

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 th July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	16, 18-25 & 26 Park Crescent &, & 77-81 Portland Place, London, W1B 1PE		
Proposal	DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and partial demolition of 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.		
Agent	DP9		
On behalf of	PCW PROPERTY HOLDING LIMITED (JERSEY)		
Registered Number	16/02343/FULL 16/02344/LBC	Date amended/ completed	22 June 2016
Date Application Received	4 March 2016		
Historic Building Grade	Grade I		
Conservation Area	Harley Street/Regent's Park		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree that a financial contribution of £8,986,710 in lieu of on-site affordable housing provision is acceptable?

2. Subject to 1. above, does the Committee agree to a phased payment of the affordable housing contribution, with one third of this sum being payable on commencement of development, one third after 18 months and one third on first occupation?

3. Subject to 1. and 2. above, and subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:

- i. Provision of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
- ii. The community space to be fully fitted out and ready for occupation prior to the occupation of the

residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;

- iii. £30,000 per annum for the City Council's Environmental Inspectorate to oversee the construction phase;
- iv. The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
- v. Provision of the on-site play space;
- vi. Public access to the ice house;
- vii. Highway works associated with the development;
- viii. Unallocated parking
- ix. Monitoring costs.

2.If the S106 legal agreement has not been completed within six weeks from the date of the Committee's 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.

4. Grant conditional listed building consent.

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

2. SUMMARY

The application site comprises Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, the two residential wings at the rear of the crescent (No. 22 Park Crescent) and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site. Planning permission was granted in October 2015 for the redevelopment of the site to accommodate 73 new residential units, including a terrace of nine mews houses, off street car parking for 73 cars, inclusion of a community use and landscaping works to the rear.

The main difference in the consented scheme and the current proposals involves the inclusion of the two residential blocks (No. 22 Park Crescent) and their gardens, revised entrance and access arrangements and an increase in residential units from 73 to 76.

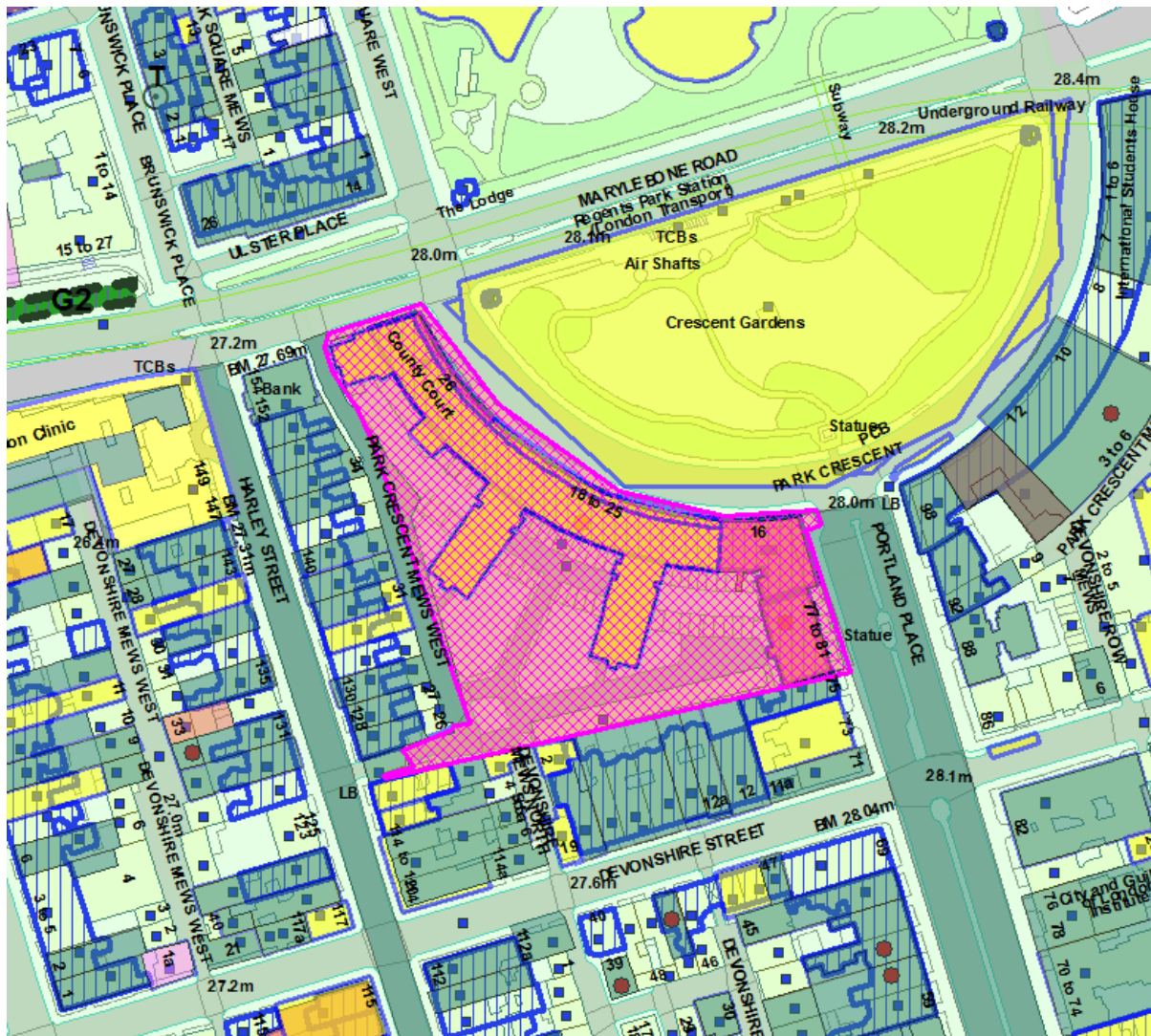
The key issues for consideration in this case are:

* The acceptability of the affordable housing offer.

* The impact of the proposals on the amenities of neighbouring residents.

