

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 24 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>31-36 Foley Street, London, W1W 6DP</b>		
<b>Proposal</b>	Retention of the building for office use (Class B1), extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.		
<b>Agent</b>	GL Hearn		
<b>On behalf of</b>	Kier Foley Street Property		
<b>Registered Number</b>	15/10479/FULL	<b>Date amended/ completed</b>	11 November 2015
<b>Date Application Received</b>	11 November 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises an unlisted five storey office building located on the southern side of Foley Street close to its junction with Great Titchfield Street. The site is located within the East Marylebone Conservation Area but outside the Core Central Activities Zone.

The proposal is to retain the building in office use (Use Class B1) with an extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

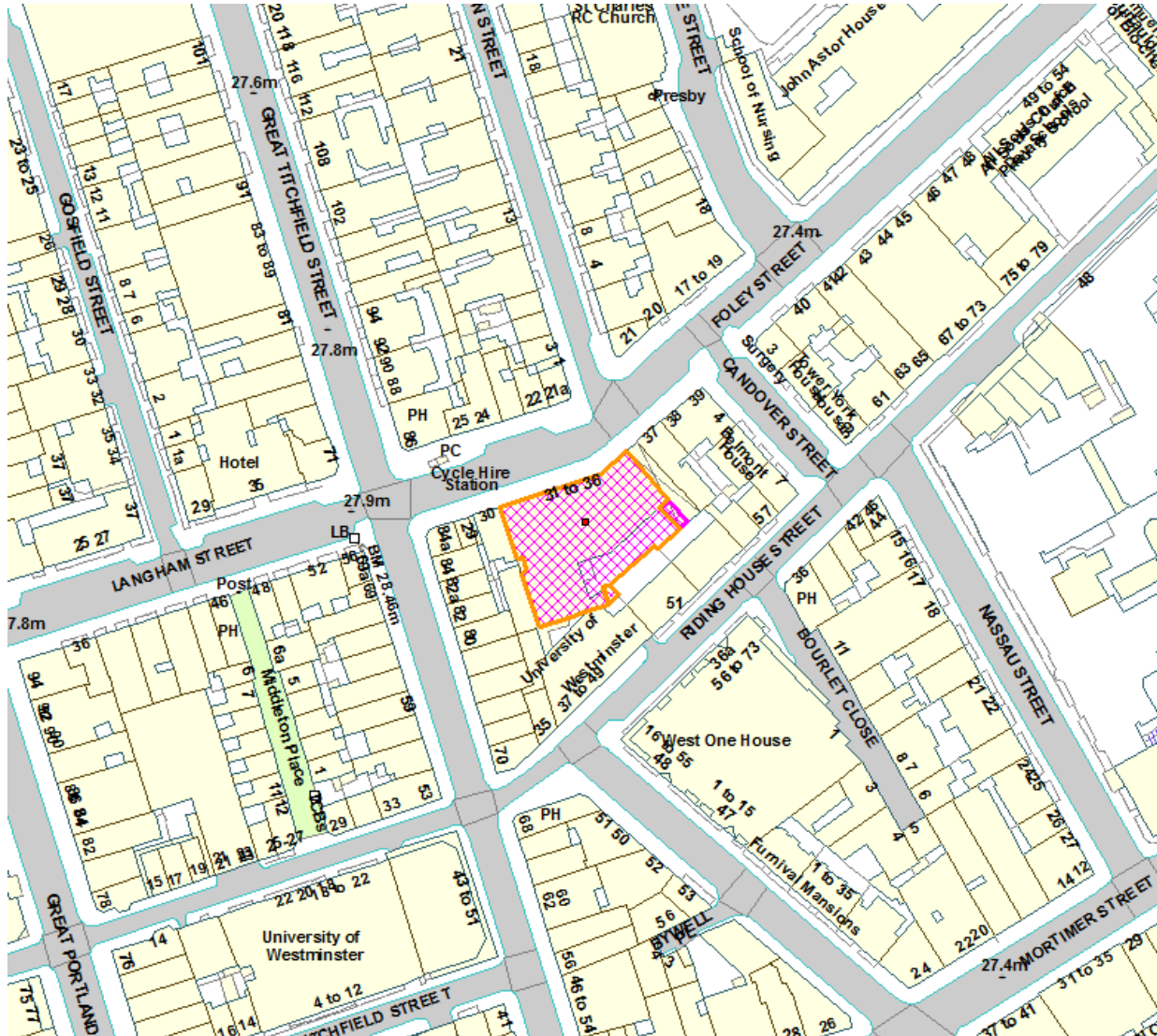
The key issue for consideration whether the increase in office floorspace is acceptable outside the Core Central Activities Zone.

