

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	18-20 York Buildings, London, WC2N 6JU,		
Proposal	Use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.		
Agent	Mrs Sarah Roe		
On behalf of	CIP Management SA		
Registered Number	14/11564/FULL	Date amended/ completed	19 December 2014
Date Application Received	24 November 2014		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - a) a financial contribution of £200,000 towards the City Council's affordable housing fund (payable on commencement of development).
 - b) Monitoring costs.
2. If the S106 legal agreement has not been completed within three months of the date of this 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 benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

18-20 York Buildings is a six storey building with mansard roof. The application building is not listed but is within the Adelphi Conservation Area.

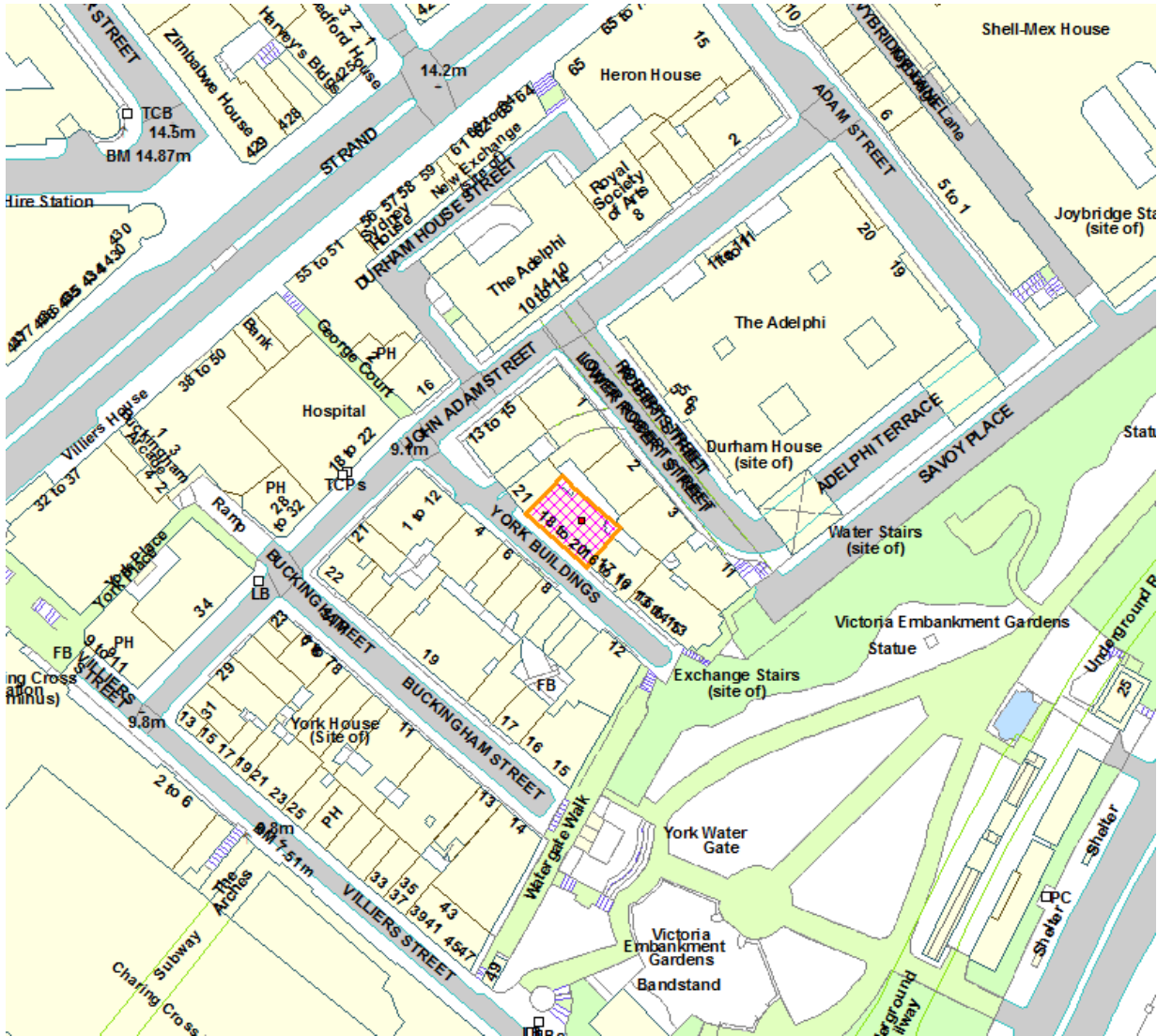
Permission is sought for the use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.

* The impact on the amenity of adjoining properties.