The principle of a residential-led redevelopment of the site has previously been considered acceptable and works to implement the 2015 permission are currently underway. It is accepted that the financial contribution offered in lieu of on-site provision is the maximum achievable and Committee's views are sought on the issue of whether the principle of a phased payment of the affordable housing contribution is acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

The application is generally acceptable in strategic terms but the following changes are required to remedy full compliance with the London Plan: the preservation of any historic and/or architectural features should be secured by condition; adequate playspace should be provided; carbon dioxide savings should be verified and a Detailed energy Assessment submitted.

TRANSPORT FOR LONDON

Recommends a reduction in car parking and asks that each residential unit be given 3-years funding towards membership of the cycle hire docking station network. A financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan, car park management, blue badge parking, electric vehicle charging points and car club membership should all be secured by condition

HISTORIC ENGLAND

Authorisation received.

COUNCIL FOR BRITISH ARCHAEOLOGY

Remain opposed to the overall scheme, but raise no objections to the demolition of the garages subject to a Making Good or Landscaping Condition in the event development does not follow demolition.

THE GEORGIAN GROUP

Maintain the objections raised to the previous scheme and to the proposed detailing of the reconstruction and to the roof extension. This is a good opportunity to address the inaccuracies of the design as previously suggested which could be a way to mitigate the harmful roof extension, which should be omitted.

THE ST MARYLEBONE SOCIETY

Defer to Marylebone Association

MARYLEBONE ASSOCIATION

No response to date.

LONDON UNDERGROUND LIMITED

No objections raised, subject to conditions.

HIGHWAYS PLANNING MANAGER

No objections raised, subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised, subject to conditions

BUILDING CONTROL

Any response to be reported verbally

CLEANSING MANAGER

No objections raised, subject to conditions.

ARBORICULTURAL MANAGER

Objections raised on the grounds that the existing trees within the rear garden make a significant contribution to the landscape and that the proposed soil depth is insufficient to support a substantial replacement landscape scheme. Concerns raised on the grounds that the proposed landscaping appears too formal an arrangement and unambitious for the space. Also concerned that foundation works will damage the roots to the London Plane tree in Devonshire Street.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 308

Total No. of replies: 3

One letter requesting reinstatement of the front façade and two letters of objection raising the following concerns:

- * Noise, dust, dirt, drilling, vibration, traffic and nuisance during construction.
- * Problems with reduced access to 22 Park Crescent
- * Impact on means of escape
- * Loss of light caused by increase in dust
- * Increase in vermin
- * Lack of engagement by the developer
- * Objections raised to the 2014 scheme apply equally to the current scheme

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application site comprises Nos. 16-26 Park Crescent, a Grade I listed building which occupies the entire western side of the historical crescent, within the Regent's Park Conservation Area. The site also incorporates the adjoining buildings at 77-81 Portland Place, which are listed Grade II, the two residential wings at the rear of the crescent (No. 22 Park Crescent) and the land to the rear fronting Park Crescent Mews West including a row of garages on the southern boundary of the site.

The building is five stories in height onto the Crescent itself and has lawful use as offices, courts and three residential flats (above 77-81 Portland Place). Access to 22 Park Crescent is from 18-25 Park Crescent. There are two vehicular accesses into the site providing access to surface level and basement car parking areas, one from Marylebone Road via Park Crescent Mews West and one from Harley Street.

The site is located outside of the Core Central Activities Zone (CAZ), however, Park Crescent, Portland Place and Marylebone Road are designated named streets within the Marylebone and Fitzrovia area of the CAZ.

The character of this part of Regents Park is a mix of commercial, medical and residential uses, however, the mews streets at the rear, including Park Crescent Mews West and Park Crescent Mews north, are residential in character. There are also a number of other residential properties within the immediate vicinity of the site, including 75 Portland Place directly adjacent to the site.

6.2 Recent Relevant History

Planning permission was granted in October 2015 for the demolition and redevelopment of 16-26 Park Crescent and partial demolition of 77-81 Portland Place to provide residential accommodation (Class C3) comprising of two basement levels, lower ground, ground and first to fourth floor levels (64 flats); the development of nine mews properties comprising of part lower ground, ground, first and second floors within the rear courtyard of Park Crescent Mews; creation of terraces at rear ground, third and fourth floor levels and car parking, refuse storage and plant in the basement of the Park Crescent property; use of part ground, lower ground and basement level 1 and basement level 2 as a community use (Class D1). Works to implement this permission have commenced.

The site is also subject to a current S73 application to vary the consented scheme. This application seeks to remove the remaining section of the Crescent façade and entrance to No. 22 Park Crescent, additional demolition works including removal of the entrance hall and stair and boiler rooms to No. 22.

7. THE PROPOSAL

The application involves the redevelopment of the site to accommodate 76 new residential units, including a terrace of nine mews houses, excavation of two basement levels to provide parking, plant and servicing, swimming pool, gym and media rooms, inclusion of a community use and landscaping works to the rear. The main difference in the consented scheme and the current proposals involves the inclusion of the two residential blocks (No. 22 Park Crescent) and their gardens, revised entrance and access arrangements and an increase in residential units from 73 to 76.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of office use

The proposal would result in the loss of 10,750 sqm of office floorspace. Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area.'

Given recent pressures to convert office buildings to residential use, the City Council recognises that there is now an under-supply of office accommodation within the borough. Consequently, in the case of applications submitted after 1 September 2015, proposals involving the replacement of offices with new residential floorspace will be determined under a 'presumption in favour of sustainable development' in line with

national policy. This means that within the Core CAZ (and in the Named Streets) housing is no longer acceptable in principle where it results in the loss of office floorspace, although the loss of offices will be acceptable where this is to another commercial use.

Whilst housing is no longer considered to be the priority use within Westminster, in this case, the key issue is the permission granted in 2015. This is a material consideration and as the applicant is in the process of implementing that permission which allowed the loss of the existing offices, in this case the residential use of this site is considered acceptable.