The scheme's viability has been assessed with regard to seeking a payment in lieu to the City Council's affordable housing fund. However, the Council's consultant has confirmed that it is not sufficiently viable to provide a payment.

The application is acceptable in land use, design, amenity and highways terms and is in accordance

with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of application site facing Foley Street.



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally

### ENVIRONMENTAL HEALTH:

No objection subject to standard conditions

### HIGHWAYS PLANNING MANAGER:

No objection subject to there not being a servicing area

### CLEANSING:

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises an unlisted office building dating from the early twentieth century, located on the southern side of Foley Street close to its junction with Great Titchfield Street. The site is located within the East Marylebone Conservation Area but outside the Core Central Activities Zone. The building comprises basement, ground and four upper floors plus a rooftop plant room and additional external roof level plant. There is parking facilities for nine cars at the rear and at basement level.

### 6.2 Recent Relevant History

March 2014- permission granted for: Use of the building for residential purposes (Class C3) providing a maximum of 34 flats. Associated internal and external alterations including demolition of existing rear lift core and first floor extension; erection of a roof extension and two storey rear extension at basement and ground floor level, creation of terraces at ground floor, first floor, second floor and fifth floor levels and installation of outdoor condensing units within an enclosure at roof level. (Not Implemented)

## 7. THE PROPOSAL

The proposal is to retain the building in office use (Use Class B1) with an extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

Amended plans have been received with minor alterations to the façade design, glazed balustrades replaced with metal and further details of the waste store.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal involves extensions to the rear and roof of the property, which results in the provision of 600sqm of additional floorspace.

The site is located outside of the Core Central Activities Zone (CAZ), as defined in the UDP. In accordance with planning policy residential development is favoured above consolidation and extension of the office use. However, it is noted that whilst planning permission has been granted for the extension and conversion of the building to residential flats, this has not been implemented and is therefore a material consideration.

Policy S8 of the City Plan specifies that the named streets outside the Core CAZ (Edgware Road, Baker Street, Marylebone, Portland Place, Park Crescent and Great Portland Street) are appropriate locations for residential use and a range of commercial uses. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the CAZ.

Whilst the site is located outside the Core CAZ and is not located on one of the named streets, consideration has been given to the existing use of the building as offices and its location, marginally outside the Core CAZ boundary. The retention of the building in office use would not impact detrimentally upon the local distinctiveness of the area, nor would it result in the loss of the residential character and function of this part of Marylebone and Fitzrovia. The current office building does not currently provide any services to support the local residential community, and given the small uplift (600sqm) in office floorspace, its location and current use, it would be unreasonable to require this. An exception from the policy requirements of policy S8 in this regards is recommended.

Adopted UDP Policy COM2 relates to offices and mixed use development within Central Westminster. The policy seeks to encourage mixed use developments and states that where the increase in B1 office floorspace exceeds 200m<sup>2</sup>, this increase should be matched with the equivalent provision of new residential floorspace on the site. Where it is accepted that the residential provision cannot be provided on-site then the applicant should look to provide the residential requirement on another site in the vicinity. Where it is acknowledged that neither on-site nor off-site provision is appropriate or practical, then other uses which contribute to the character of the CAZ should be provided as part of the same development. Where it is accepted that none of the aforementioned options is appropriate or practical, a financial contribution to the City Council's affordable housing fund in lieu of on-site provision may be considered.