* The impact on the character and appearance of the Adelphi Conservation Area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and the application is accordingly recommended for approval subject to a S106 agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENT AGENCY:

Any comments to be reported verbally.

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING:

Provision of cycle parking required.

CLEANSING:

No objection subject to a condition to secure storage for recyclable and waste material.

ENVIRONMENTAL HEALTH:

No objection.

GO GREEN:

Development to achieve BREEAM Domestic refurbishment 2012 with an 'excellent' standard.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 2

No. of objections: 2.

No. in support: 0.

AMENITY

- Overlooking and loss of privacy
- Sense of enclosure.
- Loss of light.

DESIGN

- Bulk, scale and massing of rear elevation.
- Glazed curtain walling and contemporary design not appropriate to the Adelphi Conservation Area and adjoining Grade II star building at 2-3 Robert Street.

6. BACKGROUND INFORMATION

6.1 The Application Site

18-20 York Buildings is a six storey building with mansard roof. The application building was built in the late 1980's for office use and is currently vacant. The building is not listed but is within the Adelphi Conservation Area.

The application property is located on the east side of York Buildings, south of the Strand and John Adam Street. Victoria Embankment and the Thames lie to the south, with Covent Garden to the north.

6.2 Recent Relevant History

13/10612/FULL

Variation of Condition 1 of permission granted on 9 January 2013 (12/06399/FULL) for the use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building, installation of a plant enclosure at roof level and alterations to ground floor entrance; namely, the creation of a roof terrace at fifth floor level and extension on fourth floor terrace to form sunroom.

Application Permitted 17 January 2014

13/07717/FULL

Use of the first, second and third floors as five residential units.

Application Permitted 11 October 2013

13/00595/FULL

Variation of Condition 1 of planning permission dated 9 January 2013 (RN: 12/06399); Use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building. Installation of a plant enclosure at roof level and alterations to ground floor entrance; namely, to amend the approved plans listed on the decision notice to create a new entrance to provide independent access from the street to the ground floor office suite.

Application Permitted 25 March 2013

12/06399/FULL

Use of the fourth floor and mansard void (fifth floor) to provide 1 x 3 bed duplex apartment (Class C3) including the use of part of the existing external terrace at fourth floor level, and limited recladding of the building. Installation of a plant enclosure at roof level and alterations to ground floor entrance.

Application Permitted 9 January 2013

7. THE PROPOSAL

Planning permission is sought for the use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and terraces at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The table below provides a breakdown of the existing and proposed floorspace.

Use	Existing (m2)	Proposed (m2)	Change (+ or – m2)
Office (Class B1)	1212	0	-1212
Residential	0	1245	+1245
Total	1212	1245	+33

Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for the change of use of buildings within Class B use to residential use where there is an identified need for housing in that area, provided there is no strong economic reasons why such development would be inappropriate.

The application site already has the benefit of extant planning permission by virtue of the 2013 and 2014 permissions for the conversion of the first to fifth floors for residential use.

The proposal will result in the loss of all office floorspace on the site. Although currently there are no specific policies in the UDP or Westminster's City Plan: Strategic Policies that protect office accommodation, applications submitted from 1st September 2015 will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that in the Core Caz, Named Streets and Opportunity Areas, housing is no longer acceptable in principle where it results in the loss of office floorspace. As the current application was submitted before the 1st September this policy position does not apply. In these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

In addition approval has recently been permitted for residential schemes at 2-3 Robert Street and 13-15 John Adam Street which adjoin the application site. The scheme at 13-15 John Adam Street is currently been implemented.

Residential Use

The proposal accords with Policy S14 of Westminster's City Plan: Strategic Policies (2013) and saved Policy H3 of the Unitary Development Plan 2007 which seeks to increase residential floorspace within the City.

The scheme will provide 11 residential units with the following mix:

Unit Type	Number	%
Studio flat	1	10
1 bed	3	27
2 bed	4	36
3 bed	3	27

Policy S15 and saved Policy H5 seek the provision of a range of housing sizes - normally requiring 33% of housing units to be family sized (3+ bedrooms) and 5% of the family housing to have five or more habitable rooms. The proposal will provide 27% of family

sized accommodation. Although this falls short of the required standard, given the existing constraints of the building and that the application property is been converted as opposed to being demolished and rebuilt, the mix of units is considered acceptable in this instance.

The size of the proposed residential units meet the minimum standards set out in the National Technical housing standards (March 2015). The minimum standards for bedroom sizes, as specified by the national standards, recommends 8sqm for a single bedroom and 12sqm for a double or twin bedroom. The minimum and maximum room sizes of the proposed bedrooms are 14sqm and 28sqm respectively.

