

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 13 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Site 1: 75 - 77 Brook Street, London, W1K 4AD</b> <b>Site 2: 1 Green Street/29 North Audley Street, London, W1K 6 RG</b>		
<b>Proposal</b>	<p>1. Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).</p> <p>2. Use of the first to fourth floors to residential (Class C3) providing four self-contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.</p>		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Grosvenor West End Properties		
<b>Registered Number</b>	Site 1: 16/04188/FULL Site 2: 15/07795/FULL 15/07796/LBC	<b>Date amended/ completed</b>	10 May 2016
<b>Date Application Received</b>	5 May 2016		
<b>Historic Building Grade</b>	Site 1: Unlisted Site 2: Grade II Listed		
<b>Conservation Area</b>	Sites 1 and 2 Mayfair		

## 1. RECOMMENDATION

<p>1. Grant conditional permission (for Sites 1 and 2) subject to the completion of a S106 agreement to secure:</p> <p>a) The completion of one of the residential units at Site 2 (prior to occupation of the office accommodation at Site 1);</p> <p>b) The completion of the office accommodation (within 6 months of the occupation of the remainder of the residential at Site 2);</p> <p>c) Carbon off-set payment to the value of £14,670 towards the Council's carbon offset fund (index linked and payable on commencement of development);</p>
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d) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:

a) The Director of Planning shall consider whether the permissions 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.

3. Grant conditional listed building consent for the proposal at Site 2.

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

## 2. SUMMARY

These proposals involve two different sites in a land use swap. Site 1 at 75-77 Brook Street comprises two conjoined buildings primarily in office use with a single residential unit at third floor level at 77 Brook Street. Site 2, at 1 Green Street/29 North Audley Street, involves a Grade II listed office building with retail use at ground and basement floors. Both sites are situated within the Mayfair Conservation Area.

The proposals for site 1 are to demolish the existing building, and to replace it with a new seven storey building, including basement. The proposals would provide a building wholly in office use. The loss of residential at Site 1 would be re-provided at site 2 where the proposals seek the use of the first to fourth floors as residential. This would result in some losses of retail floorspace at ground and basement floors where an enhanced residential core and communal areas are proposed.

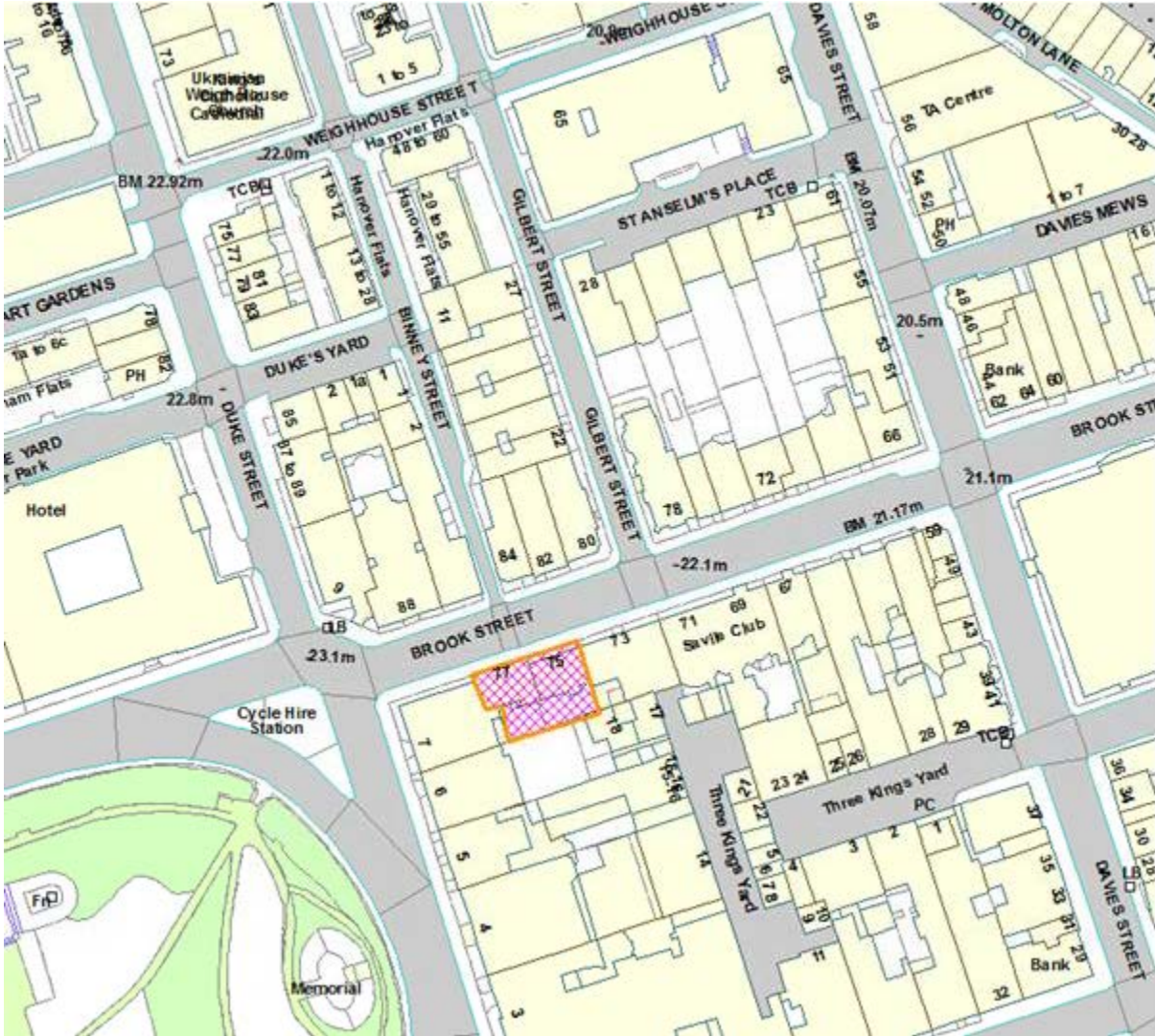
The key issues for consideration are:

- The land-use implications including the loss of residential at Site 1 and the loss of offices and retail at Site 2;
- The impact of the demolition of the buildings at Site 1 on the Mayfair Conservation Area;
- The impact of the internal and external works on the listed building at Site 2;
- The impact of both schemes on neighbouring residential amenity.

The proposals would result in an uplift of both residential and office floorspace in accordance with City Plan and UDP policies. This could all be achieved without material harm to other concerns including surrounding residential amenity. Whilst it is considered that the loss to retail floorspace is contrary to policy, it is considered that the benefits to the quality of the residential floorspace and the listed building outweigh the harm.

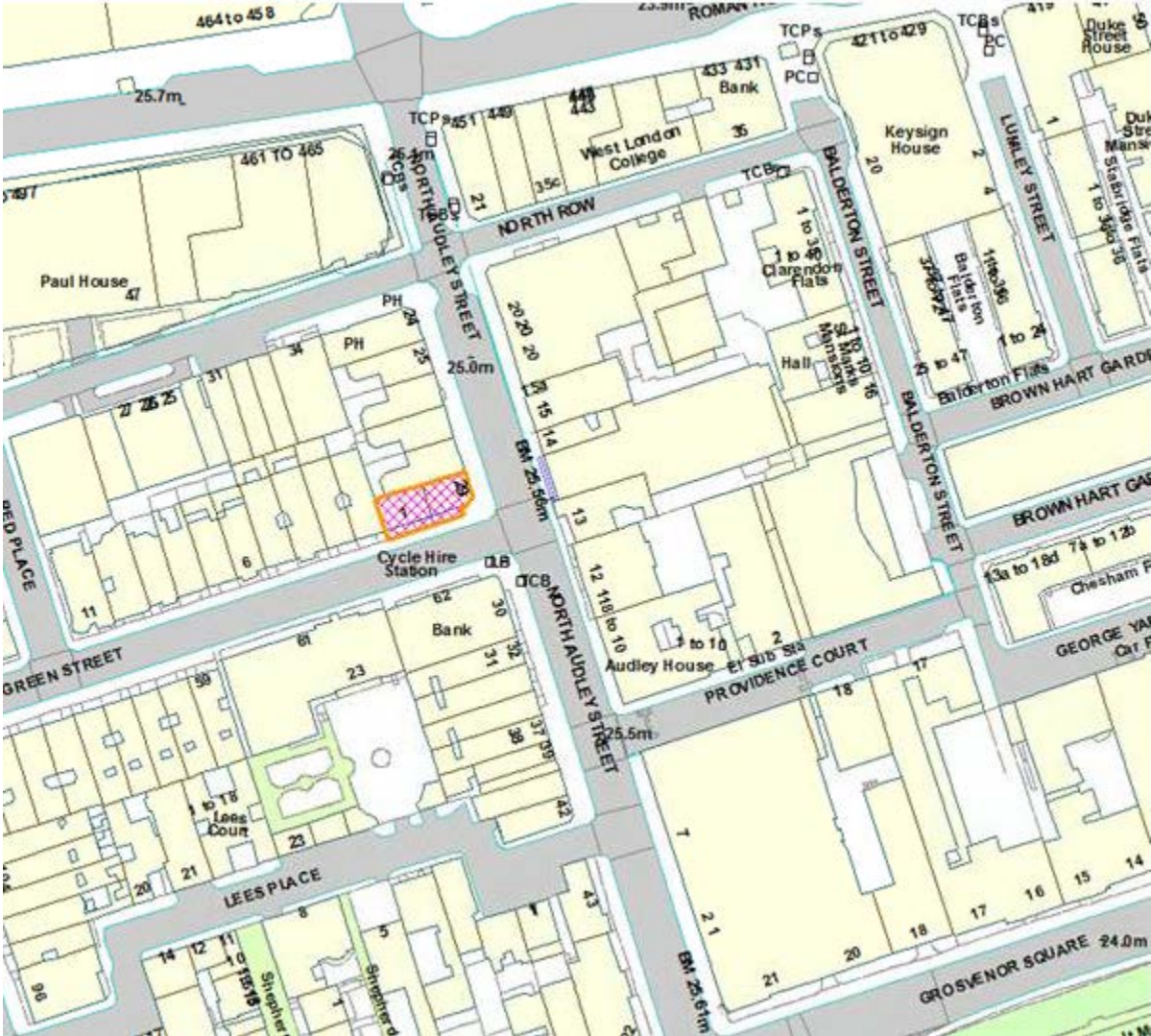
LOCATION PLAN

Site 1



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Site 2



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### 3. PHOTOGRAPHS

Site 1: 75-77 Brook Street



Site 2: 1 Green Street/ 29 North Audley Street



#### 4. CONSULTATIONS

##### SITE 1

##### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

##### BUILDING CONTROL

Any response to be reported verbally

##### CLEANSING

No objection

##### ENVIRONMENTAL HEALTH

No objection subject to Code of Construction Practice (CoCP) condition

##### HIGHWAYS PLANNING MANAGER

No objection subject to conditions

##### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection have been received from neighbouring occupiers who raise the following concerns;

\* Loss of privacy and an increased feeling of being overlooked.

\* Loss of light

\* Sense of enclosure

PRESS ADVERTISEMENT / SITE NOTICE: Yes

##### SITE 2

##### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

##### CLEANSING

No objection subject to conditions

##### HIGHWAYS PLANNING MANAGER

No objection subject to conditions

##### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47

Total No. of replies: 2

No. of objections: 2  