However, at the time of consideration of the application proposed changes to the 'mixed use' policy have been submitted to the Secretary of State for independent examination. The main modifications, if adopted in its current form, in principle allow increases to commercial buildings located outside of the Core Central Activities Zone of up to 30% without making any residential provision.

The Inspector provided an interim view following the examination on 29 March 2016; the Inspector currently considers that the proposed policy changes strikes a reasonable balance between different land uses and priorities and is therefore potentially sound. Although this policy has not been adopted for development control purposes and may be subject to change as it proceeds through the necessary stages towards adoption, it nonetheless shows the current direction of travel of the Council's strategic thinking and is therefore relevant in that respect.

However, in the absence of a replacement mixed use policy and the inability to give more than a little material weight to the proposed amendments to the current 'mixed use' policy, the current application must be assessed against the adopted City Plan Policy S1.

The scheme would generate a requirement to provide 600sqm (GEA) of new residential floorspace on the site. However, the applicant contends that on-site provision would be inappropriate and impractical given that a new residential core would need to be introduced which would take up valuable floorspace.

The applicant (Kier Foley Street Property) have advised that they do not currently have any properties within central Westminster which can be brought forward for residential use in order to provide the equivalent residential provision. They have provided some information to support this contention.

Where it is neither practical nor viable to provide the required 600 sq.m (GEA) residential floorspace on site, off-site in the vicinity, or off-site not in the vicinity, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The payment generated by the current scheme is £987,280 (based on the uplift in office floorspace of 600 sq.m (GEA)).

However, the applicant claims that on site provision of affordable housing would render the scheme unviable and that there is no potential to contribute to the City Council's affordable housing fund.

The Council's independent viability consultant has provided an assessment, citing that at a 'technical appraisal' the approved residential and commercial appraisals produced broadly the same outturn and therefore the office scheme could not be considered viable so as to derive a payment in lieu.

The Council's viability consultant has therefore concluded that given the parity of values, any additional payments over and above normal planning payments cannot be justified in this instance. These circumstances arise on account of the planning permission granted for a residential scheme at this property, creating a substantial existing value attached to the property which acts as an offset to the proposed office scheme.

## **8.2 Townscape and Design**

The proposed development is a revision of an earlier proposal and envisages, amongst other things, a slightly taller roof extension with an additional area of terrace on top, a larger plant/lift overrun and more subtle fenestration to the street façade. The revised design is acceptable in design and heritage asset terms. The development will maintain

the character and appearance of the street and surrounding conservation area, and will maintain the setting of nearby listed buildings and accords with the Council's policies.

### 8.3 Residential Amenity

#### Sunlight and Daylight

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. Paragraph 2.2.2 of the BRE guidelines states that they "may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

The submitted report considers the impacts of the proposals on nearby sensitive properties including residential properties at 20, 21a, 22, 23, 24-25, 29, 30, 38-39 Foley Street, 70, 72, 78, 80, 82-84a, 86, 88-90 Great Titchfield Street, 37-49, 51, 53, 57 Riding House Street, 4, 7 Candover Street and Belmont House

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The first floor window within 37-49 Riding House Street, which is a University of Westminster building, does not currently achieve benchmark of 27% for daylight. The report highlights that the windows to first floor currently has an existing VSC value of 1% and the scheme would reduce this to 0.5%. It is noted that all other windows in this property achieve above the 20% threshold. However, considering the VSC reductions are small in real terms to this window, it is not considered that the proposals would result in a material loss of light to 37-49 Riding House Street to warrant refusal.

The report demonstrates that all the remaining windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC and daylight assessment.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing (those being 21a, 22, 23, 24-25, 29, 30, 38-39 Foley Street, 82a and 86 Great Titchfield Street, 4 and 7 Candover Street and Belmont House).

The report demonstrates full compliance with the BRE guidelines, for those windows relevant for testing, in terms of sunlight.



