

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 th March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	35 - 50 Rathbone Place, London, W1T 1AA,		
Proposal	Variation of Condition 1 of planning permission dated 15 October 2013 (RN : 13/04844) for 'Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place; and associated works.'; namely the submission of substitute drawings showing re-distribution of floorspace areas at ground and basement levels having the effect of increasing the amount of offices (Class B1) and decreasing shops (Class A1/A3); associated changes to street elevations including new retail frontage with full height glazing, louvres and signage zones on Rathbone Place; change to rooflight arrangement to a linear pattern along southern side of the central garden; levels changes in central garden; additional louvres along the central garden elevation and south facing retail elevations; changes to parapet details; and alterations to office entrance doors on Newman Street.		
Agent	Mr James Wickham		
On behalf of	The Rathbone Place Ltd Partnership		
Registered Number	15/10824/FULL	Date amended/ completed	10 November 2015
Date Application Received	10 November 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the S106 legal agreement pertaining to planning permission 13/04844/FULL to secure the following additional matter:

i. A payment of £1,026,771 towards the Council's affordable housing fund.

2. If the deed of variation has not been completed within three months of the date of the Committee resolution, then:

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

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

2. SUMMARY

The application site formerly contained a 1950's-built Royal Mail regional office and mail distribution centre, comprising a six storey building on Rathbone Place and an open parking/servicing area fronting Newman Street. Identified as a Strategic Site in the Tottenham Court Road Opportunity Area, it is currently being redeveloped for mixed residential, shopping and office purposes following planning permission granted in 2013.

The design concept of the permitted scheme is of new buildings surrounding a privately managed central open space. New buildings would face east and west onto Newman Street and Rathbone Place, and another (mainly residential) block would form the northern boundary of the site. The open space between the blocks would include a new pedestrian route through the site linking Newman Street and Rathbone Place. Both street elevations and the internal elevations within the site overlooking the open space would, at basement and ground floor level, include frontages containing shops, restaurants and bars. 20 of the 162 proposed dwellings would be provided as affordable housing accommodation (supplemented by a further 18 affordable housing units provided off-site).

The commercial floorspace delivered by the planning permission would equate to 32,972sqm offices and 6,371sqm shops. The shopping floorspace would include two large units of 1,343sqm and 870sqm (totalling 2,213sqm) with the potential to accommodate entertainment uses. Both would front Rathbone Place and would back onto the open space, and the larger unit could be used for either retail or restaurant purposes and the smaller for either retail, restaurant or bar.

Although the development was conceived as a speculative proposal, the international social media network Facebook intends to occupy the entire office floorspace as their European headquarters. However, the amount of office floorspace currently approved falls marginally short of Facebook's requirements, and the current proposal is to reassign some of the shopping floorspace for office purposes. This would mainly be achieved by the redesignation of the larger of the potential entertainment units to offices, which would result in an additional 1,343sqm of offices. However, during negotiations with the applicant officers were concerned that there would be too much loss of retail street frontage on Rathbone Place and due to this the applicant proposes to reassign the currently approved office entrance and lobby on Newman Street as a retail shop of 124sqm. To 'compensate' for the loss of the approved office entrance and lobby, which amounts to 124sqm, the

applicant proposes changing to offices part of the approved retail floorspace (192sqm) situated at the rear of the shops Newman Street and which fronts onto the open space. This would not affect the shopping frontage on Newman Street.

In total therefore the proposals would result in a net increase in office floorspace of 1,275sqm and a reduction of approved retail floorspace by the same amount. Clearly such a reduction in shopping is regrettable as one of the merits of the approved scheme is the creation of enlivening ground floor uses in the form of publicly accessible shops, bars and restaurants. However, even with the loss such accommodation as now proposed, the vast majority of the ground floor would still be used for such purposes, including most of the external street frontages and the internal frontages to the public open space. In considering this loss it is relevant to weigh in the balance the benefits of the new office occupier, Facebook, which is an internationally renowned company with a modern, forward-thinking iconic image and whose presence at the site would bring prestige and wider economic benefits to the area through its relocation to the site. It is considered that its presence in the Opportunity Area would be influential and positive, and on balance it is therefore considered that the advantages of the proposed reordering of the uses at the site would outweigh the disadvantages.

