

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 March 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved West End		
Subject of Report	21 - 23 Farm Street, London, W1J 5RG,		
Proposal	Demolition of the existing four storey building, retention of existing basement level and erection of new four storey building comprising a street cleansing depot at ground and part first floor levels and 14 affordable residential units at part first, second and third floor levels.		
Agent	DP9		
On behalf of	Caudwell Properties (109) Ltd		
Registered Number	15/11056/FULL	Date amended/ completed	24 November 2015
Date Application Received	24 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

- i) Highway works (All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, reinstatement of footway, alterations to the vehicle access, creation of an additional on-street parking bay and adjoining footway and associated work);
- ii) Lifetime Car Club Membership for residential occupiers from first occupation of the development. Car Club operator must be a CarPlus member;
- iii) Site Environmental Management Plan; and
- iv) Environmental Inspectorate Contribution (£28,000 per annum).

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

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

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

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

4. That the City Commissioner for Transportation be authorised to take all necessary procedural

steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

2. SUMMARY

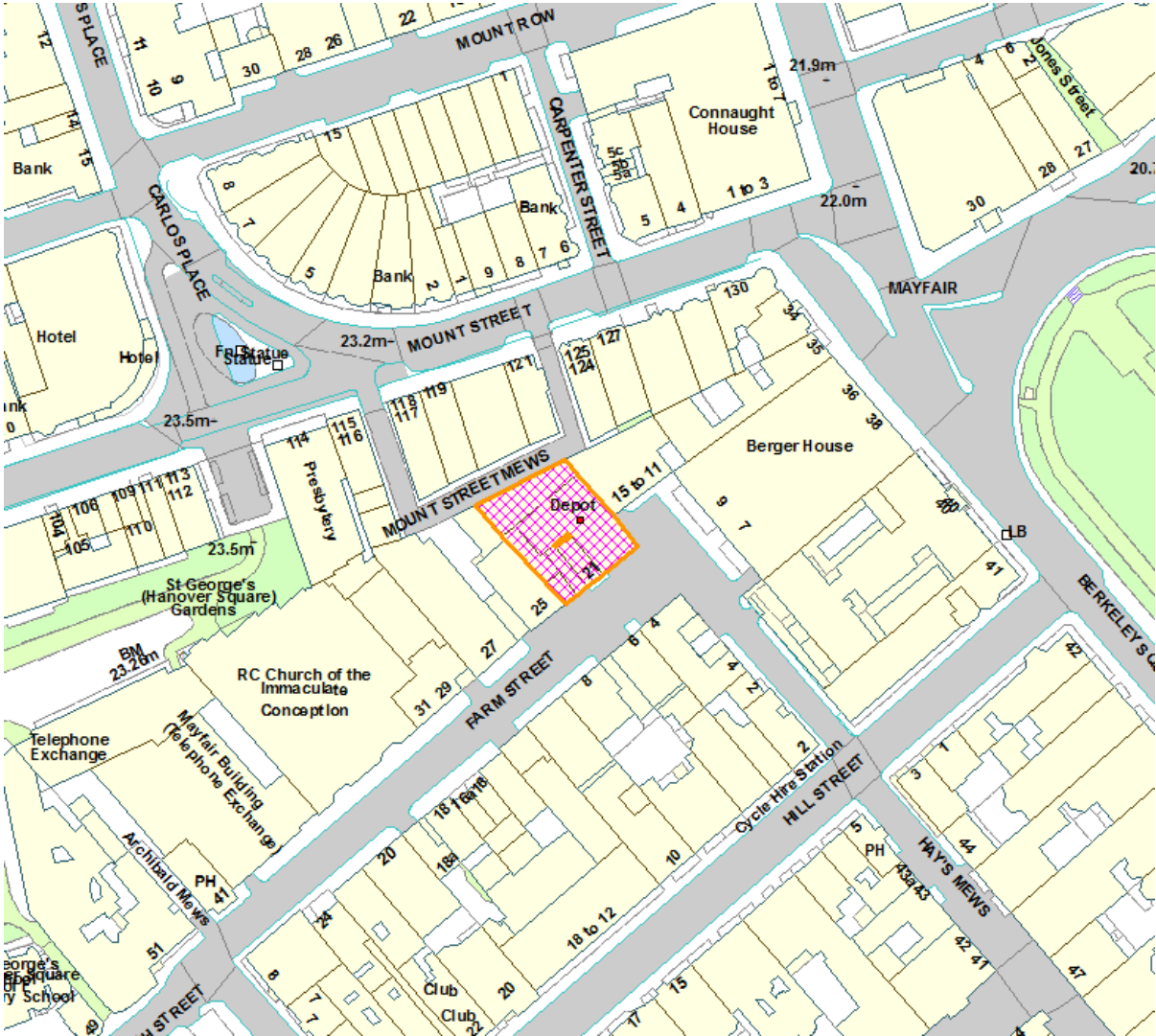
This Council-owned site is located at the eastern end of Farm Street and is currently in use as a street sweeping depot over ground and first floor levels with four residential units on the upper floors. The building extends the full depth of the site at ground floor level, and the upper floors are then set back from the rear boundary. Permission is sought for the demolition of the existing building and its replacement with a new building comprising a part basement level, ground floor and three upper floors. A new street sweeping depot will occupy the ground and part first floor levels of the new building and the remainder will contain 14 affordable housing units.