No. in support: 0

\* noise and overlooking issues (from roof terrace)

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 5. BACKGROUND INFORMATION

### 5.1 The Application Site

#### Site 1

75 and 77 Brook Street are two buildings located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ).

They both date from 1925-6. 75 Brook Street comprises of basement, ground and two upper floors. This building is wholly in office use. 77 Brook Street has a basement, ground and three upper floors and is primarily in office use, although there is a residential flat at third floor level.

The nearest residential properties are 7 Grosvenor Square, immediately adjoining the building to the west. Other nearby residential properties includes 17B and 18 Three Kings Yard abutting the site to the south east. To the east, No 73 Brook Street is currently being redeveloped as an office building. The area is generally mixed, with predominately office and residential uses.

#### Site 2

1 Green Street and 29 North Audley Street are located on the corner of Green Street with North Audley Street. It is a Grade II listed building, part of a group listing with 24 to 29 North Audley Street. The site is located within the Core CAZ and Mayfair Conservation Area.

The basement and ground floor is currently in retail (Class A1) use with the four upper floors in office (Class B1) use. Access to the upper floors is taken from Green Street.

This area of North Audley Street and Green Street is generally characterised by commercial and residential uses. The adjoining buildings to either side the application site, No. 2 Green Street is entirely residential and 28 North Audley Street has commercial at ground floor level and residential use on the upper floors.

### 5.2 Recent Relevant History

#### Site 1

The planning history relating to 75-77 Brook Street is relatively limited, the most relevant are those granting permission for the use as offices and the third floor as residential in 77 Brook Street (February 1990).