8.1.2 Loss of Law Courts and Introduction of Replacement Community Space

The existing law courts are considered to be a community use and protected under Policies SOC1 of the UDP and S34 of the City Plan. However, the Courts have relocated to new premises within the Royal Courts of Justice. The scheme provides 1,910 sqm of new D1 space for Business in the Community (BITC), a not-for-profit organisation with the objective of educating and training, particularly young people, with the aim of improving skills and lowering unemployment and tackling inequality. In considering the last application, Committee considered that provision of the space was sufficient to comply with the relevant policies. The current application involves a 148sqm uplift of D1 space located once again at ground, lower ground and basement levels 1 and 2. To ensure the delivery of the community space, the following measures are to be secured by legal agreement:

- A 15 year lease at a peppercorn rent to the charity;
- Provision of internal shell and core with incoming services to the specification of the Trust;
- Service charge, rates, insurance, utilities, repairs, maintenance, security and tenant's legal costs to completion of lease to be covered by the applicant

8.1.3 Residential Use

The scheme would provide 22,510 sqm (GEA) of new residential floorspace on the site. Given that, in this case, the loss of the existing Class B1 accommodation is considered acceptable in land use terms, the provision of additional residential floorspace is supported by Policies H3 of the UDP and S14 of Westminster's City Plan.

Number and size of units and residential mix

The development would provide a total of 76 units (16x1, 18 x 2, 30 x 3, 5 x 4 and 7 x 5 bed) and would range in size between 45sqm and 500sqm as set out below:

Bedrooms	No. units	Average size (m2)
One bedroom	16	68
Two bedroom	18	141.5
Three bedroom	30	225
Four bedroom	5	350
Five bedroom	7	435

City Plan Policy S14 requires the number of residential units on development sites to be optimised and policy S15 requires an appropriate mix of units in terms of size and type to be provided. UDP policy H5 normally requires at least 33% of new units to provide three or more bedrooms. In this case the flat sizes are similar to those in the consented scheme and 55% of the units would be family sized which is also a similar proportion to those granted in the consented scheme.

Standard of residential

There is considered to be potential for sufficient daylight and sunlight to be received by the proposed residential units.

All the housing units would meet or exceed the requirements as set out in the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG. Whilst not all flats would be dual aspect, all of the single aspect flats would be west facing and would therefore receive some sunlight every day. Mechanical ventilation is also proposed and the Environmental Health Officer is satisfied that overheating should not be a problem.

UDP Policy ENV6 states that the City Council will require residential developments to provide adequate protection from existing background noise and be sound insulated to meet standards for internal noise levels of 35dB daytime and 30dB night time. This is considered to be a 'good' standard of quietness inside a home and is secured by condition. Subject to this, it is considered that the proposed flats would provide a good standard of residential accommodation.

Play space and open space

Policy H10 requires housing developments to include an element of amenity space, including the use of balconies and roof terraces on sites within CAZ. Communal garden areas are provided at the rear of the main crescent building and, private roof terraces are provided at lower ground floor levels, third and fourth floor levels and all of the mews houses benefit from small private courtyard gardens.

The application also includes an ancillary swimming pool, sauna/spa, cinema/media room and gym for residents use only at basement level 1.

Policy SOC 6 requires children's playspace to be provided where 25 or more family sized units are being provided, and one of the two communal courtyard spaces incorporates an area of children's playspace including the provision of play equipment. This is similar to the space provided in the consented scheme and would be secured by legal agreement.

Community Floorspace

Policy H10 also requires on sites suitable for large housing developments, where appropriate, the provision of a community facility. The policy allows for the payment of a financial contribution in lieu of on-site provision where costed social and community projects are identified. As in the consented scheme, the applicant is offering a number of measures to secure the community space (set out in 8.1.2 above) and that as additional communal facilities are also proposed for future residents of the development,

it is considered that once again, the package of community facilities is considered acceptable.

8.1.4 Affordable housing

The policy requirement

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant. In new housing developments of either 10 or more additional units or where over 1000sqm of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

The scheme results in an increase in residential floorspace of 22,510sqm (GEA). Applying the Interim Guidance, a scheme of this size is expected to provide 70 units. If this were to be met by a financial payment in lieu, this would generate a requirement for £28,302,400

In the consented scheme, the applicant's viability report was reviewed by GVA who advised that the scheme could viably support £13,165,000. This (together with a £254,054 payment to the Mayoral CIL) was secured by legal agreement (ie a total payment of £13,419,054).

The applicant's proposals

The applicant initially argued that with increased build costs, the inclusion of Westminster CIL costs of £4,388,414, that the development could only viably support an affordable housing payment of £1.62M. However, they offered to provide a commuted sum of £8,776,568 towards affordable housing, which together with CIL payments, would have matched the overall charges incurred in the consented scheme.

The City Council has once again employed GVA to review the applicant's financial viability case, and they contend that, even with the additional CIL charges and increased build costs, that the scheme can support an affordable housing payment of £8,986,710. The applicant has agreed to this payment, however, they have asked that, given the current uncertainties in the financial and debt markets created by Brexit, that the payment is made on a phased arrangement. They propose that one third of the contribution is paid on commencement (anticipated towards the end of 2016 and the start of 2017), one third after 18 months, and one third on first occupation. The phased arrangement is not supported by the Council's viability consultants who content that the full payment is viable on commencement, and Committee's views are sought on whether this phased arrangement is acceptable.

8.2 Townscape and Design

The proposed alterations are in addition to those approved under refs: 14/03306/FULL and 14/03308/LBC which retained the existing entrance lobby at No. 22 Park Crescent. It is now proposed to incorporate the entrance foyer of No. 22 within the redevelopment scheme of the crescent as a whole. This will allow the crescent façade to be rebuilt in its entirety without the need to retain part of the façade where it forms the entrance to No.22. This is beneficial in heritage asset terms because the whole façade can be rebuilt without awkward construction joints around retained fabric.

Whilst the Georgian Group maintain their objection to the principle of a roof extension, this was part of the 2015 permission and conditions and clauses within the legal agreement are in place to ensure the façade is reinstated to address the concerns raised by objectors.

At the rear a new landscaping scheme, designed by Kim Wilkie, is proposed and can be shared by both new residents within the development and the existing residents of No. 22. It comprises a central oval pool skylight towards the eastern end of the site, new planting, raised planting areas with integrated seating, playspace (including a sculpture suitable for children to play on), new tree planting and two principal planting areas flanking the proposed water feature. The proposals include new granite setts to Park Crescent Mews West. These landscaping alterations are acceptable in design and heritage asset terms. They will enhance the setting of the listed buildings and improve the character and appearance of the surrounding conservation area.