The key issues for consideration are:

- The impact of the new building on the Mayfair Conservation Area; and
- The re-provision of the proposed depot and housing uses.

It is considered that the proposed new building would enhance and preserve the Mayfair Conservation Area, whilst it would be acceptable to re-provide the existing uses in the new development including affordable housing. The proposals comply with the policies of the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

No comment

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Provide the following comments:

- The colour of the brickwork is strikingly red and should be toned down;
- Does the mix of accommodation meet with City Council criteria; and
- The sheer wall to the front elevation might be better as a mansard.

-

CLEANSING

No objection.

HIGHWAYS PLANNING

Objection to lack of off-street parking provision.

ENVIRONMENTAL HEALTH

No objection.

ENVIRONMENTAL INSPECTORATE

No objection.

AFFORDABLE HOUSING SUPPLY MANAGER

No objection.

DESIGNING OUT CRIME

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 344

Total No. of replies: 7

No. of objections: 7

No. in support: 0

7 letters of objection raising the following:

Land use

- Number of flats disproportionate to the rest of the street
- Site is wrong for affordable housing

Design

- Architecture is out of keeping with the street
- Design is poor
- Height and materials will have a detrimental impact on the Mayfair Conservation Area
- Ground floor dominated by refuse and recycling stores which are not in keeping with the street
- Proposals do not preserve or enhance the conservation area

Amenity

- Impact of the street cleansing depot on Farm Street
- Loss of daylight and sunlight to garden

Parking

- No off-street parking for the residential flats.

Other

- Impact of construction on nearby residential properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located towards the eastern end of Farm Street where the street turns a corner to form an L-shape and contains a single unlisted building comprising part basement, ground and three upper floors plus roof top plant room. The basement is a plant/boiler room, the ground and first floors are used as a Council street-sweeping depot, and the second and third floors are used as four Council flats (three 2-bed and one 3-bed).

The building sits appreciably forward of the neighbouring building to the west, which is nos.11-15 Farm Street, and at ground floor level covers the whole plot up to the rear boundary with Mount Street Mews from which it is separated by a high boundary wall. The first, second and third floor levels are however set back from the rear boundary and there is a lantern roof light on the rear ground floor flat roof.

There are residential properties opposite, to the rear and adjacent to the site.

The site is located within the Mayfair Conservation Area and the Core Central Activities Zone.

Recent Relevant History

Planning permission was granted 12 May 2004 for the demolition of the buildings and the construction of 14 flats with roof terrace and basement parking. This permission was linked to a second permission nearby at Audley Square car park/Waverton Street petrol filling station which proposed the demolition of the car park and filling station and their replacement with a new 217-space public car park, Council street-sweeping depot and 90-unit apartment hotel. These permissions have not been implemented and the proposal to relocate the Farm Street depot to the Audley Square/Waverton Street site has been abandoned.

7. THE PROPOSAL

Permission is sought for the replacement of the existing four storey building (plus basement) with a new building of the same number of storeys but with a pitched roof instead of flat. The existing uses will be retained with a new depot occupying part ground and part first floor levels, and the remainder used as 14 affordable housing units (four studios, eight 1-bed and two 2-bed).

Repeating the existing situation, the new ground floor will occupy the full plot area, whilst the upper floors are set back from the rear boundary and in line with the rear elevation of 11-15 Farm Street.