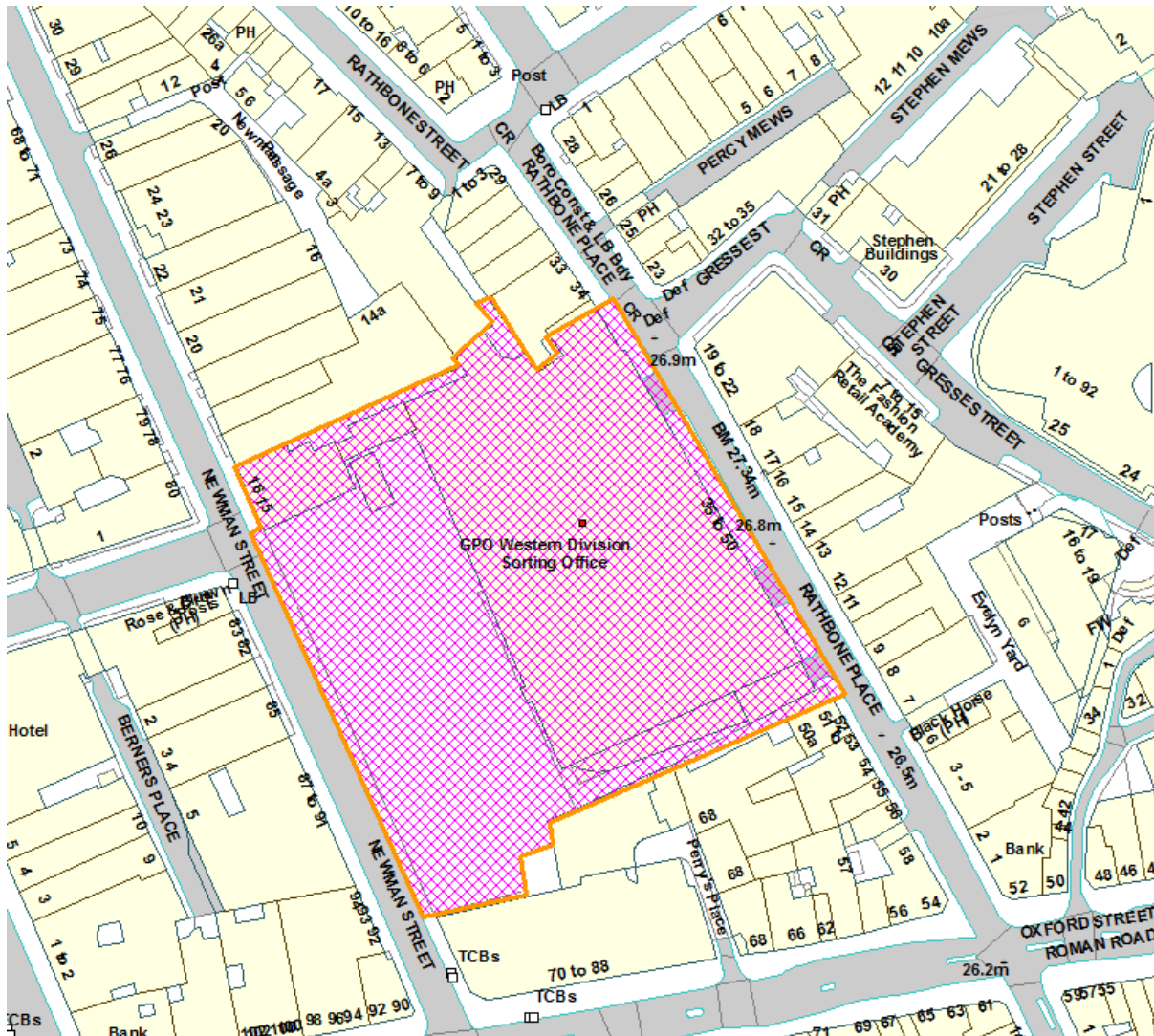
As there would be an increase in office floorspace, under UDP policy COM2 and City Plan policy S1 there should be an equivalent residential provision. It is not possible to provide this on site and therefore the applicant is offering a payment in lieu of £1,026,771 towards the City Council's affordable housing fund, which has been calculated in accordance with the Council's formula and this is considered to be acceptable.

The current proposals also include some physical alterations to the approved scheme, the most significant of which involves the replacement of the method for bringing natural light to the basement office level, which in the approved scheme was an oculus and is now proposed to be in the more traditional form of roof lights. Both the approved oculus and the proposed rooflights would be within the public open space. This proposed change is considered to be acceptable. Allied to this, it is proposed to close of one of the routes through the site which in the approved scheme follows the L-shape rear building line of the southern part of the Rathbone Place block. This is partly to prevent excessive walking on the rooflights previously described but also to allow external tables and chairs to be placed outside the remaining restaurant/bar unit in the scheme. This would not affect the main route through the site which is the curved pathway around the northern edge of the open space directly linking Newman Street to Rathbone Place. The provision of al fresco facilities was always likely be required by the operator of the entertainment uses, which is why the extant planning permission includes a condition limiting the hours that outside tables and chairs external. This proposal therefore confirms what was already anticipated and it is considered that this would add another dimension to the entertainment uses and is acceptable.