## Privacy

The development would not introduce windows in any elevation of the building that does not already contain windows. However, the proposals would introduce a number of terraces where none currently exist (5th floor and roof). This is not any greater than that considered acceptable under the previously approved residential scheme. However, consent was granted subject to a condition for glazed privacy screens. Glazing, in design terms was unacceptable and has been negotiated out of this scheme. Therefore it is considered that a condition requiring a soft landscaping planting scheme for the terraces to be submitted, in order to maintain the amenities of surrounding residential occupiers, in terms of overlooking.

The terrace at roof level could accommodate 60 people. Given that it is located to the northern part of the central roof closer to Foley Street than Riding House Street and would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 6pm, Mondays to Fridays only.

## 8.4 Transportation/Parking

The existing building has a vehicular access from Foley Street and an area to the south of the building that provide off-street car parking. The previous scheme allowed its loss and was replaced with gardens in order to improve the environment. On this basis, and given that there is no information to the contrary that it is a servicing area, no objections are raised to the loss of this area.

The site is within a Controlled Parking Zone with a good level of public transport accessibility. It is considered that the proposal is highly unlikely to have a significant impact on on-street car parking in the area.

However, the proposed development will remove the existing service facilities accessed from Riding House Street that serves the current occupiers of the application site. The Highways Planning Officer has requested a condition to secure a servicing management plan for the site and upon each occasion the commercial occupier changes.

24 cycle parking spaces are indicated to be provided, however for the total floor area 47 spaces should be provided. Given that none exists at present for the office use, and increasing the provision could impact upon valuable floorspace, this provision is acceptable.

## 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

## 8.6 Access

Access to the building will be unchanged, with pedestrian access taken from Foley Street.



## 8.7 Other UDP/Westminster Policy Considerations

Plant: The applicant has submitted an acoustic report to accompany proposals for the new plant within basement vaults and at roof level. The report considers the projected noise levels from the new plant in relation to the nearest noise sensitive properties. It has been assessed by the Environmental Health officer who raises no objection to the new plant, subject to conditions.

Refuse /Recycling: A dedicated refuse store is indicated to be provided and will ensure that waste will be kept off the public highway.

Environmental Measures: The proposals would involve the installation of an air source heat pump system, rooftop photovoltaics panels and a green roof to improve the environmental impacts of the building. Given that this is not a new build scheme and opportunities for the introduction of sustainability measures are limited, this is considered satisfactory.

## 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

Planning obligations are not relevant in the determination of this application.

## 8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in sections 8.7 above.

## 8.12 Other Issues

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 21 January 2016
3. Response from Cleansing - Development Planning, dated 6 April 2016
4. Response from Plant And Equipment, dated 14 January 2016