This affordable housing provision at this site is linked to another application at Audley Square car park/Waverton fuel filling station (which was initially reported to Planning Applications

Committee on 8 December 2015 but is brought back to the committee elsewhere on this agenda). On the 8 December 2015, it was resolved to grant planning permission at the Audley Square/Waverton Street site subject to a S106 legal agreement to secure either of the following:

i) The implementation of a planning permission, should it be granted, for the redevelopment of the City Council's street-sweeping depot at 21-23 Farm Street for mixed use purposes comprising a new depot and affordable housing

Or

ii) if planning permission is not granted for i. above, the refurbishment/rebuilding of the existing depot at 21-23 Farm Street together with a contribution of £9.4M towards the City Council's affordable housing fund.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Street Sweeping Depot

The proposed depot would be marginally larger than the existing by 21sqm. The City Council is committed to tackling waste needs by having an adequate network of local depots and Policy S44 of the City Plan therefore protects all existing waste management sites.

Objections have been received stating that the depot should be relocated to Audley Square as previously proposed. However, there is no fundamental reason, logistical or otherwise, which demands that the depot should be moved out of Farm Street. Most of the vehicles used are hand carts which are pushed manually by a single operative and the depot functions to serve the local streets as there is a limit as to how far a hand-pushed cart can reasonably be taken. Since it serves these local streets, Farm Street is the ideal location for the depot. Although the previous proposal to relocate the depot Audley Square would have been a perfectly good alternative it would have been no better and no worse than keeping it a Farm Street.

The specification for the new depot have been agreed by the Cleansing officers, with the operational equipment stored at ground floor level with the first floor comprising staff changing rooms, offices and meeting room space. The ground floor also includes a community recycling facility which will be open to members of the public and is separate from the main depot.

The depot will need to be relocated while the works are taking place at Farm Street, should permission be granted and implemented. The exact location of the depot is not known at this stage, but will need to be nearby for the operational reasons previously stated.

Given that the existing site contains a depot and that the Council's policies are to protect such uses, it would be difficult to withhold planning permission for a new depot at the site.

Residential

The existing residential accommodation at the site comprises 383m2 and the proposal would result in an increase of 726m2 to provide1109m2. This increase in residential floorspace is welcomed, and the unit sizes are given in the table below.

Unit Type	Size Range (sqm)	Number	% of Units
Studio	37	4	28
1 Bed	53-67	8	58
2 Bed	77	2	14
TOTAL		14	100

All the homes would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG.

Objections have been received that the proposed density of housing units is greater than in comparison to the rest of Farm Street and its therefore not in character. Whilst it is accepted that the majority of properties on Farm Street are single family dwellings, it is not considered that the type and density of devolvement proposed at the application site would be so significantly different to the existing building that a case could reasonably be made that it would be materially harmful to local character or amenity.

Affordable housing

The 14 proposed flats would all be intermediate affordable housing units. Intermediate housing is defined as homes available for sale or rent at a cost above social rent, but below market levels. These can include shared ownership but not affordable rent. The Housing Planning Manager welcomes the provision of all these flats as intermediate housing. Westminster currently has a list of over 4,400 households waiting for intermediate housing opportunities in the City, and the overwhelming majority of these (95%) require studio, 1 bed or 2 bed accommodation. In view of this demand profile, it is recommended that the usual requirement under UDP policy H5 for family-sized (3 bed or more) units should be set aside, as this is a policy more relevant to market housing..

Objections have been received to the provision and number of affordable residential units on this site and that more could be achieved by providing it outside of Mayfair on cheaper land. Available land for housing is scare throughout Westminster and this site provides an opportunity for affordable housing as it is already in the Council's ownership and there are no acquisition costs. There is no good reason not to provide much needed affordable housing on this land.

8.2 Townscape and Design

Farm Street is a predominantly residential street in the Mayfair Conservation Area, the south side of which is characterised by buildings of typically two sheer storeys with mansard roofs, the exception being a mock-Tudor house which is an unusual and jolly historic exception to the prevailing design of buildings in the area. The north side is more mixed and includes a grade II listed pub, the Mayfair Telephone Exchange, a grade II-star listed gothic revival church, the application site, and some commercial office premises. There is a relatively consistent palette of materials used in the street comprising brick, stone, white render, and grey slate. Most buildings have some form of multi-pane sash windows. In these respects the street is typical of its kind in the Mayfair Conservation Area.

Unlike many of its neighbours, the existing building makes a neutral contribution to the street and surrounding conservation area. Its detailed design is of little interest and there is no objection to the principle of redeveloping this site in design and heritage asset terms, which presents a welcome opportunity to improve this part of the street and the Mayfair Conservation Area. Of the existing building, only the City Council's crest should be retained as part of the redevelopment proposals.