The application property is located off the Strand within an area comprising a mix of office and residential uses, and where ambient noise levels exceed WHO guideline levels. Environmental Health has confirmed that the proposed internal noise levels for the residential units are likely to comply with the City Council's standard noise conditions.

Environmental Health has assessed the quality of the residential accommodation at lower ground floor level in terms of natural lighting and are satisfied that, on the basis that the bedrooms in the lower ground floor are part of duplex units with the main habitable rooms at ground floor level, these flats will comply with necessary standards.

Affordable Housing

Policy S16 of Westminster's City Plan: Strategic Policies (2013) requires the provision of affordable housing if the proposed residential use provides 10 or more residential units, or provides over 1000m² of new residential floorspace. As the amount of new residential is 1245m² (gross external floorspace) Policy S16 is applicable.

The supported policy text states that affordable housing will be provided on site. Where the Council considers this not to be practical or viable, the affordable housing should be provided off site but within the vicinity of the application site. 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. A financial contribution in lieu of affordable housing provision is an option that the Council will only accept if all the above cascade options have been thoroughly explored and prove impractical or unfeasible.

In this case the Council's Interim Policy requirement is for the provision of two affordable units on site. The applicant has stated that due to the physical constraints of the building it is not possible to provide these units on site nor do they own other properties within the vicinity of the site. Instead they offered a payment in lieu of on-site affordable housing of £20,000. The policy compliant payment would be £577,300. The applicant has submitted a financial viability assessment which has been independently assessed by the Council's consultants, Lambert Smith Hampton. The Council's consultants concluded that the maximum payment in lieu that the scheme could support and still be viable is £200,000. The applicant has agreed to make this level of payment and this will be secured by a S106 legal agreement.

8.2 Townscape and Design

18-20 York Buildings is identified in the Adelphi Conservation Area Audit as a 'neutral feature'. Previously approved schemes have established the principle of using the building for residential purposes, as well as works to the rear elevation and new extension at roof level.

Re-modeling of the front façade

The proposal seeks to remodel the front elevation of the building to provide a more contemporary frontage. The existing building is of no architectural merit and this presents an opportunity to improve the site. The new modern façade also allows for modern approaches to balconies and steeper roof pitches.

The front elevation has been amended from the originally submitted proposals to provide simple balconies to the front elevation and additional articulation within the elevation. Given their depth it is unlikely that they would project sufficiently to interfere with views down the street.

Whilst the proposed alterations to the front elevation are not considered to be of exceptional architectural merit, it is considered an improvement to the existing situation. Conditions are recommended to secure samples of the facing materials.

Front Roof Alterations

The works include the extension of the existing roof towards 16-17 York Buildings. The extension removes some of the vertical emphasis currently visible in the façade and is considered to create a better balance, whilst also respecting the character of the conservation area and the site's relationship with the neighbouring building at Nos. 16-17. The setback at fourth floor level is considered of further benefit to the building.

Alterations to the rear

At rear fourth and fifth floor level it is proposed to infill part of the flat roof area with a new extension. Permission has previously been approved to provide a sunroom at rear fourth floor level. The proposed extension was initially designed as a glazed rear extension. However this was considered to be unacceptable and out of keeping with the appearance of the conservation area. The proposed extension will comprise of a zinc clad roof which allows for a more traditional composition with the roof level above. The other rear alterations consist principally of the creation of a balcony at third floor, which is considered acceptable in design terms. Conditions are recommended to secure details of the screen to the third floor terrace and samples of the facing materials for the new extension.

Objections have been received from the owners of 2-3 Robert Street and 13-15 John Adam Street. Both these buildings adjoin the application site and have a lawful use as offices. However, permission has been granted for the conversion of both properties in 2015 and 2014 respectively to residential use (11 flats at 2-3 Robert Street and 12 flats at 13-15 John Adam Street). The main concerns raised relate to the proposed alterations to the rear elevation on the adjoining properties.

There is an existing flat roof area at fourth and fifth floor level and the proposed extensions are proposed to infill these areas to a depth of 1m. The proposed extensions do not extend beyond the rear building line. Permission has previously been approved for the infilling of the fourth floor flat roof to provide a sunroom. Whilst it is appreciated that the rear area surrounding all three properties including the application site is separated by a narrow lightwell the proposed extension is not considered to create additional bulk as it will read as part of the rear of the building and sits within the footprint of the building.

In terms of the detailed design this has been amended to use more traditional materials which are considered to sit more comfortably with the existing building to the rear and thus respecting the adjoining properties.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect the amenity of existing residents from the effects of new development. Several objections have been received relating to the impact of the additional bulk at roof level on daylight, sunlight and sense of enclosure grounds to residential windows immediately to the rear, as well as potential overlooking.