Since the previous approval, the Ice Well has been formally designated as a Scheduled Ancient Monument. Consequently, the scheme has been further developed to ensure that it is fully protected from physical harm. Regarding its setting, the proposed development will still result in the Ice Well being half covered by the new mews houses. Whilst the Ice Well was originally built in open ground, it was similarly built over by previous mews houses in the nineteenth century and subsequently forgotten until rediscovered in the 1960s when it was filled with demolition rubble. In this context of historic development and massive changes to its original setting, the proposal to rebuild mews houses over the Ice Well is acceptable. However, it is disappointing that the Ice Well is not to be fully emptied of rubble (for structural reasons) because this fails to take the opportunity to fully reveal the significance of the Ice Well, and it also reduces the heritage benefits of the scheme which were previously considered to outweigh the harm caused by the roof extension on the crescent.

8.3 Residential Amenity

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of light reaching the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as a habitable room), whilst bedrooms are protected to a lesser extent.

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, and has a 4% loss in total annual sunlight hours, 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 – with kitchens and bedrooms less so.

A sunlight and daylight report has been submitted with the planning application which includes an assessment of the development using the appropriate VSC method prescribed in the BRE guidelines. Once again, as in the consented scheme, only five habitable windows within this block of flats are adversely affected by 20%. These windows would experience losses of between 21% and 38% in terms of VSC, however, these are secondary windows to rooms that are served by one other window that retain good levels of VSC. It is considered that these rooms would still receive adequate levels of daylight.

With regard to annual sunlight losses, three windows within one flat at 22 Park Crescent would experience losses of winter sunlight hours varying between 57% and 85% and one window within one other flat would experience a loss of 46% in winter sunlight hours. All these windows would therefore fail BRE guidance. However, these windows would retain very good levels of annual sunlight hours varying between 31% APSH and 49% APSH. One other flat within 98 Portland Place would experience winter sunlight losses of between 50% and 100%. These high percentage changes are due to the very low existing levels of sunlight that these windows currently experience. Both of these windows would only see an actual decrease of available winter sunlight hours of 2% and 1%.

The losses experienced would be very similar to those proposed as part of the consented scheme. It is considered that, as in the consented scheme, within this urban built up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

Overlooking and Sense of Enclosure

UDP Policy ENV13 also seeks to safeguard the amenity of existing residential occupiers by not allowing proposals that would result in an unreasonable sense of enclosure or overlooking. The most obvious impact on sense of enclosure would result from the construction of the mews terrace along the southern boundary of the site and from the increased depth, and new roof storey of the rebuilt crescent. However, all these elements are no different from those proposed within the consented scheme and it is not considered that these elements of the application would have an adverse impact on overlooking or on sense of enclosure.

8.4 Transportation/Parking

The proposals would provide 81 car parking spaces for the 76 proposed units. This would comply with Policy Trans 23. The London Plan also requires that 20% of the spaces should be capable of charging an electric vehicle, with 20% passive provision, and this requirement is also met. The parking spaces would be located at basement levels 1 and 2, to which access would be from either Harley Street or Park Crescent West via the Marylebone Road. It is not considered that the vehicular traffic generated by the proposed 76 units would be so substantial that it would lead to potential conflict in terms of highway safety, convenience or amenity. The Highways Planning Manager considers that, in order to ensure that downtime of the automated car parking system is

kept to a minimum to avoid residents parking on-street (for example, while the system is under repair), a Car Park Management Plan should be conditioned to cover this issue.

The applicant has requested that 25% of the parking bays should be unallocated. The previous permission was subject to a condition requiring all spaces to be unallocated, however, the Highways Planning Manager considers that if 21 spaces were unallocated (ie 25% of the 81 provided) this would be sufficient to ensure that the development should not cause residents to have to park on-street and therefore would be acceptable. This would be secured by legal agreement.

TfL have requested that car club membership is secured for all of the flats, however, given the level of car parking proposed this is not considered necessary.

The proposals include cycle parking facilities which would also be provided at basement level 1 and basement mezzanine level. 142 cycle parking spaces are proposed to serve the residential elements of the development and a further 12 to serve the D1 use. A further 8 spaces are proposed on Marylebone Road, however, this is TfL highway and will need the agreement of TfL. The previous permission provided 25 spaces for the D1 use and TfL have asked for this same amount. These spaces be reserved by condition to ensure compliance with UDP Policy TRANS10.

The proposals also indicate that one parking bay in Park Crescent West is to be moved, so that refuse vehicles can turn in the Mews. Parking bays in the Crescent are also proposed to be moved. The Highways Planning Manager has no objections to the proposed changes to on-street parking within the Crescent but considers that there is no need to move the bay in the Mew as this does not appear to be in conflict with the manoeuvres the refuse vehicle will now have to make. These changes will be the subject of a separate Traffic Order Making process under the Road Traffic Regulation Act 1984.

8.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

8.6 Access

The buildings will be fully accessible to people with mobility difficulties

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into

account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

Plant

Plant is proposed at basement levels 1 and 2 and basement mezzanine floor level. A noise report has been submitted with the application which has been reviewed by Environmental Health officers and it is considered that any noise from plant would be within the limitations stated in the City Council's standard noise conditions, subject to the submission of a supplementary noise report, and would therefore comply with UDP Policies ENV 6 and ENV 7 and City Plan Policies S28 and S31. The concerns on these grounds cannot therefore be supported.

Refuse store

The proposal includes a waste storage area at basement level 1 underneath the proposed mews houses. Waste would then be brought to ground level twice a week to a temporary storage area at ground floor level in advance of collection. The applicant has confirmed that the Facilities Management Team will arrange for the transfer of waste from the holding areas to the surface level bin store on collection days to address the concerns the Cleansing Manager has raised about the distance from the refuse holding areas to the temporary storage area. As in the consented scheme, suitable conditions could be put in place to limit the hours of collection to limit the disturbance to surrounding residential occupiers.