The proposals require some elevational changes to the building elevations to reflect the amendments described above - such as the removal of entrances and introduction of new entrances. Wherever changes are proposed they accord with the approved architectural styling and would blend with the overall design.

Overall the proposed changes are considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Fitzrovia Neighbourhood Association
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 319
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form

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 HELEN MACKENZIE BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

7. KEY DRAWINGS



Ground floor



Basement

DRAFT DECISION LETTER

Address: 35 - 50 Rathbone Place, London, W1T 1AA,

Proposal: Variation of Condition 1 of planning permission dated 15 October 2013 (RN : 13/04844) for 'Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place; and associated works.'; namely the submission of substitute drawings showing re-distribution of floorspace areas at ground and basement levels having the effect of increasing the amount of offices (Class B1) and decreasing shops (Class A1/A3); associated changes to street elevations including new retail frontage with full height glazing, louvres and signage zones on Rathbone Place; change to rooflight arrangement to a linear pattern along southern side of the central garden; levels changes in central garden; additional louvres along the central garden elevation and south facing retail elevations; changes to parapet details; and alterations to office entrance doors on Newman Street.

Reference: 15/10824/FULL

Plan Nos: 0816/P0500Rev00, P2000Rev00 and Rev01, P2006Rev00, P2007Rev00, P2008Rev00, P2009Rev00 and Rev01, P2010Rev00 and Rev01, P2011Rev00, P2012Rev00, P2013Rev00, P2014Rev00, P2015Rev00, P2016Rev00, P2017Rev00, P2018Rev00, P2019Rev00, PP2021Rev00. P2110Rev00 and Rev01, P2111Rev00 and Rev01, P2112Rev00 and Rev01, P2113Rev00 and Rev01, P2210Rev00; Environmental Statement Volumes I, II and III and Non-technical Summary by URS dated May 2013; Energy Strategy by Hilson Moran revision no.1.4 dated 8 August 2013; Sustainability Statement by Hilson Moran dated May 2013.

Case Officer: Steve Brandon

Direct Tel. No. 020 7641 8541

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 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)

- 4 The A3 floorspace hereby approved shall not extend beyond the areas annotated on the approved drawings 'Retail A1/A3', 'Retail A1/A3/A4', 'Dual Use A1/A3 and B1' or 'Dual Use A1/A3/A4 and B1'.

Reason:

To ensure that the site does not provide an imbalance of floorspace dedicated to entertainment uses which would be harmful to the local environment and neighbouring residential amenity contrary to S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan adopted in January 2007

- 5 The A4 floorspace hereby approved shall not extend beyond the areas annotated on the approved drawings 'Retail A1/A3/A4' or 'Dual Use A1/A3/A4 and B1'.

Reason:

To ensure that the site does not provide an imbalance of floorspace dedicated to entertainment uses which would be harmful to the local environment and neighbouring residential amenity contrary to S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan adopted in January 2007

- 6 No A3 or A4 use (or any combination of these uses forming a composite use with another use(s)) shall allow customers on the premises later than 23.30hrs.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 If you provide an A3 use or composite A1/A3 use, no more than 15% of the floor area of each of the uses shall consist of a bar or bar seating. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 If you provide an A4 use or composite A3/A4 use, no more than 15% of the floor area shall be used by customers for vertical drinking.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 If you provide an A4 use or composite A3/A4 use drinks shall be served only with meals after 21.00hrs.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 If you provide an A4 use or composite A3/A4 use, no external drinking or dining shall occur after 21.00hrs

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 The management of any A3 or A4 use (or any combination of these uses forming a composite use with another use(s)) shall be such that there is no external queuing of customers.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 No A3 or A4 use (or any combination of these uses forming a composite use with another use(s)) shall commence until you have applied to us for approval of details of the ventilation system to get rid of cooking smells from the premises, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

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

- 13 You must not occupy the building unless waste and recycling facilities have been provided in accordance with the details approved by the City Council as Local Planning Authority under reference RN/15/00639/ADFULL or in accordance with other waste and recycling details as submitted to and approved by the City Council. You must then provide the facilities in accordance with the approved details, clearly marked and made available at all times to everyone using the development. You must not use the facilities provided for any other purpose.

Reason:

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

- 14 The open space at the centre of the site and the pedestrian walkways through the site shall be open to the public every day from 06.30-22.00hrs.

