not then occupy any part of the development until the shopfront has been reinstated in accordance with the details we have approved.

Reason:

To protect the special architectural or historic interest of this building element and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

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

- 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 dismantling and reinstatement of the listed shopfront.

DRAFT DECISION LETTER

Address: Crowndean House, 26 Bruton Lane, London, W1J 6JH

Proposal: Use of part ground, first, second and third floors of 26 Bruton Lane to create 3 residential units (Class C3) and replacement of windows at ground to third floor. (Part of land use swap with 11-14 Grafton Street).

Plan Nos:

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

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

Reason:

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

- 2 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.

- 3 Before occupation of any of the flats hereby approved, the insulation works outlined in the Clarke Saunders Acoustics report dated 2 December 2015, and the ventilation system outlined in the Hoare Lea Ventilation Strategy Note rev B, shall be fully implemented and thereafter permanently retained.

Reason:

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

- 4 After completion and before occupation of the approved residential units, you must apply to us for approval of details of a supplementary acoustic report based on real data demonstrating that the residential units will comply with the Council's noise criteria as set out in Condition 2 of this permission. You must not occupy any of the flats 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 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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.