Trees and landscaping

In terms of landscaping, the main difference in the consented scheme and that now proposed, relates to the inclusion of the central garden area between the two wings at 22 Park Crescent. At present this part of the site has thirteen existing trees which are either mature small trees or young large trees which together make a significant contribution to the landscape. The area is however split by the rear access road and it is accepted that the relocation of the entrance access would provide a larger and more useable and attractive space. Concerns have been raised by the Arboricultural Manager about the depths of soil proposed to support a sustainable landscape. The applicant has provided further details regarding soil depths and soil types and contends that as tree planting to the central garden is predominantly Magnolia trees, with a rootball envisaged around max 60cm deep, that tree pit depths of between 1-1.5m is more than adequate for trees of this size. For the larger mature trees currently proposed such as Liquidamber, Gleditsia and a London Plane soil depth would increase to 1.5m.

The applicant confirms that all soft landscape areas will be irrigated on a centrally controlled landlord system and planting maintained to the highest standard for at least the first 12 months of establishment and then beyond. Details of the landscaping and maintenance would be secured by condition.

The Arboricultural Manager also considers that further details are required to demonstrate that the proposed foundations to the mews houses would not damage the roots to the London Plane in Devonshire Street. This is dealt with by condition.

8.8 London Plan

The London Plan promotes the provision of new housing and requires, in new housing schemes, the maximum reasonable amount of on-site affordable housing. At the same time economic viability should be taken into account and it may be appropriate to accept a financial contribution in lieu of on-site affordable provision.

The proposal to redevelop this site is referable to the Mayor because the floorspace of the building is over 20,000m². The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information on the following points:

- conditions should be in place to secure the preservation of any historic and/or architectural features of the 1960's building found in the process of the redevelopment;
- adequate children's playspace should be provided;
- a reduction in car parking is requested;
- each residential unit should be given 3-years funding towards membership of the cycle hire docking station network, a financial contribution towards improving signage in the area is requested and cycle parking, a construction logistics plan, a delivery and servicing plan, car park management, blue badge parking, electric vehicle charging points and car club membership should all be secured by condition;
- carbon dioxide savings should be verified, a detailed Energy Assessment submitted and the applicant should investigate whether there are any existing or planned district heating networks within the vicinity of the site.
- the applicant should provide a single energy centre supplying all uses

The applicant is aware of the comments raised by the Mayor and it is understood that they will be having separate discussions with the Mayor to address these issues, particularly with reference to the energy concerns set out above. However, at this stage the scheme is considered to comply with relevant policy subject to the Committee's views regarding the affordable housing offer.

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

Westminster's has developed its own CIL which was introduced on 1 May 2016. The applicant advises that the estimated Mayoral CIL payment is £254,054 and the Westminster CIL would be £4,388,414.

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

- a) A contribution of £8,986,710 towards the City Council's affordable housing fund (index linked and payable in phased payments);
- b) The community space to be fully fitted out and ready for occupation prior to the occupation of the residential floorspace, and thereafter provided at a peppercorn rent for a minimum period of 35 years;
- c) £30,000 for the City Council's Environmental Inspectorate to oversee the construction phase;
- d) The cost of reinstating the Park Crescent facade (in the event that the applicant fails to complete the development);
- e) Provision of the on-site play space;
- f) Public access to the ice house;
- g) Highway works associated with the development;
- h) Unallocated parking
- i) Monitoring costs.

Transport for London has also requested funding towards Legible London signage within the vicinity of the site, and for each residential unit to have an annual membership (£90 per year) to the cycle hire docking station network. The applicants have not agreed to the contributions on the basis that they are not allowed for in their viability appraisal and any additional contributions would have to be taken out of the affordable housing contribution. In any event, these measures were not secured as part of the consented scheme, sufficient cycle parking is secured by condition, and the proposed redevelopment is on an existing, well-established street and will not lead to any change in the hierarchy of spaces and street in the immediate area or to the legibility of pedestrian routes. In this regard, it is not considered that the proposed payments would meet the above tests required to secure this funding.

8.11 Environmental Impact Assessment

Sustainability

Policy 5.4 of the London Plan relates to retrofitting and states that the environmental impact of existing urban areas should be reduced through policies and programmes that bring existing buildings up to the Mayor's standards on sustainable design and

construction. These standards are set out in Policy 5.3 of the London Plan and include minimising carbon dioxide emissions, avoiding internal overheating, efficient use of natural resources, minimising pollution and promoting and protecting biodiversity and green infrastructure. Policy 5.2 states that proposals should make the fullest contribution to minimising carbon dioxide emissions and aim for a 40% improvement on the 2010 Building Regulations.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

Policy S40 of the City Plan requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers it not appropriate or practical due to site specific considerations.

The applicant has submitted an Energy Strategy that sets out the proposed low-carbon strategy to be implemented across the development incorporating a site-wide energy centre with heating and cooling networks, solar photovoltaics and high performance building fabric. The proposals make a significant carbon reduction towards London Plan Policy 5.2 targets and the Council's S40 target, achieving a carbon dioxide emissions reduction of 22.5%. Although the proposals do not achieve policy compliance, considering the overall setting, and commitment to integration of renewable in a small area of the site serving the crescent apartments, and with savings through a site wide heat network, this is considered acceptable.

Green roofs are proposed at roof level on two of the mews houses and these will be secured by condition.

8.12 Other Issues

Basement

The scheme involves the excavation of two sub-basement levels. The amount of excavation is similar to the consented scheme although additional excavation is proposed beneath the communal gardens where additional basement car parking is proposed. The City Council has adopted guidelines in relation to basement development and policies relating to basement development are being developed which principally relate to proposals for basement development beneath residential properties and buildings originally built for residential purposes.

The Council's adopted Supplementary Planning Document "Basement Development in Westminster requires proposals for basement development to be supported by a Construction Method Statement and a Structural Method Statement, both of which have been submitted. A flood risk assessment report has also been submitted.

Policies relating to basement development have, in part, been used for the purpose of determining planning applications since 1 November 2015.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National

Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The application is supported by a structural report. This report is being considered by our Building Control officers and subject to this it is not considered that the concerns raised regarding the stability on the adjacent building can be supported. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

The applicant has confirmed that the sole access to the site by construction vehicles would be from Park Crescent, and all loading/unloading of skips and goods will take place at this point. Should any parking bays need to be suspended, the applicant would need to apply separately for highways approval.