#### Site 2

24 February 200- planning permission granted for use of the basement and ground floor for retail (Class A1) use.



## 6. THE PROPOSAL

### Site 1

The proposals involve the demolition of the buildings and their replacement with a single building of basement, ground and five upper storeys for office use. The replacement building will have a larger footprint, which involves increasing the depth of the building at the rear. Terraces are proposed at rear ground floor level, rear fourth floor and at roof level. In addition the roof will provide an area for plant and generators, cycle parking and showers are proposed in the basement.

#### Floorspace Schedule (Site 1)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	904	1582	+ 678
Residential	69	0	- 69

### Site 2

The proposal is for the change of use of the building at part ground floor and first to fourth floors to provide four residential units comprising of 2 x 1 bed and 2 x 2 bed flats. Internal alterations, including the removal of partitions and opening of walls is proposed in order to facilitate the proposed residential use. Additionally, a residential core/entrance would be created at ground floor level resulting in some loss to retail floorspace. External works include the installation of a satellite dish and aerial, installation of new shop window and awnings to shopfront on North Audley Street elevation and corner entrance, the replacement of the lightwell staircase and dormer window and general cleaning and refurbishment of the external facades.

#### Floorspace Schedule (Site 2)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	501	0	- 501
Residential	0	563	+ 563
Retail	310	258	- 52

Since the proposals involve a land use swap between the sites it is necessary to consider the floorspace provision on both sites as a composite package as follows:

#### Overall Comparative Floorspace Schedule (Site 1 and 2 combined)

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (sqm)
Office	1,405	1,582	+177
Residential	69	563	+494
Retail	310	258	-52
<b>Total</b>	<b>1784</b>	<b>2403</b>	<b>+619</b>

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

#### Land use swap

Under Policy S20 changes of use from office to residential inside the Core CAZ is no longer acceptable in principle and will only be acceptable where the Council considers that the benefits of the proposal outweigh the contribution made by the office floorspace. Furthermore, Policy S14 states that all residential uses, floorspace and land will be protected.

As a standalone scheme, the proposals for site 1 would be unacceptable as it involves the loss of a residential flat, contrary to policy S14. The proposals for site 2 would likewise be considered unacceptable as it involves a change of use from office to residential in the Core CAZ.

However City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. A land use swap will be appropriate provided that the sites are in the vicinity of each other; the mixed use character of the immediate area is secured; there is no net loss of floorspace across the site taken as a whole; the uses are appropriate and there is no loss of amenity, any residential accommodation is of a higher quality and the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The land use swap is therefore an appropriate mechanism to secure the benefits of each proposal and to withstand the losses in residential and office floorspace. Both sites are within Mayfair and owned by Grosvenor West End Properties. Furthermore there is a net increase in both residential and office accommodation across the two sites in accordance with CM47.1 and the new residential at site 2 is considered of superior quality to site 1.

It is considered that the land use option is acceptable in this regards and accords with Policy CM47.1, S14 and S20 of the City Plan. Clauses with the legal agreement would secure the provision of both the office and residential uses to ensure that there is no net loss of either use.

#### Uplift of office floorspace

Across both sites there is a net additional B1 office floorspace of 177sqm which is significantly less than 30% of the existing building floorspace (of all uses) and therefore no residential floorspace is required under policy S1.

#### Loss of retail floorspace

Policy S6 encourages retail floorspace within the Core CAZ with Policy S21 protecting existing A1 retail units throughout Westminster, except where it is considered that the unit is not viable.

There will be a loss of 52sqm of retail floorspace at site 2. This is caused by the creation of a residential core and associated communal areas for the residential use (such as waste storage areas and cycle parking). Whilst the loss of retail would ordinarily be contentious, the losses involve back of house ancillary areas, and as a result of the internal alterations proposed (the inclusion of existing front vaults and removal of internal sub-dividing walls) larger open retail floorplates are created at both ground and basement floors. Accessible staff and public toilets would still be retained for the retail unit. On balance it is considered that the loss of retail floorspace would be minimal, and the proposals would retain a functional retail unit. Refusal on this basis could not be justified.

### **Standard of Residential floorspace provided at site 2**

The four residential units to be provided at site 2 would provide 2 x 1-bed and 2 x 2-bed units. The proposed units are considered to be acceptable in terms of their size and as they are all triple aspect in layout are likewise acceptable in terms of their standard of accommodation. All of the flats exceed the requirements set out in the GLA Housing Standards.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. Policy S15 of the City Plan states that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

In this instance the proposals would provide 4 residential units in total, none of which are family sized. However, given the listed status of the building and the small number of units proposed, it is considered that in this instance the policy can be applied with some flexibility, and that it would be difficult to refuse permission on the grounds of the lack of a family sized unit.