Both of the adjoining properties, at 2-3 Robert Street and 13-15 John Adam Street, have raised concerns that the proposed alterations to the rear will cause a loss of privacy, overlooking and loss of light to their properties. The properties both have a lawful use as offices but are currently vacant. Permission has been granted for both properties for conversion to residential use. Works are currently underway at 13-15 John Adam Street.

All three properties back onto one another and are separated by an internal lightwell area which has been infilled at ground floor level. The rear of 2-3 Robert Street has a series of windows from first floor above which look directly onto the rear of the application site and there is a single column of windows which are located in the rear of 13-15 John Adam Street nearest to the rear of the application site.

Sunlight and Daylight

Policy S29 states that the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment and this is supported by saved Policy ENV 13 of the UDP. A daylight and sunlight report has been submitted with the application which has assessed the nearest affected windows in 1 Robert Street, 2-3 Robert Street, 4 York Buildings, 6 York Buildings, 7 York Buildings and 8 York Buildings.

The report indicates that the windows within 1 Robert Street, 4 York Buildings, 6 York Buildings, 7 York Buildings and 8 York Buildings would not experience a material loss of light beyond the BRE guidelines. However there is one window within 2-3 Robert Street which experiences a minor reduction in sunlight (23%) which is marginally above the 20% guidelines set by the BRE standards. This window is proposed to serve a bedroom but is also served by two windows to the front elevation.

Although objections have been received on behalf of the owners of adjoining buildings, it is not considered that the alterations will materially impact upon the amenity of

neighbouring properties in terms of loss of light, loss of privacy, increased sense of enclosure.

Sense of Enclosure

The proposed extension at rear fourth and fifth floor level will be located on an area of flat roof. This extension is of a modest size and is within the footprint of the building. This is not considered to give rise to a material sense of enclosure to warrant refusal of the application.

Privacy/Overlooking

A terrace is proposed at rear third floor level which will serve a bedroom. Permission has previously been approved in 2014 for a terrace in this location which allowed use of the entire flat roof area. The current proposal is for a smaller terrace and includes a privacy screen. The objector at 2-3 Robert Street has requested that a winter garden is provided in place of the terrace in order to minimise any impact on the amenity of their property once converted to residential. The terrace is considered acceptable on amenity grounds and this request is considered unreasonable.

Terraces are proposed to the front and side elevation at fifth floor level but these will not have an impact on adjoining properties in terms of loss of privacy or overlooking.

A terrace proposed at fourth floor level has been omitted from the proposals. The fourth floor flat roof will remain as existing and a condition is recommended to ensure that this area is only used in case of an emergency or for maintenance purposes only.

The proposed new extension at fourth and fifth floor level will contain five windows at each level which will serve a toilet and staircase. A condition is recommended to require these windows to be obscurely glazed to reduce overlooking to 2-3 Robert Street.

8.4 Transportation/Parking

The proposal does not provide off street parking. Policy TRANS 23 states that where the on street parking threshold in an area is over 80% then this will result in an unacceptable level of deficiency and increase parking stress in the area. The night time parking occupancy of resparks within a 200m radius of the site is 82%. This is reduced to 45% by inclusion of all legal parking spaces (single yellow lines, metered bays, pay and display and shared use).

During the daytime parking occupancy of all resparks within a 200m radius of the site together with all legal parking spaces is 72%. The site is well served by public transport (buses along the Strand and Embankment Underground and Charing Cross Underground and National Rail stations are nearby). It is acknowledged that the site has a high level of public transport accessibility, households with one or more car in the St James's Ward is 32%. The above indicates that residents in the area do own cars, along with the fact that during the day residential bays have a high level of occupancy.

Parking pressure in the area remains below the stress level. Whilst the introduction of additional housing in this area without off-street parking or on-street parking restraint is

likely to increase stress levels, in this instance the Highways Planning Manager has confirmed that the additional cars generated are likely to be absorbed into the surrounding street network therefore the development is consistent with Policy TRANS 23.

Policy S41 seeks to encourage sustainable forms of transport and this is reinforced by supported Policy TRANS 10A which requires one cycle space to be provided for each new flat. The submission identifies a bike storage area at lower ground floor level but a condition is recommended to secure the requisite number of cycle spaces.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposal raises no access issues.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

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

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

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.

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

- a) a financial contribution of £200,000 towards the City Council's affordable housing fund (payable on commencement of development).
- b) costs of monitoring the S106 agreement.