Objections have been received to the height and detailed design stating that the new building will dominate the surrounding buildings. Objections have also been received to the materials proposed. It is considered that the scale and massing of the proposed building is well handled and the facades are carefully detailed. The diaper pattern orange-red brick with prominent gables are attractive and well suited to the site and its immediate context. The building's raised parapet line and gables reinforce the end of the terrace and create an attractive feature in the street particularly when seen in longer views and from the south. For that reason the change in scale in comparison to its neighbours is acceptable in this case, and the new building would make a positive contribution to the street and surrounding Mayfair Conservation Area. The objections to the design are therefore not considered sustainable to justify refusal of the application. The proposal accords with UDP policies DES1 and DES 9, and Westminster City Plan: Strategic Policies S25 and S28.

8.3 Residential Amenity

The new building comprises the same number of floor levels, but where the existing roof is flat, the proposed roof is pitched, therefore increasing the overall height of the building. To the rear, the building will extend further to the rear over the upper floors than existing and will bring the rear elevation in line with 11-15 Farm Street, but the building will extend further to the rear than the building line of the single family dwelling at 25 Farm Street.

Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90

degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

The residential properties on the opposite side of the street (nos.6, 8 and 10) are largely unaffected by the proposals. There are some losses of VSC, but these are all under 20% and the rooms will remain well lit. In terms of sunlight, the windows face north and therefore do not need to be tested for sunlight.

There are residential properties to the north on Mount Street which have windows that face south towards the rear of the application site. There are no losses of daylight or sunlight above 20% and therefore the rooms will remain well lit.

11-15 Farm Street is currently used as offices, but planning permission was granted in January 2016 for the demolition of the building and rebuilding to for use as a single family dwelling. This permission has not been implemented, but the daylight/sunlight report has taken into account this permission. This indicates that two of the 40 windows tested will lose between 20% and 23% VSC. Both these windows will serve bedrooms and there are other windows providing a secondary source of light to these rooms - therefore it is not considered that the proposal will have any serious adverse impact on amenity.

25 Farm Street

This property has recently been redeveloped as a single family dwelling following planning permission granted in 2011. An objection has been received from the residents to the loss of daylight/sunlight to their rear garden. However, this garden is to the south-west of the application site and therefore any overshadowing will be minimal, and not sufficient to justify refusing planning permission.

One window at basement level in 25 Farm Street, which serves a family room, would 43% VSC, but this window currently receives very poor levels of light due to its position below ground level, it is considered that this loss is acceptable. Three windows at ground, second and third floor will lose over 20%, but in all these circumstances these rooms are served by other, unaffected windows and would therefore remain adequately lit. The impact on this house is therefore not considered to be materially harmful in overall terms.

Privacy

New projecting windows are proposed on the east elevation at first to third floor levels. They will be angled away from 11-15 Farm Street and would only include glazing facing the front, having a solid element to the rear thereby overcoming any possibility of overlooking.

The proposed building will extend further to the rear than existing and therefore the rear windows will be closer to the residential windows in Mount Street/Mount Street Mews. Mount Street Mews is angled slightly away from the rear of the application site therefore there will be no direct overlooking. Furthermore a distance of 13m will still exist between the windows and on this basis it is not considered that there will be a serious loss of privacy.

Street Sweeping Depot

Objections have been received to the retention of the street sweeping depot in Farm Street on amenity grounds, stating that this site is not a suitable location due to the amount of traffic it generates.

An operational method statement has been submitted in support of the application. This shows anticipated activity levels based on the current operations at Farm Street which are not expected to change significantly. The operators work in two shifts each day- 06.00 to 15.00 and 13.00 to 22.00). There may be instances when the depot could be used on a 24 hour basis (snow clearing/gritting etc.) but such occasions will be rare.

In detail, between 06.00 and 12.00 six vehicles will leave the depot and then between 06.30 and 11.30 one or two per hour will return to receive new work instructions. Two dustcart vehicles will also arrive to empty the depot waste bins/public recycling bins. Between 13.00 and 15.00, the dayshift vehicles return (6) and five vehicles will leave. At the end of the shift (22.00) all vehicles will return and all staff will leave the depot.

As stated above, given that this is generally the same as how the existing depot operates, the impact on local residential amenity will hardly change in the new depot and therefore there is no justifiable reason to withhold permission on these grounds.

New residential amenity

The majority of the proposed units would be single aspect, with some having only north facing windows, which is normally to be avoided if possible. However, it is on constrained sites such as this, in order to achieve the optimum number of units and make full use of scarce land resources this is considered to be acceptable.