The applicant has also confirmed that the existing access route through the Park Crescent building for residents of 22 Park Crescent will be retained throughout the demolition and construction process. As demolition has commenced in relation to the 2015 permission, protective measures have now been put in place, including hoardings and a gantry over the pavement on Park Crescent, to protect the existing residents and the public from demolition and construction activities.

Concerns have been raised on the grounds that demolition activity is currently adversely impacting on residents of the adjoining building and residents within 22 Park Crescent and that the proposed construction activities would disrupt residents for a further 4 years, and would reduce access to residents at 22. However, it is not possible to refuse planning permission for these reasons, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP) and Site Environmental Management Plan (SEMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A condition requiring compliance with the submitted Construction Management Plan is proposed. In addition, as part of the legal agreement, the applicant has also agreed to an annual contribution of £30,000 towards the Council's Code of Construction Practice and towards monitoring of the CMP. Conditions have also been recommended restricting hours of construction and a SEMP to cover residents concerns regarding noise mitigation measures.

Other Issues

The adjoining neighbour has resubmitted her letter of objection to the 2014 application which raised concerns relating to the proposed mews houses, loss of amenity, shortfall in car parking and lack of on-site affordable housing, however, these matters remain unchanged from the consented scheme.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Greater London Authority dated 25 May 2016
3. Letter from Transport for London dated 26 April 2016
4. Letter from Historic England dated 6 April 2016
5. Response from The St Marylebone Society, dated 12 April 2016
6. Email from Council for British Archaeology dated 15 April 2016
7. Letter from London Underground dated 19 April 2016
8. Memo from Environmental Health dated 7 April 2016
9. Memo from Highways Planning Manager dated 3 June 2016
10. Memo from Cleansing dated 12 April 2016
11. Memo from Arboriculturist Manager dated 4 July 2016
12. Letter from occupier of Flat 27, 22 Park Crescent, dated 15 April 2016
13. Letter on behalf of the occupier of 75 Portland Place dated 22 April 2016
14. Letter from occupier of 19 Rossetti House, 106-110 Hallam Street dated 2 June 2016

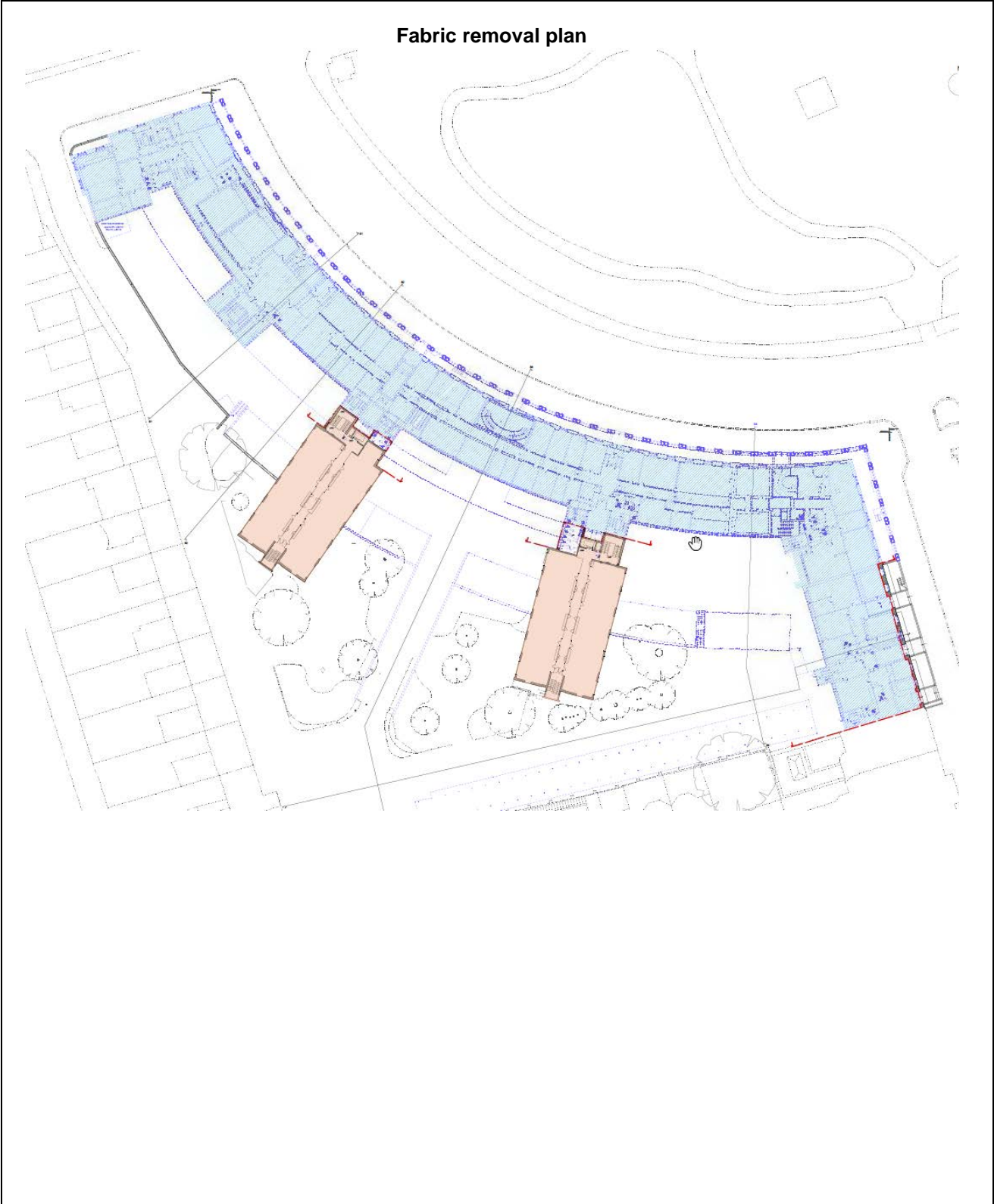
Selected relevant drawings

(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 PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS







Proposed Front elevation (part 2)