The 'Heads of Terms' listed above are considered satisfactory to address City Council policies. The planning obligations to be secured, as outlined in this report, would be in accordance with the City Council's adopted City Plan and London Plan policies and would not have conflicted with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

A sustainability and energy statement accompanies the application proposals. A BREEAM Domestic Refurbishment Pre-assessment has been carried out. The BREEAM assessment provides a predicted BREEAM rating for the refurbishment works at 18-20 York Buildings of 60.3%, which would achieve a BREEAM "Very Good" rating.

The proposed roof plan indicates that solar panels can be provided at roof level. Details of these are reserved by condition.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from the Westminster Society dated 27 January 2015 and letter dated 24 February 2015.
3. Memorandum from the Cleansing Manager dated 22 January 2015.
4. Memorandum from the Go Green Programme Manager dated 26 January 2015.
5. Memorandum from the Highways Planning Manager dated 28 January 2015.
6. Memorandum from the Environmental Health Consultation Team dated 20 February 2015 and 3 February 2016.
7. Letter and e-mail from Savills on behalf of 2-3 Robert Street dated 12 March 2015, 29 April 2015 and 13 November 2015.
8. Letter from Savills on behalf of 13-15 John Adam Street dated 12 March 2015 and 29 April 2015.

Selected relevant drawings

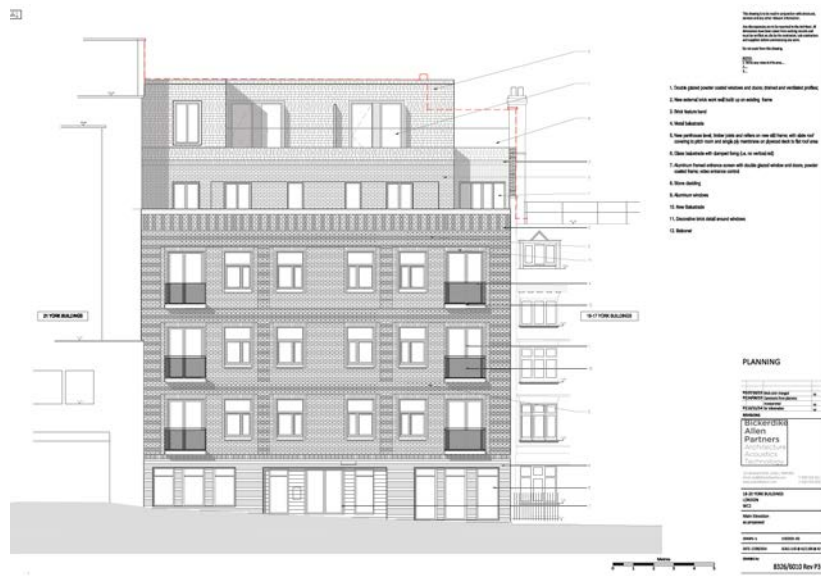
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