Environmental Health officers are satisfied that noise levels within the new residential units will comply with the standard noise conditions, and modern soundproofing measures will ensure that the residents will not be unacceptably disturbed by the operations of the depot below them.

Environmental Health officers has raised concerns over the means of escape for some of the units. Planning permission cannot be withheld on these grounds as means of escape is dealt with under separate legislation. An informative is recommended advising the applicant of these issues.

8.4 Transportation/Parking

No off street car parking is proposed for the new residential accommodation. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat, as there are four existing residential flats on-site this would amount to 10 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Objections have been received to the impact that the new residential units will have on on-street parking pressures.

Within a 200m radius of the site, parking occupancy at night-time is 45%. During the day, the uptake is 80% meaning that on-street parking is already at 'stress levels'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site. However, it is acknowledged that the site has a high level of public transport accessibility. Households with one or more car in the West End is 29% and in applying a proportional figure to the application site it could reasonably be expected that four of the new flats would contain car-owners.

In order to address the lack of car parking provision in the new development, the applicant has offered to provide free lifetime car club membership (25 years) for all 14 flats. The Highways Planning Manager has confirmed that lifetime car club membership is the strongest mechanism that it likely to reduce car ownership of the future residential occupiers. It is considered on this basis, and subject to a condition requiring car club membership the proposal is acceptable in highways grounds.

Cycle parking is proposed for the street sweeping depot and the residential flats and this will be secured by condition.

8.5 Economic Considerations

The positive benefits of the regeneration of this outdated depot site and its replacement with a modern facility are accepted.

8.6 Access

Pedestrian access to the Street Cleansing Depot will be 800mm wide and lead to an ambulant disabled stair and platform lift. The platform lift leads to the office/break out/meeting space area at first floor level.

The residential entrance will be level and will lead to an ambulant disabled stair and a lift. Each of the residential units will be accessed off a shared circulation lobby with adequate wheelchair turning space.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed at basement level, at rear ground floor flat roof level and at roof level. The final plant specification has not been selected and Environmental Health officers recommend that a supplementary noise report is submitted once the plant is known. On this basis, the plant is likely to comply with the City Council's standard noise conditions.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions. The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

The proposals include the installation of photovoltaic panels at roof level and this will meet the 20% target as set out in Policy S40.

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

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

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

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

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

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

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

- Contribution to the Council's Environmental Inspectorate (merged services Environmental Sciences and the Environmental Inspectorate);
- Car Club Membership for 25 years for all the flats;
- Highways alterations required for the development to occur (at no cost to the City Council); and
- Costs of monitoring the legal agreement.