Proposed news houses

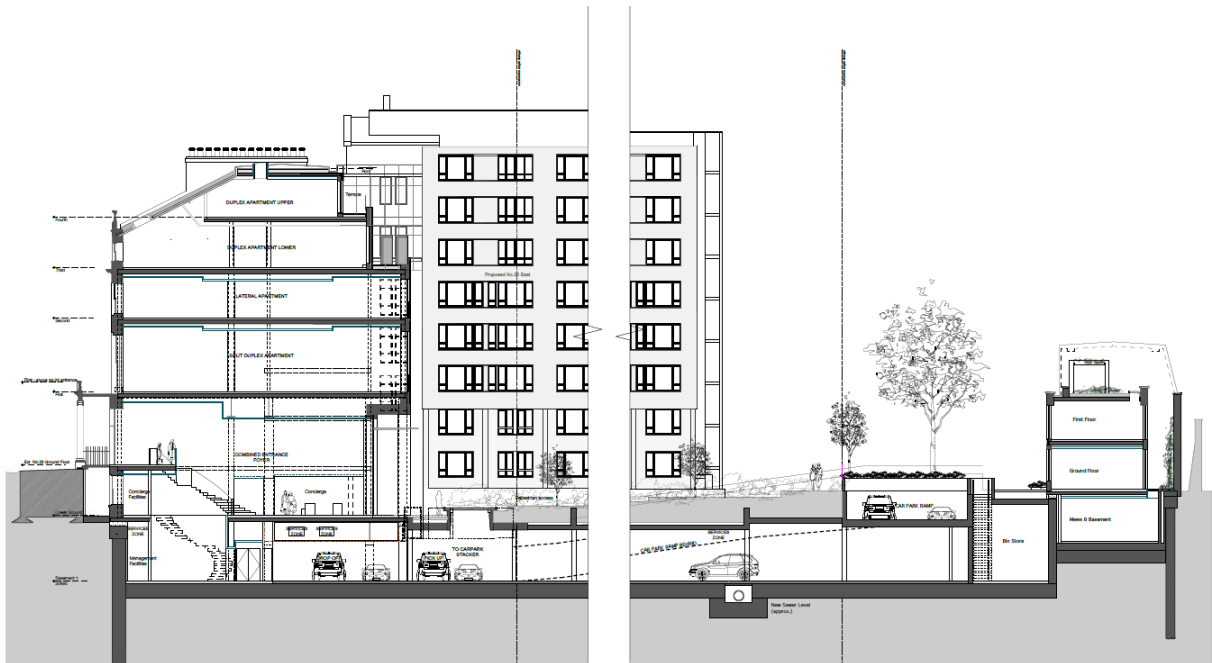


Type 1a news house Type 1 news houses Type 2 news houses Type 3 news houses Type 4 news house Elevation 2 - Front

Proposed rear elevation



Proposed Section B-B



DRAFT DECISION LETTER

Address: 16, 18-25 & 26 Park Crescent &, & 77-81 Portland Place, London, W1B 1PE

Proposal: DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE- Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Proposals include creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.,

Reference: 16/02343/FULL

Plan Nos: 1674 (PL-D)002 P1, 003 P1, 001 P3, 004 P1, 005 P1, 006 P1, 007 P1, 008 P1, 009 P1, 010 P1, 011 P1, 012 P1, 020 P2, 021 P2, 024 P2, 022 P1, 023 P1, 030 P1, 031 P1, 032 P1, 033 P1, 035 P1, 036 P1, 037 P1, 038 P2, 039 P1, 040 P1, 041 P1, 042 P1, 043 P1, 045 P1, 044 P1, 201 P1, 202 P1, 203 P1, 204 P1, 205 P1, 206 P1, 207 P1, 208 P1, 209 P1, 210 P1, 220 P1, 221 P1, 222 P1, 223 P1, 224 P1, 225 P1, 230 P1, 233 P1, 231 P1, 232 P1, 234 P1, 235 P1, 236 P1, 237 P1, 238 P1

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must put up a copy of this planning permission and all its conditions on all street frontages of the development site at ground floor level 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. (C21JA)

Reason:

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

- 4 You must provide details of cycle parking for 25 spaces for the D1 use, together with each cycle parking space shown on the approved drawings for the residential uses, 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 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

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)

- 6 You must apply to us for approval of details of a Car Park Management Plan including details i) to minimise waiting times for vehicles entering the car lift and ii) to ensure that downtime of the automated car parking system is kept to a minimum to avoid residents parking on-street

These measures shall be provided, in accordance with the approved details, prior to the occupation of the development and thereafter permanently maintained.

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)

- 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 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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 7 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.

- 12 (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.

13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the community use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the community use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 14 You must provide the waste store shown on approved drawing no's 1674 (PL_D) 003 rev P1 and 005 rev P1 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 15 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 Regent's Park 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)

- 16 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 Regent's Park 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)

- 17 You must not put structures such as canopies, fences, loggias, trellises, planters/planting or satellite or radio antennae either on the third or fourth floor rear balconies or the colonnade balcony facing Park Crescent.

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)

- 18 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)

- 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.
- i. Green roofs and green wall planting
 - ii. Photovoltaics
 - iii. The features set out in your Energy and Sustainability Statements dated 16.02.16 including:
 - Site wide heat network
 - Solar control glazing

You must not remove any of these features.

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 **Pre Commencement Condition.**

(a) You must not carry out any demolition unless in accordance with the written scheme of investigation approved by the City Council as Local Planning Authority on 27 November 2015 (under RN 15/10372/ADFULL) or in accordance with an alternative written scheme of investigation 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)

- 21 You must carry out the measures for protection of the trees which you are keeping, as shown on drawing DFC P2749 TPP Rev D and your Arboricultural Impact Assessment Report Rev D dated February 2016. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 22 You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work within the root protection area of T13 (London Plane). You must not start any construction work within the root protection area of T13 until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. Following completion of the development you must carry out regular inspection of T13, as set out in Arboricultural Impact Assessment Report Rev D dated February 2016.