It is considered that the residential accommodation proposed, in part to replace the existing studio flat at third floor level of 77 Brook Street is acceptable and offers a superior level of residential accommodation.

### **Affordable housing**

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

## **7.2 Townscape and Design**

### **Site 1**

The existing buildings are twentieth century in origin but in a neo-Georgian / Regency style. They make a positive contribution to the character and appearance of the Mayfair Conservation Area. Demolition is only acceptable if the proposed replacement buildings preserve or enhance the character and appearance of the conservation area.

The proposed buildings have been subject to negotiation and have been carefully designed to fit into their context. On plan the existing buildings project beyond the

historic building line. The proposed building is set back on the historic building line, with new areas between the building and the pavement. This is beneficial to the street and the Mayfair Conservation Area.

The building has been designed to appear as two buildings, reflecting typical historic Georgian plot widths, designed in a modern 'Georgian' style. The facade comprises Flemish bond brickwork and the window openings have traditional gauged brick arches. The roof storey takes a double pitched mansard form, with the plant hidden behind the upper shallower roof slopes. The rear façade is more modern, but faced in the same brickwork.

It is considered that this is a high quality building, which is a suitable replacement for the existing buildings, and will contribute positively to Brook Street. It will preserve and enhance the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

## **Site 2**

The building is part of an attractive red-brick terrace dating from 1891-93 to a design by Thomas and F.T. Verity in the Flemish style. While most of the decorative effort is lavished on the facades, internally the building is comparatively plain but there are numerous good cast-iron chimney pieces and typical period plasterwork and joinery. The plan form is mostly unaltered but somewhat awkward on the upper floors where dog-leg corridors are provided to access some rooms.

In heritage asset terms, the proposed alterations will have most impact where there are alterations to the plan form of the upper floors to create a more rational layout. However, nibs and downstand beams will be retained where walls between adjoining rooms are to be removed in some places, and in other locations double doors are to be provided. All the existing chimney pieces are to be retained. Consequently, the original plan form will still be legible and the best features will be retained.

The basement and ground floors are to be linked by a new staircase which will have a minor impact on the plan form of the building but is not harmful in the overall context of the scheme.

There is no objection to the new shop window or awnings on the shopfront and corner entrance. However the corner awning must be a traditional angled awning with a small valance rather than the proposed curved design in order to ensure the special interest of the building is maintained along with the character and appearance of the surrounding conservation area. This detail can be dealt with by an amending condition.

Externally, a new satellite dish is to be provided at roof level, a modern dormer window is to be rebuilt, and small vents provided. These alterations are acceptable.

The proposals accord with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 9, DES 10 and the City Council's 'Repairs and Alterations to Listed Buildings' SPG.

## 7.3 Residential Amenity

### Sunlight and Daylight

#### Site 1

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. The submitted report considers the impacts of the proposals on nearby sensitive properties including residential properties at 6 and 7 Grosvenor Square, 15 & 16 and 18 Three Kings Yard. Objections citing loss of light have been received from both the occupiers of 17B and 18 Three Kings Yard.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The No Sky-line Contour (NSC) test calculates the distribution of daylight within rooms by determining the area of 'working plane' which can and cannot receive a direct view of the sky. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development, if either, its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value, or the levels of NSC within rooms are reduced to less than 0.8 times their former values.

With regard to No. 18 Three Kings Yard, there is an extant permission (dated May 2014) for the addition of a conservatory and rear extensions. An addendum to the daylight and sunlight report has therefore been submitted which assess the impact of the proposals in the event that this permission is implemented. Both the initial daylight/sunlight report and the addendum report conclude that all three windows within the rear elevation of 18 Three Kings Yard would show compliance with the BRE daylight tests, whether the extant permission is implemented or not.

17B is located behind no 18 and whilst no. 17B has not been tested, only non-habitable stair windows obliquely face the application site, and as results show that there would be no losses of light 18, therefore it is not considered that there would be any adverse impact upon 17B Three Kings Yard.

All the remaining windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC and daylight assessment.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing (those being 15 & 16 and 18 Three Kings Yard).

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

### **Site 2**

A daylight and sunlight report is not relevant to Site 2, which does not involve any extensions.