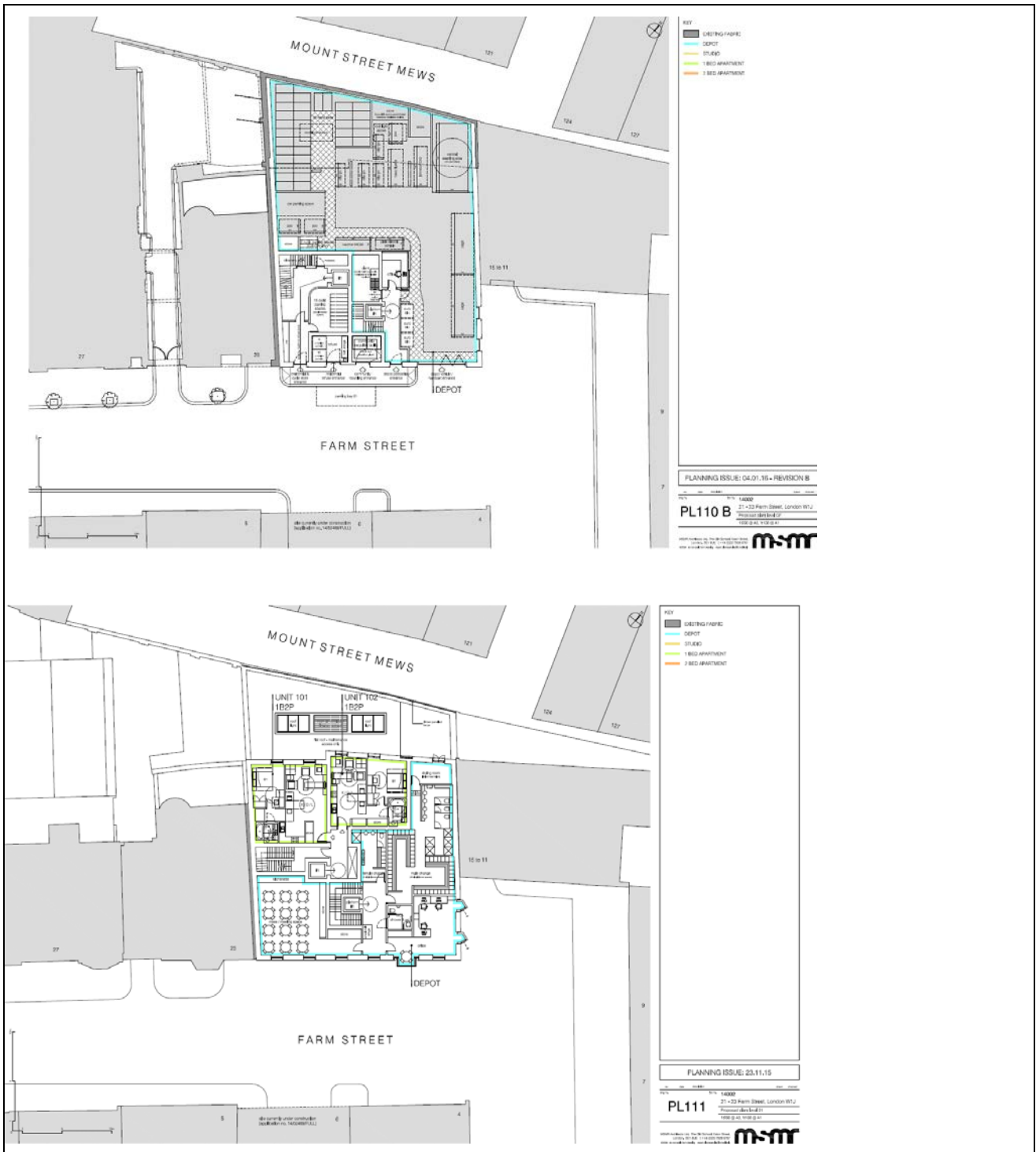
9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 8 December 2015
3. Response from The Residents' Society of Mayfair and St James's dated, 3 January 2016
4. Response from Cleansing, dated 8 December 2015
5. Operational statement of the Street Cleansing Depot, dated 20 October 2015
6. Response from Environmental Health, dated 4 January 2016
7. Response from Environmental Inspectorate, dated 14 December 2015
8. Response from Highways Planning, dated 12 January 2016
9. Response from Housing Manager, dated 15 February 2016
10. Letter from occupier of 3 Courtyard House, 27A Farm Street, dated 14 December 2015
11. Letter from occupier of 38 Berkeley Square, (7 Farm Street), dated 14 December 2015
12. Letter from occupier of Flat A, 21-23 Farm Street, dated 17 December 2015
13. Letter from occupier of 6 Farm Street, London, dated 17 December 2015
14. Letter from occupier of 25 Farm Street , London, dated 22 December 2015
15. Letter from occupier of 14 Farm Street, London, dated 21 December 2015
16. Letter from occupier of 24 Farm Street, London, dated 23 December 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 HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER

Address: 21 - 23 Farm Street, London, W1J 5RG,

Proposal: Demolition of the existing four storey building, retention of existing basement level and erection of new four storey building comprising a street cleansing depot at ground and part first floor levels and 14 affordable residential units at part first, second and third floor levels.

Plan Nos: PL029, PL030, PL031, PL032, PL033, PL034, PL050, PL051, PL052, PL053, PL080, PL081, PL082, PL083, PL109, PL110 B, PL112, PL113, PL114, PL140, PL141, PL142, PL143, PL170 A, PL171, PL172, PL173, PL270,

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 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 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 of the following parts of the development - a typical example of each different type of window and external door at a scale of 1:10. 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 apply to us for details showing the salvage of the City Council's coat of arms and its reinstatement on the new building. You must not remove the coat of arms until we have approved what you have sent us and you must reinstate the coat of arms in the location we have approved before the building is occupied.

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 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)

- 7 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)

- 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 **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)

- 10 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.

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL110 B. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

12 (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.

- 13 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.

- 14 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 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 15 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.

- 16 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.

- 17 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)

- 18 You must not use the roof at rear first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21BA)

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)

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

- photovoltaics at roof level

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

Reason:

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

- 20 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

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

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 Conditions 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73CA)

- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 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. (I54AA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.