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

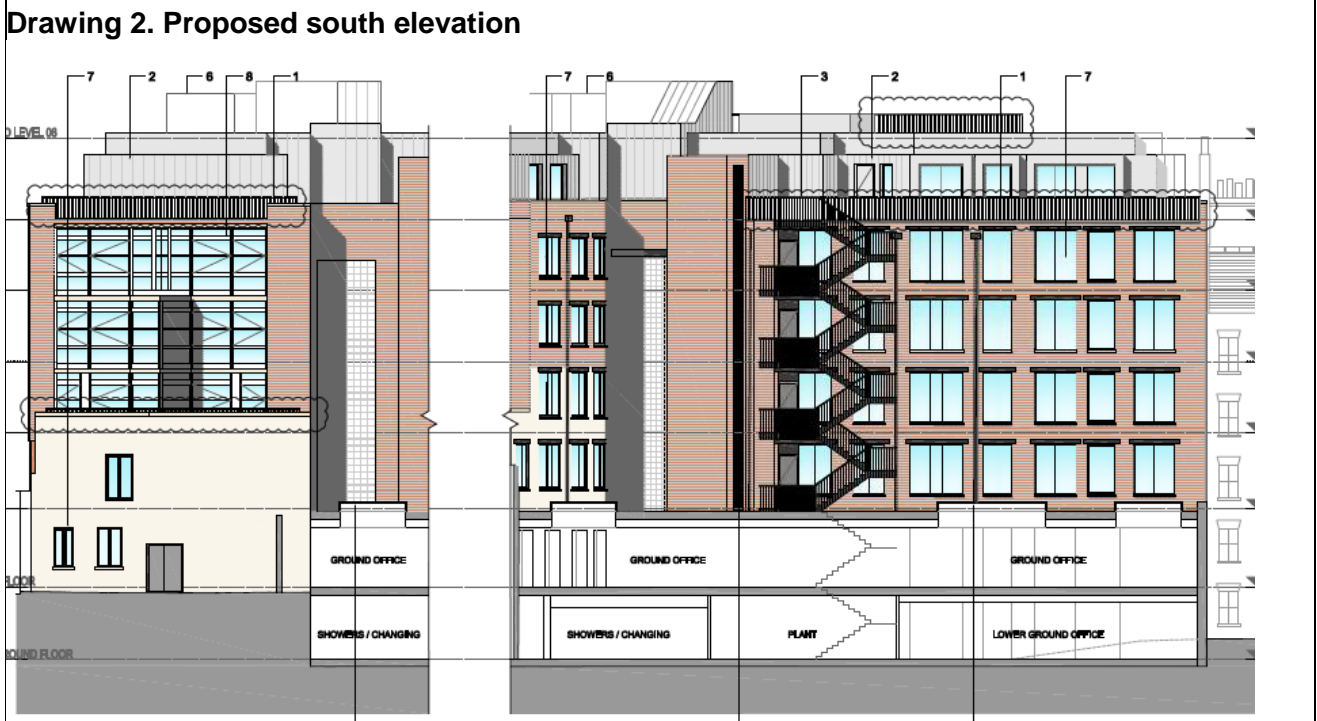
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON 020 7641 5707 OR BY EMAIL AT [ljenkins@westminster.gov.uk](mailto:ljenkins@westminster.gov.uk)