## **Overlooking and Sense of Enclosure**

### **Site 1**

Objections have been received citing that the proposed replacement building will result in a loss of privacy. The replacement building will have a larger footprint, which involves increasing the depth of the building at the rear, adjacent to the side elevation 18 Three Kings Yard. The occupier of No. 18 is concerned that given the proximity of the proposed windows, even obscure glazing would not overcome their concerns of a sense of being overlooked. Initially the application involved the application of an obscure film to these windows, however, this was not considered sufficient to reduce the impact of overlooking. The applicant is now proposing that these windows are fully obscured to a height of 2m. Conditions are proposed to secure this and to require these windows to be openable only for cleaning and maintenance purposes. With these conditions in place it is considered that this would prevent any significant overlooking or noise towards the occupiers of neighbouring properties.

The replacement building would still be set back from the rear boundary wall with No. 18 Three Kings Yard, which is also at a higher level than the application site. It is considered that the high party wall, between the application site and 18 Three Kings Yard would prevent any overlooking from the terrace within the basement. Additionally, the proposed terraces at fourth floor and roof level of the new building, given their height above the neighbouring property would not result in any direct overlooking. There are no windows on the side elevation of this neighbouring property other than windows to non-habitable rooms and balconies on the western elevation. The terraces at ground, first and second floors would still be entirely open on two sides. It is not considered that this application would materially affect habitable rooms and refusal on this basis could not be justified.

The occupier at 18 Three Kings Yard also objects to the application on the grounds that the proposal will result in an increased sense of enclosure to their property. Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. It is acknowledged that the occupants of No. 18 will feel more 'closed in' than at present. However, the rear windows in 18 Three Kings Yard do not directly face the application site and it is therefore not considered that the resulting relationship between the site and the adjoining residential building would result in an unacceptable degree of enclosure to reasonably withhold planning permission.

### **Site 2**

There are no extensions involved at Site 2 and the residential use of the upper floors is not considered to cause a material impact on neighbouring residents in terms of overlooking. It has been clarified that there is no external terrace as part of this application. There is a small area at roof level which has been annotated on the plans as not being accessible,

other than in an emergency or for maintenance purposes. A condition is included to this effect.

#### **7.4 Transportation/Parking**

##### **Site 1**

The Highways Planning Manager has advised that, given the high level of public transport accessibility to the site, the proposed development is unlikely to result in any significant increase in demand for on-site parking in the vicinity.

The scheme would provide 24 cycle parking spaces at basement level with associated shower and changing facilities. This level of provision complies with the requirements of the London Plan.

The Highways Planning Manager has stated that the application does not detail the on and off-street servicing which is likely to occur. The site is located within a Controlled Parking Zone, which means that loading and unloading is allowed to occur. It is requested that in order to minimise the impact of servicing on the public highway, a servicing management plan is recommended to be secured via condition.

##### **Site 2**

No off-street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'. 2011 census figures indicate 29% of households in the West End ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 76%; overnight parking occupancy reduces to 71%. Overnight residents can park on single yellow lines which further reduces the parking stress level to 39%.

On the basis of Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. The proposal complies with TRANS 23 in this regards and no objection is raised from the Highways Planning Manager.

The application refers to the provision of cycle parking within the lower ground floor level, but details have not been provided. 6 cycle parking spaces would be required to accord with the London Plan. A condition is therefore recommended which required cycle parking to be provided and retained.

The works to replace the existing pavement lights does not raise any objections in highways terms.

#### **7.5 Economic Considerations**

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

#### **7.6 Access**

Level access will be provided at both Site 1 and 2.

## 7.7 Other UDP/Westminster Policy Considerations

### Noise

#### Site 1

The replacement building would provide rear external terraces at ground, fourth floor and roof level. They would be located in close proximity to the residential properties at 18 and 17B Three Kings Yard to the south east of the site. It is expected that the terraces would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 7pm, Mondays to Fridays only.

#### Site 2

There is no use of external areas and this application does not raise any noise issues.

### Plant

#### Site 1

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Mechanical plant including condensers, air conditioners (VRV units) and heat pumps will be located at roof level. Calculations indicate that with the specified noise attenuation measures and distance attenuation the plants will be compliant with the City Council's noise criteria.

There is also a generator within the basement however this has not been accounted for in the submitted noise report and can be controlled by way of condition.

A vibration survey concludes that the Jubilee line is unlikely to cause adverse impact on the proposed development.

#### Site 2

The application does not involve the installation of any mechanical plant.

### Refuse /Recycling

The proposed arrangements for the storage of refuse and recycling are considered acceptable for both sites and would be secured by condition.