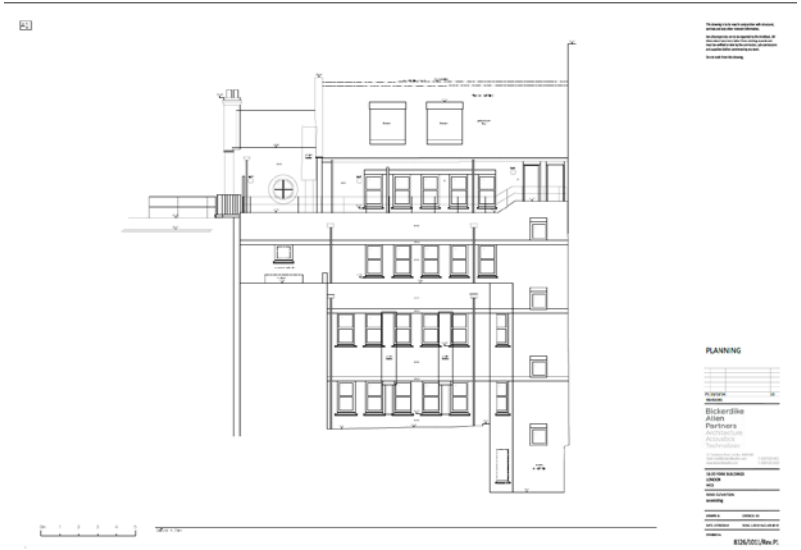
10. KEY DRAWINGS



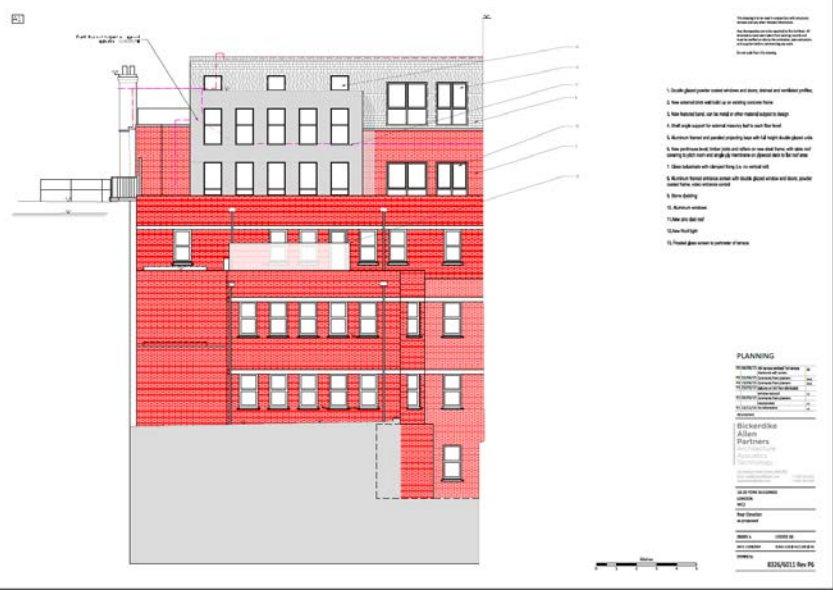
Existing Front Elevation



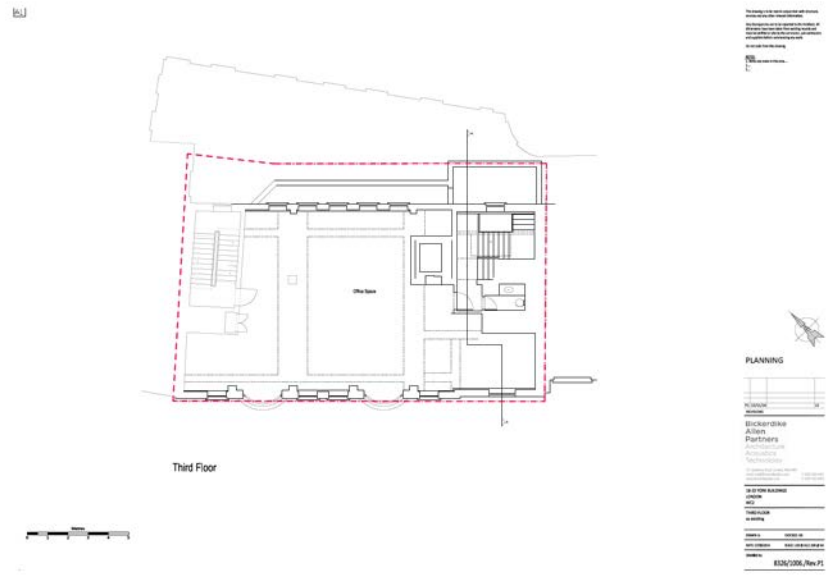
Proposed Front Elevation



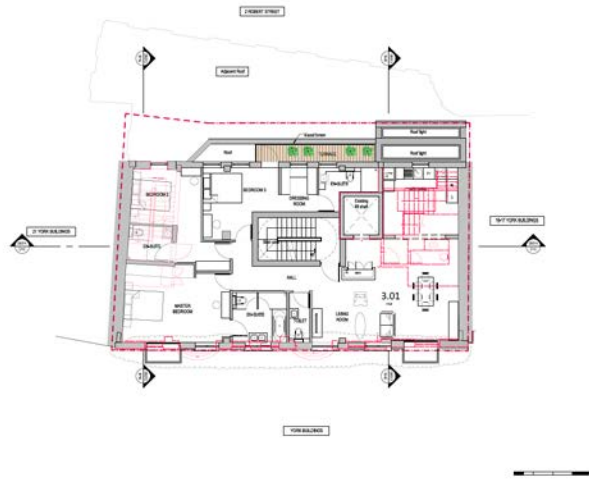
Existing Rear Elevation



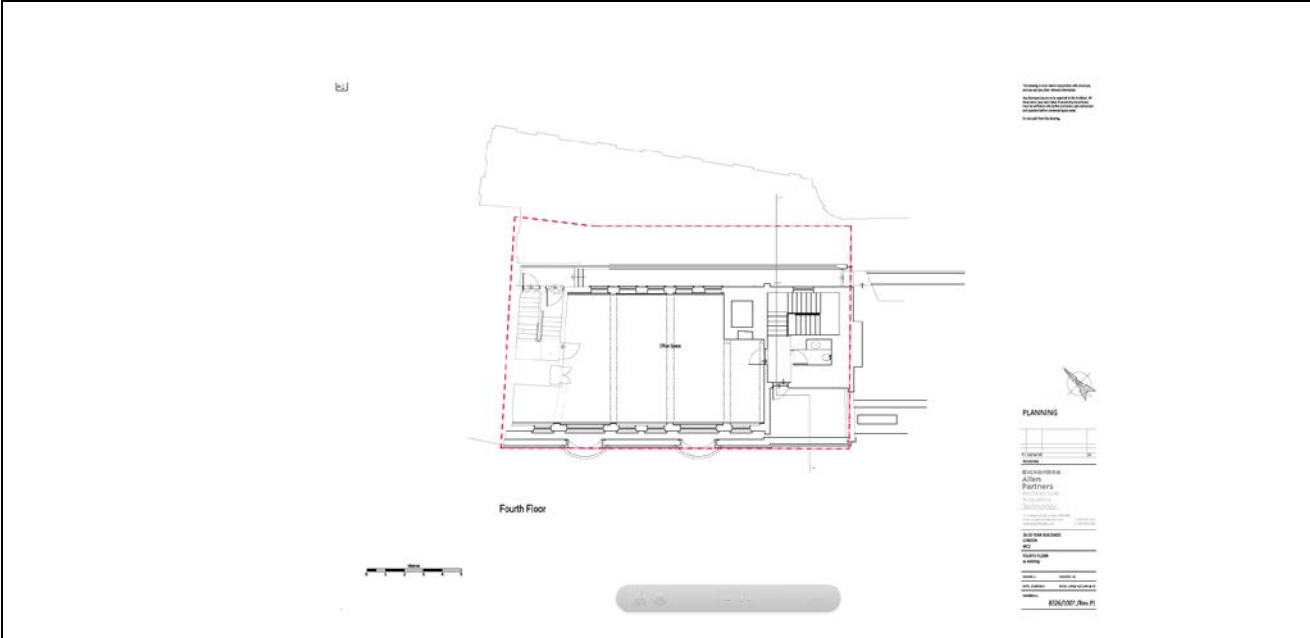
Proposed Rear Elevation



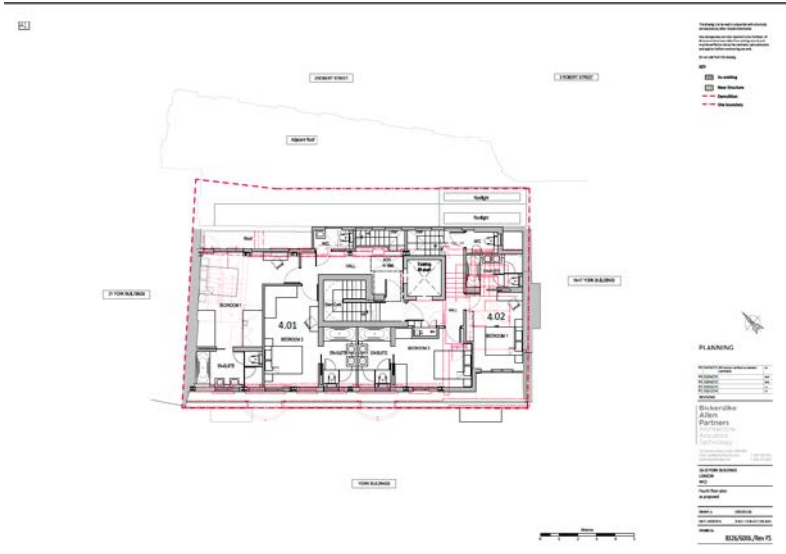
Existing Third Floor Plan



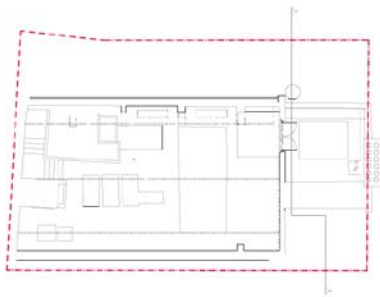
Proposed Third Floor Plan



Existing Fourth Floor Plan



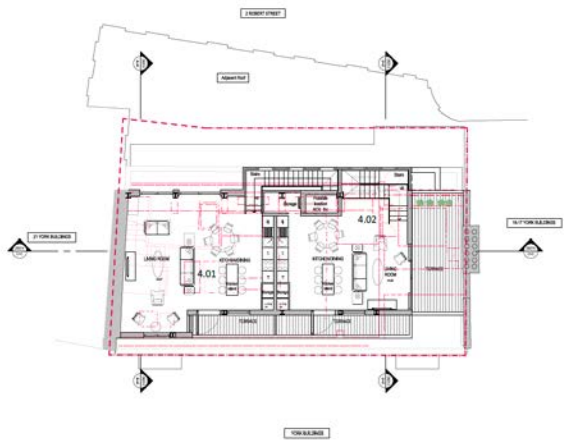
Proposed Fourth Floor Plan



Fifth floor



Existing Fifth Floor Plan



Proposed Fifth Floor Plan

DRAFT DECISION LETTER

- Address:** 18-20 York Buildings, London, WC2N 6JU,
- Proposal:** Use of the building to create 11 residential units comprising of one studio flat, 3 x 1 bed units, 4 x 2 bed units and 3 x 3 bed units. External works include a new extension and terraces at rear third floor level and at fifth floor level (front and side) and provision of new ground floor entrance and new front façade.
- Reference:** 14/11564/FULL
- Plan Nos:** 8326./1000./Rev. P1, 8326./1001./Rev. P1, 8326./1002./Rev. P1, 8326./1003./Rev. P1, 8326./1004./Rev. P1, 8326./1005./Rev. P1, 8326./1006./Rev. P1, 8326./1007./Rev. P1, 8326./1000./Rev. P1, 8326./1008./Rev. P1, 8326./1009./Rev. P1, 8326./1010./Rev. P1, 8326./1011./Rev. P1, 8326./1012./Rev. P1, 8326./6001./Rev. P1, 8326./6002./Rev. P1, 8326./6003./Rev. P2, 8326./6004./Rev. P2, 8326./6005./Rev. P4, 8326./6006./Rev. P5, 8326./6007./Rev. P4, 8326./6008./Rev. P1, 8326./6010./Rev. P3, 8326./6011./Rev. P6, 8326./6012./Rev. P5, 8326./6013./Rev. P3, 8326./6014./Rev. P1, 8326/DM(0)101/Rev C1, 8326/DM(0)102/Rev C2, 8326/DM(0)103/Rev C1, 8326/DM(0)104/Rev C1, 8326/DM(0)105/Rev C1, 8326/DM(0)106/Rev C1, 8326/DM(0)107/Rev C2, 8326/DM(0)108/Rev C1, 8326/DM(0)110/Rev C1, Design and Access Statement dated November 2014, Planning and Heritage Statement dated