10. KEY DRAWINGS

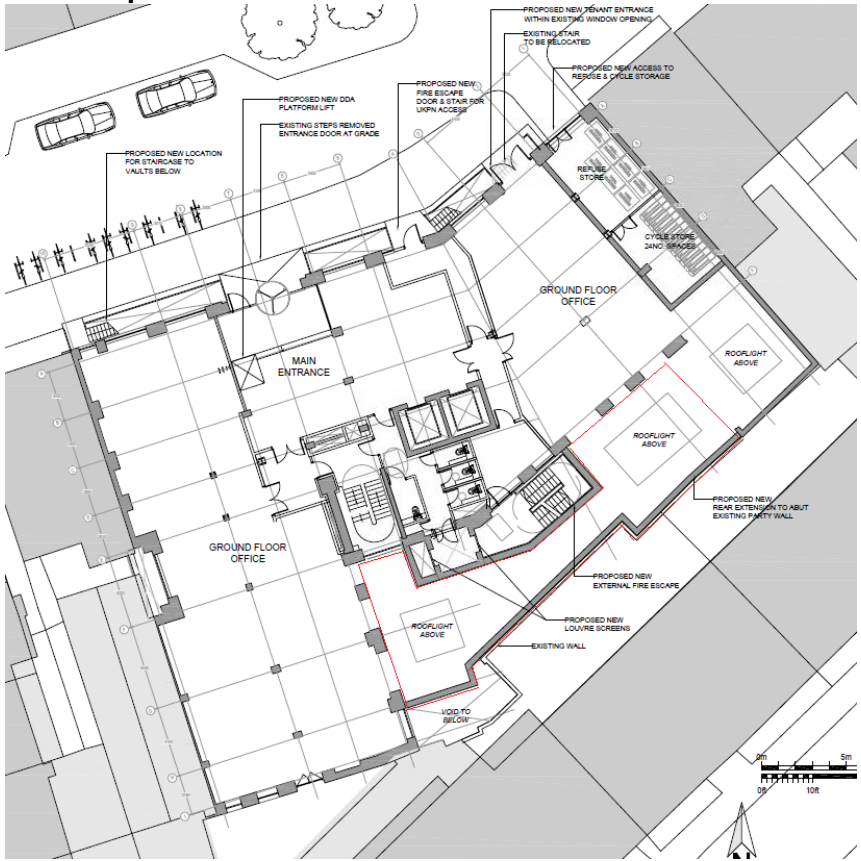
Drawing 1. Proposed north elevation



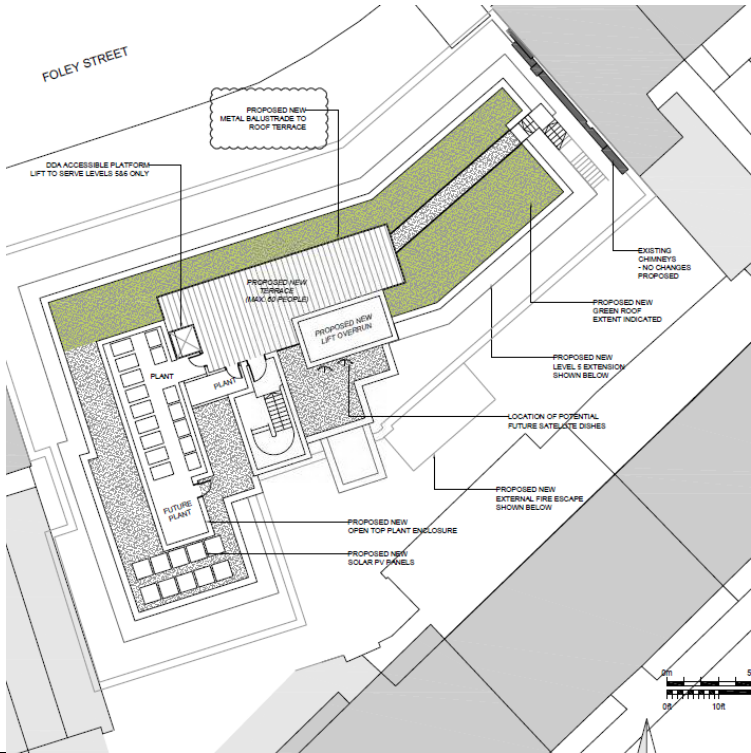
Drawing 2. Proposed south elevation



**Drawing 3. Ground floor plan-extension outlined in red**



**Drawing 4. Roof plan**



**DRAFT DECISION LETTER**

**Address:** 31 - 36 Foley Street, London, W1W 6DP,

**Proposal:** Retention of the building for office use (Use Class B1), extension of the rear facade at lower ground and ground floor level (part) and additional office accommodation at roof level, erection of rear escape staircase and other external alterations.

**Reference:** 15/10479/FULL

**Plan Nos:** D2100 P2, D2101 P2, D2101 P2, D2103 P2, D2104 P2, D2105 P2, D2106 P2, D2099 P2, D2201 P5, D2203 P3, D2200 P4, D300 P3, D2301 P1.

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

**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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A10972SK0023P2. You must clearly mark them and make them available at all times to everyone using the Office building. (C14FB)

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)

- 6 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.

- 7 (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.

- 8 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development - i) all new windows, ii) external doors, iii) railings. 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 details. (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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must 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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You 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 East Marylebone 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 13 Prior to the use of the fifth floor and roof terraces hereby permitted, you must apply to us for approval of detailed drawings of the following parts of the development - screening to the fifth floor



terraces and the roof terrace.

The screening must be at least 1.8m high. You must not allow the fifth floor and roof terraces to be used until we have approved what you have sent us and the screening has been installed.

You must thereafter maintain the screening at a minimum height of 1.8m.

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)

- 14 You must not occupy the building use allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not occupy the building until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the building is in use.

The service management plan should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and should clearly outline how servicing will occur on a day to day basis.

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)

- 15 You can only use the terraces at fifth floor and roof level between the hours of 08:00 and 18:00 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, 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. (R13EC)

### **Informative(s):**

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

- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the

hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.