### Construction impact

The proposal will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are ameliorated as much as reasonably possible.



## 7.8 London Plan

This application raises no strategic issues.

## 7.9 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.

## 7.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes 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, 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; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements in both these cases are considered to meet these tests.

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.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- i) The completion of the residential at Site 2 and office at Site 1;
- ii) Carbon off-setting to the value of £14,670
- iii) The costs of monitoring the legal agreement.

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

At Site 1 the estimated CIL payment is:

Mayoral CIL:	£38,519.73
<u>WCC CIL:</u>	<u>£125,400.00</u>
Total:	£163,919.73

At Site 2 the estimated CIL payment is:

Mayoral CIL:	£1,658.74
<u>WCC CIL:</u>	<u>£14,850.00</u>
Total:	£16,508.74

## 7.11 Environmental Impact Assessment

### Site 1

Policy 5.2 of the London Place refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy,
2. Be Clean-Supply energy efficiently,
3. Be Green-Use renewable energy.

Policy 5.2 E of the London Place states that where specific targets cannot be fully achieved on site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link 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 S39 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 considered it not appropriate or practical due to site specific considerations.

In relation to Site 1 the applicant has submitted an Energy and Sustainability Strategy, and BREEAM Statement. Measures to provide a resource-efficient building on the site include the provisions of rainwater harvesting, materials with low embodied energy that are sustainably sourced and passive design measures. The developer has provided information relating to the efficiencies with the structure of the new building.

The development is anticipated to secure 16.4% CO2 savings which is below the 20% target set by Policy S39. However, the applicant has agreed to make a policy compliant contribution of £14,670 towards the Council's carbon offset fund to make up the shortfall in carbon reduction. The fund is used to enhance the energy efficiency or installing renewable energy infrastructure on public or community buildings. This will be secured by S106 agreement.

Preliminary assessments indicate that the office building could achieve a BREEAM rating of 'Excellent'. It is considered that the measures relating to energy efficiency and sustainability are acceptable in this regards.

### Site 2

An environmental impact assessment is not applicable for a development of this size.

## 7.12 Other Issues

No other issues are raised.

## 8. BACKGROUND PAPERS

### Site 1

1. Application form
2. Response from Highways Planning, dated 19 May 2016
3. Response from Cleansing, dated 27 May 2016
4. Response from Environmental Health, dated 24 May and 8 August 2016
5. Response from Policy, dated 23 August 2016
6. Letter from occupier of 18 Three Kings Yard, London, dated 7 June 2016
7. Letter from occupier of 17b Three Kings Yard, London, dated 8 June 2016

### Site 2

1. Application form
2. Response from Residents Society of Mayfair and St James's, dated 28 September 2015
3. Response from Cross London Rail Links Ltd, dated 18 September 2015
4. Response from Highways Planning, dated 20 October 2015
5. Response from Cleansing, dated 6 June and 17 August 2016
6. Letter from occupier of Flat 1 2 Green Street, 23 June 2016
7. Letter from occupier Flat 3 2 Green Street, 23 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 THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

9. KEY DRAWINGS

Site 1

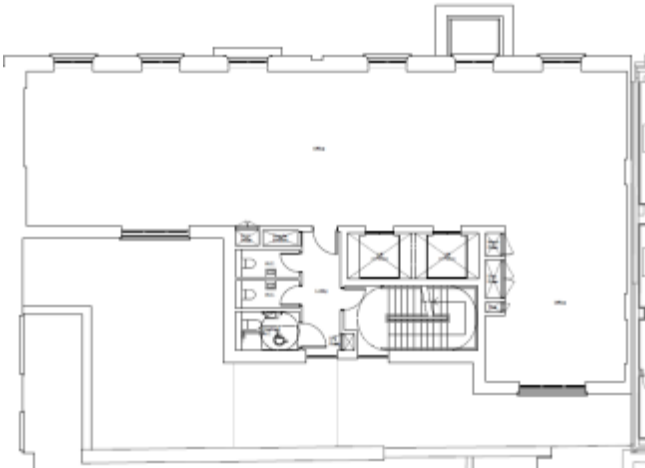
Drawing 1. Existing front and rear elevations of 75-77 Brook Street