Reason:

To ensure the open space provides a public benefit in accordance with policy for the Tottenham Court Road Opportunity Area which prioritises public realm benefits and improved pedestrian circulation and movement, as set out in CS5 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 15 You must provide 79 residential car parking spaces within the development and these parking spaces shall only be used for the parking of vehicles by people living in the residential part of this development..

Reason:

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

- 16 At least 60 of the 79 residential car parking spaces which shall not be assigned to any specific residential unit in accordance with details approved by the City Council as Local Planning Authority under reference RN/15/00639/ADFULL or in accordance with other such relevant details which are submitted to and approved by the City Council. These minimum 60 parking spaces must be made available at all times to all residential occupiers of the development.

Reason:

To ensure the efficiency of the car parking provision for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must use the access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes, and the clear internal height of any of these areas shall be maintained at 4.5metres

Reason:

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

- 18 You must apply to us for approval of the detailed design of all vehicle access points to the site.You

must not start work on this part of the development until we have approved what you have sent us. You must then provide the accesses according to the approved details.

Reason:

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

- 19 You must provide 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.

- 20 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 landscaping before first occupation of the development and the planting within one planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 21 (a) You must undertake a written scheme of investigation for a programme of archaeological work in accordance with the details approved by the City Council as Local Planning Authority under reference RN/14/01748/ADFULL or in accordance with other relevant details as submitted to and approved by the City Council, , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and

Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 22 You must provide the environmental sustainability features (environmentally friendly features) as stated in your submitted Sustainability Strategy and Energy Strategy before you start to use any part of the development. You must not remove any of these features, unless we have given you our permission in writing. (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)

- 23 You must provide the brown and green roofs as shown on the approved drawings, and you must not subsequently remove any of these features.

Reason:

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

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

Reason:

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

- 25 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work

according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

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

including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 27 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 26 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.

- 28 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.

- 29 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that

any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 30 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/45dbLamax 8 hrs in bedrooms at night when the windows are shut

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.

- 31 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 30 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:

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

- 32 All the residential flats fronting Rathbone Place hereby approved shall at all times be provided with fully operational mechanical comfort-cooling facilities

Reason:

To ensure that if residents choose to keep windows closed in order to shut out noise from on Rathbone Place, air conditioning is available to prevent overheating of dwellings. The provision of a high quality, healthy and safe living environment is in accordance with CS29 and CS32 of Westminster's City Plan: Strategic Policies adopted November 2013

- 33 You must undertake all demolition and construction work in accordance with the details approved by the City Council as Local Planning Authority under references RN/14/01747/ADFULL and

RN/14/03265/ADFULL or in accordance with other relevant details submitted to and approved by the City Council.,

Reason:

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

- 34 No construction work of any part of the development forming part of this permission shall begin until detailed design and method statements for all of the ground floor structures, foundations, basements and other structures below, including piling (both temporary and permanent), below ground level (the Foundation Works) which accommodate:, (a) The proposed location of the Chelsea-Hackney Line structures and tunnels,, (b) The ground movement arising from the construction of structures, and tunnels, (c) The effects of noise and vibration arising from the use of the running tunnels., , have been submitted to and approved, in writing, by the Local Planning Authority. All such works which form part of the design and method statements shall be completed, in their entirety, before any part of the building hereby permitted is occupied.,

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 35 You must provide a satisfactory area of the site that is required for the surface interest safeguarding of Crossrail 2 in accordance with the details approved by the City Council as Local Planning Authority under reference RN/14/03056/ADFULL or in accordance with other relevant details as submitted to and approved by the City Council. The development shall only be occupied in accordance with the approved details.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 36 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 37 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development: , 1. Typical details of the facades at all levels. , 2. Public artworks., , 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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

Reason:

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

- 39 You must apply to us for approval of a shopfront and signage strategy / design guide. , , You must not start any work on these parts of the development until we have approved what you have sent us., , All shopfront and signs installed in the development must conform to this strategy.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 40 The affordable housing provision shall be implemented in accordance with the amendments

approved by the City Council as Local Planning Authority under reference RN/14/02165/ADFULL or in accordance with other relevant details as submitted to and approved by the City Council. ,

Reason:

To ensure satisfactory affordable housing provision in accordance with S16 of Westminster's City Plan: Strategic Policies adopted November 2013 and H4 of our Unitary Development Plan that we adopted in January 2007.

- 41 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the site. This restriction does not apply however to the residential properties at the site or to commercial units which have no access to the on-site servicing area.

Reason:

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

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.