Reason:

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

- 23 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 the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and 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 three 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 Regents Park 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)

- 24 The facades of the building next to Park Crescent and the return to Portland Place and Marylebone Road must be reconstructed as an exact replica of the existing facades, except in so far as the submitted drawings show the replacement of windows with doorways.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 25 The existing front area railings must be retained and reused, except in so far as the submitted drawings show their omission to create access bridges to the new front doors.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 26 You must apply to us for approval of samples of the facing materials you will use, including glazing, and diagrams 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.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 27 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. 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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 28 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 and appearance of the Regent's Park Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

- 29 You must retain on site in secure dry storage one of each of the following existing parts of the building, and apply us for approval of samples of one of each of the corresponding new items: (a) a complete column base and ionic capital, (b) a complete bottle baluster and section of coping stone, (c) a section not less than 300mm length of each different type of moulding/cornice from the Crescent façade. You must not rebuild any part of the Crescent facades until we have approved what you have send us and you must then complete the work according to the samples we have approved and you must not dispose of the retained items until the development is completed.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 30 Contrary to anything shown on or implied by the submitted drawings, you may not put anything such as planting or containerised planting, trellises, screening, furniture, heaters, awnings, parasols etc. on the Ionic colonnade.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 31 You must not put any machinery or associated equipment, ducts, tanks, satellite dishes, television or radio aerials, other antennas, alarm boxes, or cables on any external face of the buildings.

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 Regent's Park 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)

- 32 Pre Commencement Condition. You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work for the mews buildings over the icehouse, and detailed drawings to show the clearing of the rubble infill, restoration of the icehouse, and provision of access in to it from the outside via a restored entrance passage. You must not start any construction work on the mews until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 33 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings unless they are shown on the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent's Park 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 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 34 You must provide electric car charging points for at least 20 percent of the car parking spaces hereby approved at basement levels 1 and 2 level prior to occupation of the building. Thereafter you must maintain the electric car charging points and you must not remove them.

Reason:

To encourage the uptake of electric vehicles and reduce carbon emissions from transportation in accordance with Policy 6.13 in the London Plan 2015.

- 35 You must not put up any extensions or carry out any enlargements to the mews houses without our permission .This is despite the provisions of Classes A, B, C, D and G of Part 1 Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it)

Reason:

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

- 36 You must carry out the development including any works of demolition, in accordance with the submitted construction management plan dated December 2015 unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

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.

- 37 No development shall commence until a Site Environmental Management Plan (SEMP) relating to construction works associated with the development including but not limited to details of traffic and access management, noise, vibration and dust control measures, earthworks, piling, material storage and handling, site drainage and of built heritage during the construction Phase shall be submitted to and approved in writing by us. The SEMP as approved must then be complied with, and no part of the development shall be implemented other than in strict accordance with the approved SEMP.

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.

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

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

Reason:

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

- 39 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development, have been submitted to and approved in writing by the local planning authority which:
- i. provide details on all structures
 - ii. accommodate the location of the existing London Underground structures and tunnels
 - iii. accommodate ground movement arising from the construction thereof
 - iv. and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of an affordable housing contribution, financial contributions towards monitoring of construction works, a bond to secure the reinstatement of the Park Crescent facade, and the provision and retention of a new community space and communal open and play space.

- 3 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 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. (I50AA)

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 Conditions 7 and 8 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)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 11 In respect of Condition 36, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 12 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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.

DRAFT DECISION LETTER – 16/02344/LBC

Address: 16, 18-25 & 26 Park Crescent &, & 77-81 Portland Place, London, W1B 1PE

Proposal: DEVELOPMENT SITE AT 16, 18-25 & 26 PARK CRESCENT & 77-81 PORTLAND PLACE-Demolition and redevelopment of 16 Park Crescent, 18-25 Park Crescent, 26 Park Crescent and 77-81 Portland Place including reinstatement of Grade I listed Park Crescent facade to create [76] residential units and [1910 sqm] D1 floorspace. Proposals include creation of [9] new mews properties within rear courtyard at Park Crescent Mews. Car parking and associated servicing, access and landscaping.

Plan Nos: 1674 (PL-D)002 P1, 003 P1, 001 P3, 004 P1, 005 P1, 006 P1, 007 P1, 008 P1, 009 P1, 010 P1, 011 P1, 012 P1, 020 P2, 021 P2, 024 P2, 022 P1, 023 P1, 030 P1, 031 P1, 032 P1, 033 P1, 035 P1, 036 P1, 037 P1, 038 P2, 039 P1, 040 P1, 041 P1, 042 P1, 043 P1, 045 P1, 044 P1, 201 P1, 202 P1, 203 P1, 204 P1, 205 P1, 206 P1, 207 P1, 208 P1, 209 P1, 210 P1, 220 P1, 221 P1, 222 P1, 223 P1, 224 P1, 225 P1, 230 P1, 233 P1, 231 P1, 232 P1, 234 P1, 235 P1, 236 P1, 237 P1, 238 P1

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

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

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

Reason:

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

- 2 The facades of the building next to Park Crescent and the return to Portland Place and Marylebone Road must be reconstructed as an exact replica of the existing facades, except in so far as the submitted drawings show the replacement of windows with doorways.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 The existing front area railings must be retained and reused, except in so far as the submitted drawings show their omission to create access bridges to the new front doors.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and diagrams 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.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - (a) detailed drawings at 1:10 with full size moulding details of each different design of window, (b) detailed drawings at 1:10 with full size moulding details of each different design of external door. 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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must not put structures such as canopies, fences, loggias, trellises, planters/planting or satellite or radio antennae either on the third or fourth floor rear balconies or the colonnade balcony facing Park Crescent.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 You must retain on site in secure dry storage one of each of the following existing parts of the building, and apply us for approval of samples of one of each of the corresponding new items: (a) a complete column base and ionic capital, (b) a complete bottle baluster and section of coping stone, (c) a section not less than 300mm length of each different type of moulding/cornice from the Crescent façade. You must not rebuild any part of the Crescent facades until we have approved what you have send us and you must then complete the work according to the samples we have approved and you must not dispose of the retained items until the development is completed.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we

adopted in January 2007. (R26ED)

- 8 Contrary to anything shown on or implied by the submitted drawings, you may not put anything such as planting or containerised planting, trellises, screening, furniture, heaters, awnings, parasols etc. on the Ionic colonnade.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite dishes, television or radio aerials, other antennas, alarm boxes, or cables on any external face of the buildings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings unless they are shown on the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

Informative(s):

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.