November 2014, Daylight and Sunlight Report dated 13 November 2014, Daylight and Sunlight Addendum Note dated 7 May 2015, Acoustic report for planning dated 23 October 2014 (A9818-R01-JGM) prepared by Bickerdike Allen Partners Architecture Acoustics Technology, Sustainability Statement Rev. 2 dated 19 November 2014, Energy Statement Rev. 2 dated 19 November 2014 and BREEAM Domestic Refurbishment Pre-Assessment Rev. 2 dated 19 November 2014.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring 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 details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the flats. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 (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.

- 5 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.

- 6 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.

- 7 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 6 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.

- 8 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 Adelphi 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)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:-
a) Windows;
b) Doors;
c) Ground floor front elevation; and
d) solar panels on the roof.

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

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

Reason:

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

- 11 You can only use the third floor terrace as shown on drawing 8326/6005./Rev. P4 for sitting out or for any other purpose and the glazed screen hereby approved must be installed prior to the use of the third floor terrace. The remainder of the third floor flat roof and the fourth floor flat roof must not be used for sitting out or for any other purpose. You can however use the area of flat roof to escape in an emergency or for maintenance purposes. (C21CA)

Reason:

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

- 12 The glass that you put in the windows in the rear elevation of the fourth and fifth floor extension as shown on drawings 8326/6006./Rev. P5, 8326/6007./Rev. P4 and 8326/6011 Rev P6 must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in 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.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 You are advised that where natural ventilation is not available to all bathrooms and all rooms to allow occupants to choose whether or not they open their windows due to ambient noise levels being high then the following is recommended:
 - There should be means of rapid ventilation within the bathroom.
 - Ventilation by mechanical means should provide at least one air change per hour in habitable rooms and kitchens and three per hour in bathrooms and WC compartments.
- 5 The following is recommended with regard to the provision of adequate natural ventilation:

- Natural ventilation should allow for cooling in summer months.
 - Low level background ventilation should be designed to prevent excessive heat loss or draughts.
 - It should be controllable and properly installed.
- 6 The following is recommended with regards to the provision of adequate heating:
- The heating system should be appropriate to the design, layout and construction to allow for the whole of the dwellings to be adequately and efficiently heated.
 - Heating should be controllable by the occupants.
- 7 The following guidance is recommended with regards to the security of the dwellings:
- Each dwelling should be capable of being secured against unauthorised entry.
 - The design of the building and its curtilage should include a clearly defensible space.
 - In multi-occupied buildings entry phones are recommended.
- 8 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.**
- 9 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 commuted sum for affordable housing. (I55AA)

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