Drawing 2. Proposed front and rear elevations of 75-77 Brook Street

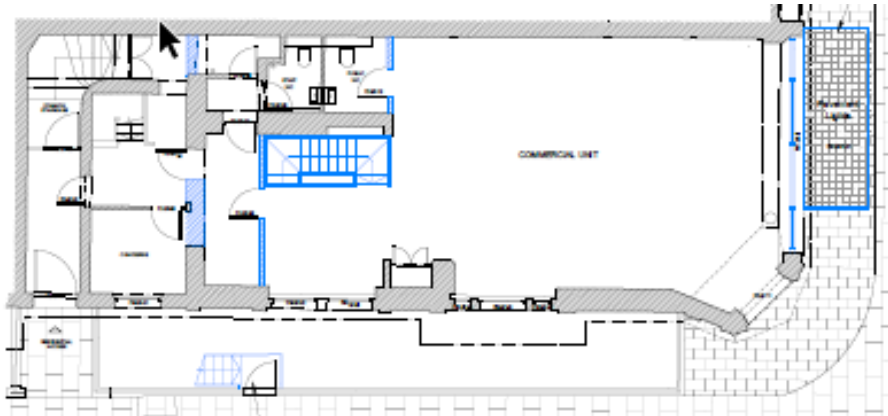


Drawing 3. Proposed typical floor plan (1<sup>st</sup> floor)



**Site 2**  
Drawing 1. Proposed floor plans (ground and first)

Ground floor plan



First floor Plan



**DRAFT DECISION LETTER**

**Address:** 75 - 77 Brook Street, Mayfair, London, W1K 4AD

**Proposal:** Demolition and redevelopment to provide an office (Class B1) building comprising of basement, ground and five upper storeys. External terraces at rear ground, fourth and roof levels and installation of plant at roof level. (Part of land use swap with 1 Green Street).

**Reference:** 16/04188/FULL

**Plan Nos:** P41B, P42B, P43A, P44A, P45A, P46A, P47A, P48A, P49A, P50B, P51D, P52B, P53C, P54B, P55BV, P56B, P57B.

**Case Officer:** Lindsay Jenkins

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

**Recommended Condition(s) and Reason(s):**

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 3 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (scales 1:20, 1:5) of the following parts of the development -

1. Typical front and rear facade details at all levels
2. Roof storey

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other

party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;



- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

- 9 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 10 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.

- 11 (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 (July 2016) 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.

- 12 The terraces hereby permitted shall not be used between 19:00 and 08:00 Monday to Fridays and at no time on Saturdays and Sundays except in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P41 B. You must clearly mark them and make them available at all times to everyone using the office. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must not occupy the building allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not commence the B1 use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the B1 (office) is in use

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 You must install the obscure glazing to the windows at first, second and third floor on the eastern side of the rear elevation of the office building as shown on your drawing P51D, and you must

only open these windows for cleaning and maintenance purposes. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

### 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 (July 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 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](http://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](mailto: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.**

- 3 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 residential floorspace at Site 2, the provision of £14,670 towards carbon off-setting and the costs of monitoring the legal agreement. (I55AA)

- 4 With reference to condition 7 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

**DRAFT DECISION LETTER**

**Address:** 1 Green Street, London, W1K 6RG,

**Proposal:** Use of the first to fourth floors to residential (Class C3) providing four self contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors. (Part of land use swap with 75-77 Brook Street).

**Reference:** 15/07795/FULL

**Plan Nos:** 1.038, 1.020B, 1.030C, 1.021A, 1.022A, 1.031A, 1.032A.

**Case Officer:** Lindsay Jenkins

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 4 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1.030 Rev B. You must clearly mark them and make them available at all times to everyone using the residential flats. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development – corner awning to be a traditional awning with small valance.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

**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 (July 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.

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**

**Address:** 1 Green Street, London, W1K 6RG,

**Proposal:** Use of the first to fourth floors to residential (Class C3) providing four self contained residential units (2 x 1 bed and 2 x 2 bed units). Replacement of satellite dish and aerial at roof level. Installation of new shop window and awnings to shopfront (North Audley Street) and corner entrance. Associated internal and external alterations in connection within the residential use and the retail (Class A1) use at ground and lower ground floors.

**Reference:** 15/07796/LBC

**Plan Nos:** 1.038, 1.020B, 1.030C, 1.021A, 1.022A, 1.031A, 1.032A.

**Case Officer:** Lindsay Jenkins

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

**Recommended Condition(s) and Reason(s):**

- 1 The works 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 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 3 You must apply to us for approval of detailed drawings at 1:10 with full size details of the following parts of the development - all new internal doors. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To 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 Mayfair Conservation Area. This



is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - corner awning to be a traditional awning with small valance. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

#### **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 (July 2016), 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 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.